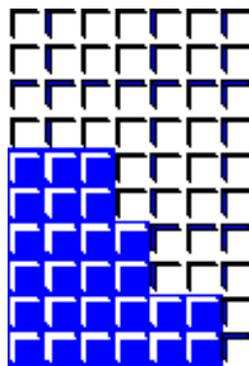


MINNESOTA SENTENCING GUIDELINES COMMISSION

Special Report to the Legislature

Juvenile Out-of-State Placement and Alternative Placement Reports: 2008

February 15, 2009



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Table of Contents

Executive Summary	1
Juvenile Out-of-State Placement Reports	2
Juvenile Alternative Placement Reports	3
APPENDICES	
Appendix A: Juvenile Out-of-State Placement Report Form	5
Appendix B: Juvenile Alternative Placement Report Form	6

Executive Summary

In 2000, the Legislature amended Minn. Stat. § 260B.199 requiring courts to report to the Minnesota Sentencing Guidelines Commission (MSGC) the placement of juveniles at out-of-state facilities rather than at Minnesota Correctional Facility (MCF)-Red Wing or other in-state facilities. Under Minn. Stat. § 260B.201, courts are required to report the alternative placement of juveniles, either in-state or out-of-state, who meet the requirements for mandatory commitment at MCF-Red Wing.

MSGC is required to report to the Legislature by February 15 of each year on placements made during the preceding year. In 2008, MSGC received 18 juvenile out-of-state placement reports and one juvenile alternative placement report. All submitted reports were from Hennepin County.

MSGC, with the assistance of state court and legislative staff, developed reporting forms to collect this information. Copies of the current forms can be found in the Appendices and are made available to judges on the Court's Intranet (CourtNet). Because there are relatively few juvenile out-of-state placement reports available to the Commission, it is fairly easy for interested persons to review all of them. The small number of reports makes it impossible to use them as a basis for general statements about the judiciary's reasoning concerning out-of-state placements. All individual reports will be made available upon request by contacting the Commission's office.

A comparison of MSGC data to Department of Corrections (DOC) data reveals that more juveniles are placed outside of Minnesota than are reported to the Commission. During FY08, DOC reported 190 out-of-state placements. However, the numbers from DOC also suggest that there has been a significant decline in out-of-state placements since the laws were implemented (According to DOC, there were 462 out-of-state placements made in FY00).

The Department of Corrections was directed to institute a similar reporting system to MSGC's by the 2003 Legislature in Special Session Laws, Chapter 14, Article 13C, Section 2. These efforts appear to duplicate some of the reporting requirements set forth in Minn. Stat. § 260B.199 and Minn. Stat. § 260B.201. Because of these duplicative efforts, and because of the consistently low numbers of reports submitted to MSGC each year, the Commission respectfully recommends that the Legislature repeals Minn. Stat. §260B.199, subdivision 2, and Minn. Stat. §260B.201, subdivision 3, which requires reporting out-of-state placements and alternative placements to the Minnesota Sentencing Guidelines Commission.

Juvenile Out-of-State Placement Reports

Prior to making an out-of-state placement, courts are to first give full consideration to local and regional placements. Courts should also determine whether or not 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.

Minn. Stat. § 260B.199 requires that when courts make certain juvenile placements at out-of-state facilities rather than at the 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 2008, the Commission received 18 out-of-state placement reports, a large decrease from the 57 reports filed the previous year. Placements were reportedly made at eight different out-of-state facilities: five at Eau Claire Academy (Wisconsin); five at Glen Mills School (Pennsylvania); two each at Rite of Passage (Nevada) and Wyalusing Academy (Iowa); and one each at Benchmark Behavior Health Systems (Utah), Indiana Development Training Center (Indiana), Keystone Regional Treatment Center (ND), and Oconomowoc Development Training Center (Wisconsin).

Judges often noted multiple reasons for not choosing an in-state facility. The most often cited reasons for out-of-state placement were the need for appropriate mental health treatment or care, public safety, the need for appropriate therapeutic placement, and failure to complete past treatments/placements.

Reports indicated that, when juveniles did not meet the admissions criteria for MCF-Red Wing, it was because they did not qualify as “chronic offenders” or as “serious offenders.” For the few juveniles who reportedly met the standards, but were still not placed in-state, the safety of the child and the safety of the community were most often the reasons given by judges.

Juvenile Alternative Placement Reports

Minn. Stat. § 260B.201 requires that when courts make alternative placements of juveniles who meet the requirements for mandatory commitment to MCF-Red Wing, the court reports information about the placement to the Minnesota Sentencing Guidelines Commission. The Commission received one alternative placement report in 2008, which is lower than the number of reports from previous years (7 in 2007; 7 in 2006; 10 in 2005).

The alternative placement was made out-of-state, at Oconomowoc Development Training Center in Wisconsin. The child's safety was cited as the reason for the alternative placement. When given an opportunity to explain why the child's safety could not be met at MCF-Red Wing, the judge stated, "Child needs therapeutic placement rather than correctional placement due to his mental health needs."

Appendices

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"/> Need for appropriate physical treatment/care
<input type="checkbox"/> Need for appropriate mental health treatment/care | <input type="checkbox"/> Public Safety
<input type="checkbox"/> No opening in appropriate program
<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

(Form Revised 11/03)

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:

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(Form Revised 11/03)