

## MN 2019 DMC Compliance Plan

**I. IDENTIFICATION** Identify statewide data at research-based points of potential disparity. Data collection must occur for at least four of the five points below. At each data point, your state must provide percent of population data using the most recent U.S. Census data.

Data collection points:

### 1. Arrest

#### JUVENILE ARRESTS<sup>1</sup>

In 2017, there were 150,036 arrests in Minnesota.<sup>2</sup> Figure 1 presents the percent of those arrested who were adults and the percent who were juveniles. As the figure demonstrates, 85% of arrests were of adults. Juveniles made up 15% of those arrested.

Arrests of juveniles are further subdivided by the type of offense: Part I offenses, Part II offenses, and status offenses. Part I offenses are serious crimes, and examples include homicide, rape, aggravated assault, robbery, and burglary. Crimes such as these are most likely to be reported to law enforcement. Arrests of juveniles for Part I offenses made up 4% of all arrests in Minnesota in 2017.

Part II offenses are considered “less serious.” Simple assault, stolen property, drug abuse, vandalism, driving under the influence, and disorderly conduct are examples of Part II offenses. In 2017, 10% of all arrests involved the arrest of juveniles for Part II offenses.

Lastly, status offenses apply only to juveniles, but they do not constitute delinquent acts. As such, juveniles arrested for status offenses are non-offenders, not delinquents. While Part I and Part II offenses are offenses that are illegal for both adults and juveniles, status offenses are acts and behaviors that are legal for adults. Examples of status offenses include alcohol consumption, loitering, and violating curfews. In 2017, arrests for status offenses made up only 1% of all arrests in Minnesota.<sup>3</sup>

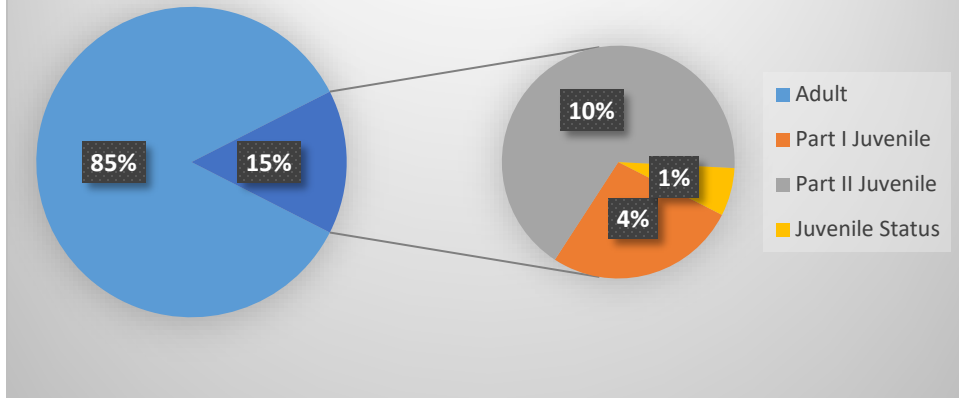
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<sup>1</sup> All arrest data come from the Minnesota Department of Public Safety Bureau of Criminal Apprehension, Minneapolis Police Department, St. Paul Police Department, and the Minnesota Department of Public Safety Bureau of Criminal Apprehension’s *Uniform Crime Report* (<https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2017-Minnesota-Uniform-Crime-Report.pdf>).

<sup>2</sup> See Appendix 5 for the number of all adult arrests, all juvenile arrests, and juvenile arrests by offense type in Minnesota in 2017.

<sup>3</sup> While status offenses under the federal Juvenile Justice and Delinquency Prevention Act (JJDP) include running away and truancy, it is important to note that Minnesota law defines both runaways and truants as Children in Need of Protection or Services. *See*, Minn. Stat. §260C.007, Subd. 6(13) & (14) (2018).

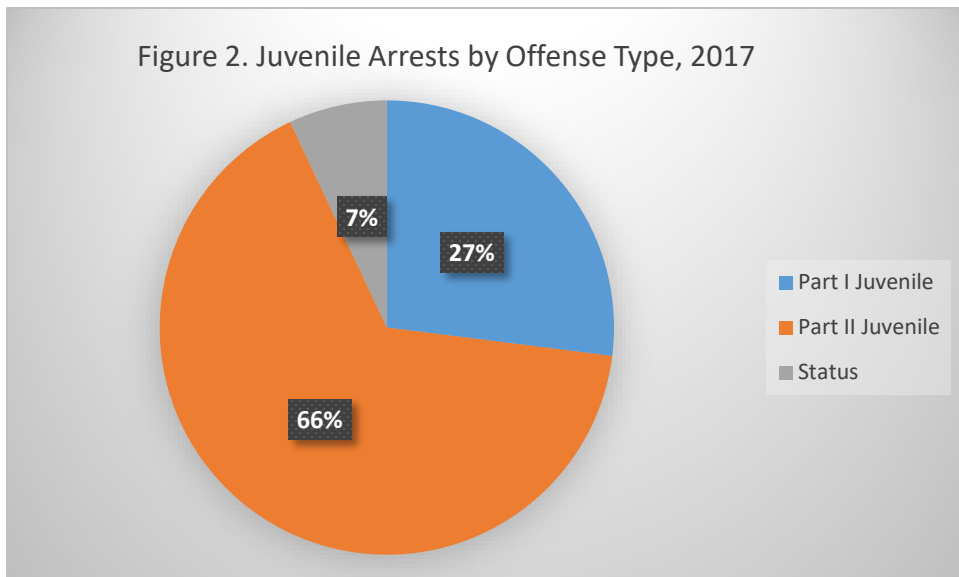
Figure 1. Juvenile Arrests as a Percentage of Total Arrests, 2017



### Arrests by Offense Type

A closer look at juvenile arrests in Minnesota in 2017 reveals a majority of arrests were for Part II offenses. Figure 2 displays the percent of juvenile arrests that were for Part I, Part II, and status offenses. Of the 21,864 arrests, 66% were for Part II offenses. A little over one-quarter (27%) of juvenile arrests were for Part I offenses. A much smaller percentage of arrests involved status offenses (7%).

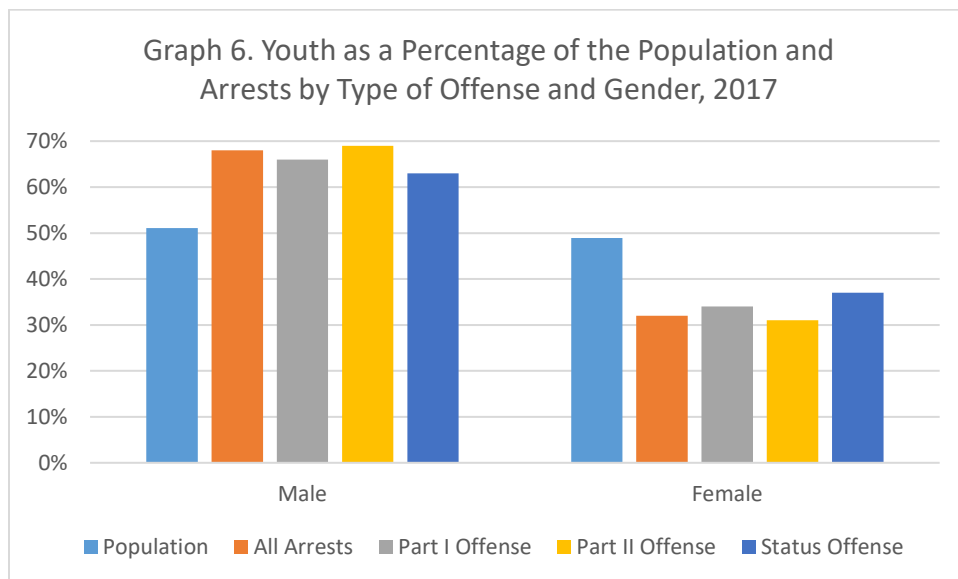
Figure 2. Juvenile Arrests by Offense Type, 2017



### Arrests by Gender and Offense Type<sup>4</sup>

In 2017, the number of girls and boys between the ages of 10 and 17 was almost evenly split. Boys were a slim majority of the youth population, but they were overrepresented among juvenile arrests as Graph 6 demonstrates. In 2017, boys were 51% of 10 to 17-year-olds but 68% of youth arrested. By contrast, girls were underrepresented among those arrested. Girls were 49% of the youth population but only 32% of juveniles arrested.

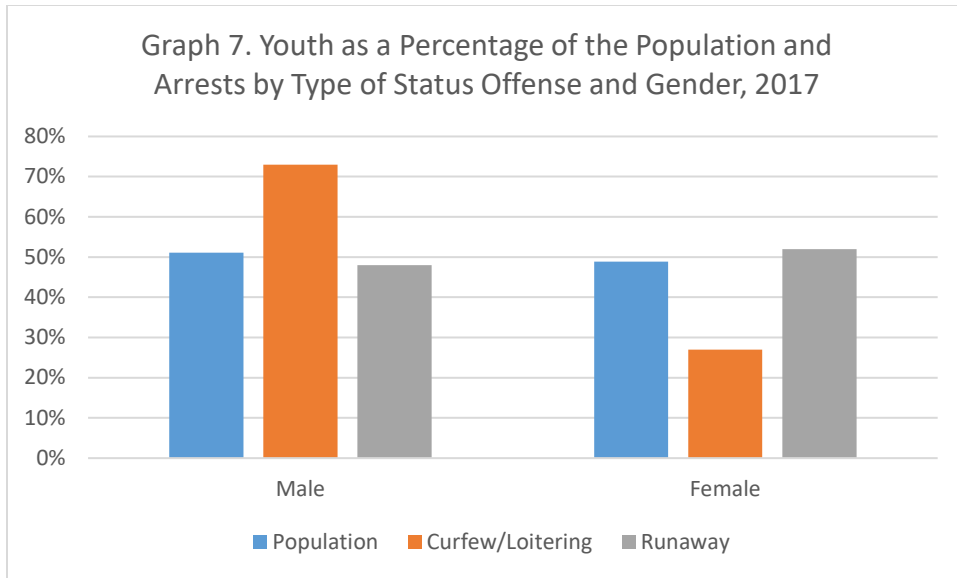
A breakdown of arrests by offense type reveals similar patterns. Girls were underrepresented, making up about one-third of those arrested for Part I and Part II offenses (34% and 31% respectively). Conversely, 66% of those arrested for Part I offenses and 69% of youth arrested for Part II offenses were males. With regard to arrests for status offenses, boys were overrepresented there as well, making up 63% of youth arrested. By contrast, girls were underrepresented, comprising 37% of youth arrested for status offenses.



A breakdown of arrests for status offenses yields interesting results. The following graph compares the percent of girls and boys arrested for status offenses to their proportion of the youth population. While boys were overrepresented among arrests for curfew and loitering violations (73%), girls were underrepresented (27%).

For the most part, girls and boys were proportionately represented in runaway arrests. Their share of those arrested for running away was *proportionate* to their share of the youth population. Boys made up 51% of the youth population and 48% of runaway arrests while girls were 49% of the youth population and 52% of those arrested.

<sup>4</sup> See Appendix 6 for the number of juvenile arrests in Minnesota by offense type and gender in 2017.



*Arrests by Race, Ethnicity, and Offense Type*

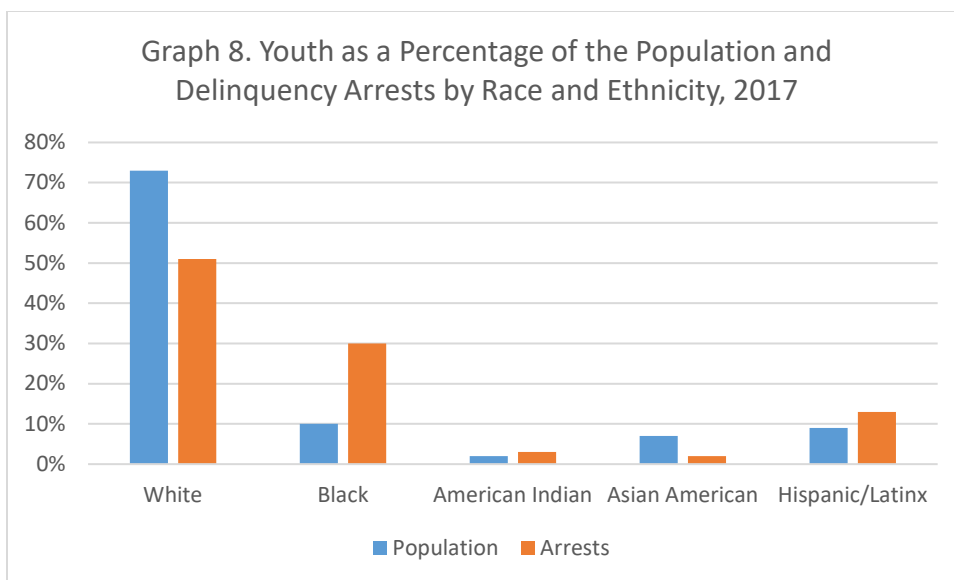
The following graph examines the race and ethnicity of youth arrested for Part I and Part II offenses in 2017.<sup>5</sup> Results demonstrate that some groups were overrepresented among delinquency arrests while others were underrepresented. White youth were among those underrepresented. They were 73% of the youth population between 10 and 17 years of age, but 51% of those arrested for Part I and Part II offenses. Asian American youth were also underrepresented. They were 7% of the youth population but 2% of those arrested.

In contrast, black and Hispanic/Latinx youth were overrepresented among those arrested. Ten percent of youth between the ages of 10 and 17 were black, but 30% of juvenile delinquency arrests were of black youth. There is a similar pattern but to a lesser degree among Hispanic/Latinx youth. While they made up 9% of the youth population, they were 13% of youth arrested.

American Indian youth was the only group that was, for the most part, proportionately represented. They were 2% of the youth population and 3% of those arrested.

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<sup>5</sup> See Appendix 7 for the number of juvenile delinquency arrests in Minnesota by race and ethnicity in 2017.



Similar patterns emerge when we examine juvenile arrests by type of offense and race. Graph 9 presents white youth, black youth, American Indian youth, and Asian American youth as a percentage of the youth population and arrests for Part I offenses, Part II offenses, and status offenses.<sup>6</sup>

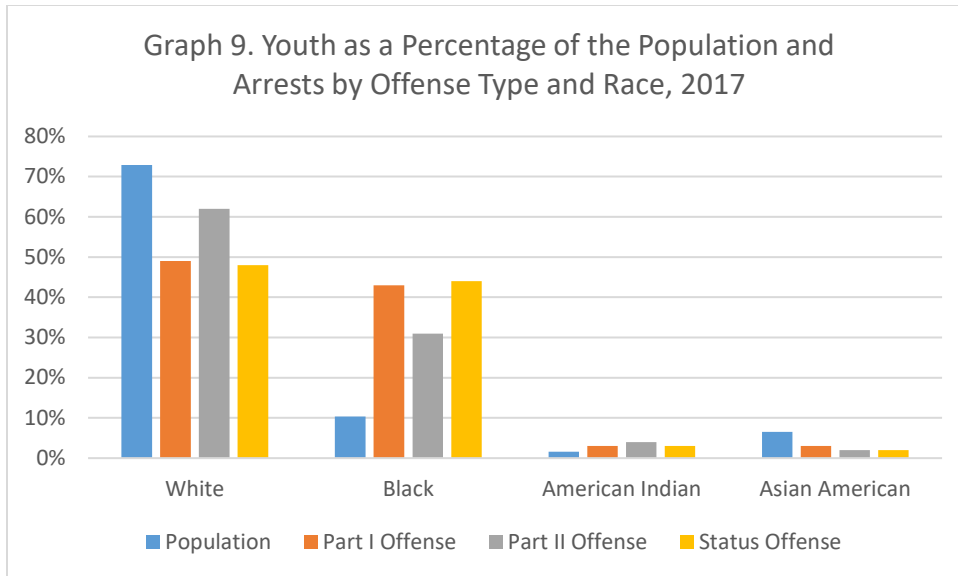
Again, white youth were underrepresented among those arrested for any type of offense. Seventy-three percent of the youth population was white, but about half of those arrested for Part I offenses and status offenses were white (49% and 48% respectively). To a lesser degree, white youth were underrepresented among youth arrested for Part II offenses. Of those arrested, 62% were white.

Conversely, black youth were overrepresented. In 2017, 10% of the youth population was black, but nearly half of those arrested for Part I offenses (43%) and status offenses (44%) were black youth. Among those arrested for Part II offenses, almost one-third (31%) were black.

There was slight disproportionately among arrests of American Indian youth. Two percent of the youth population was American Indian, and 3% of those arrested for Part I offenses and status offenses were American Indian. These youth were 4% of Part II offense arrests.

Asian American youth were slightly underrepresented among juvenile arrests. Seven percent of the youth population was Asian American, but 3% of Part I offense arrests and 2% of youth arrested for Part II offenses and status offenses were Asian American youth.

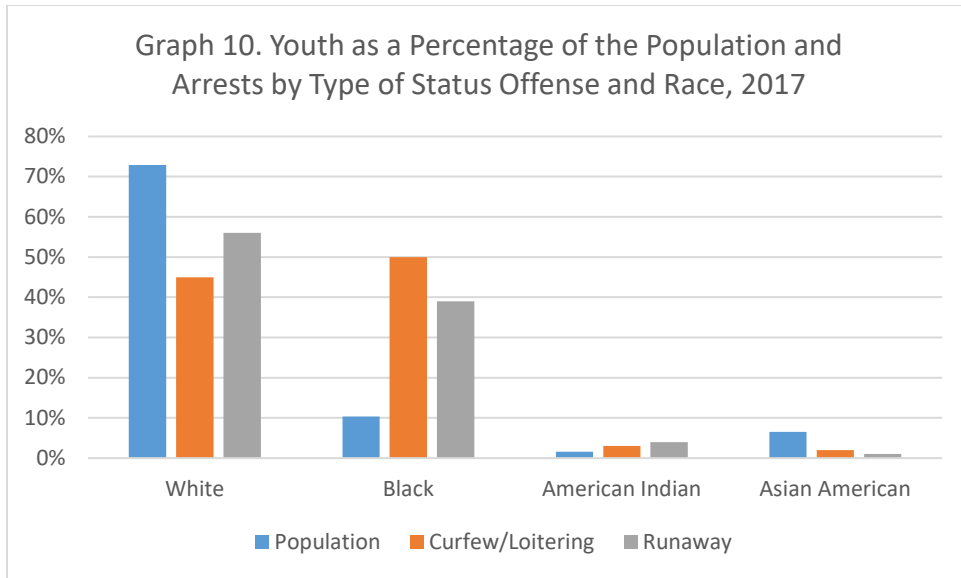
<sup>6</sup> See Appendix 8 for the number of juvenile arrests in Minnesota by offense type and race in 2017. Disaggregation of these data by ethnicity was not available.



A disaggregation of arrests for status offenses by type of offense and race also reveals disproportionately among youth. The graph below compares the percentage of youth arrested for curfew/loitering violations and running away with their share of the youth population.<sup>7</sup> White youth made up approximately half the youth arrested for these offenses (45% and 56% respectively) but were nearly three-quarters (73%) of the youth population. While white youth were underrepresented, black youth were significantly overrepresented. Black youth were only 10% of the population but approximately half of those arrested were black youth. Specifically, half of those arrested for violating a curfew or loitering were black, and 39% of youth arrested for running away were black.

Very small percentages of youth arrested were American Indian. These youth were 3% of those arrested for curfew/loitering offenses and 4% for running away, percentages slightly disproportionate to their population. Asian American youth were underrepresented, making up 7% of the youth population and 2% and 1% of those arrested for breaking curfew/loitering laws and running away, respectively.

<sup>7</sup> See Appendix 9 for the number of juvenile arrests in Minnesota by type of status offense and race in 2017. Disaggregation of these data by ethnicity was not available.



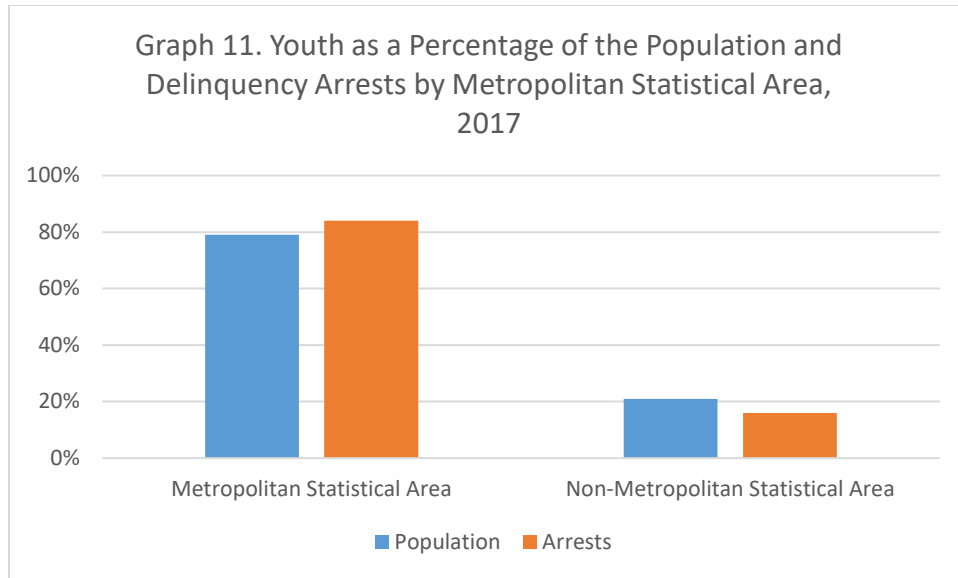
*Arrests by Metropolitan Statistical Area<sup>8</sup>*

Lastly, we compare juvenile delinquency arrests among youth in Metropolitan Statistical Areas (MSA) and non-Metropolitan Statistical Areas (non-MSAs) in Minnesota. MSAs are parts of the state with at least one area with at least 50,000 residents.<sup>9</sup> Graph 11 displays the percent of youth living in MSAs and non-MSAs in 2017. It also shows the percent of juvenile delinquency arrests occurring in MSAs and non-MSAs.

As the graph demonstrates, there is some disproportionately in population and arrests. Seventy-nine percent of youth lived in an MSA, where 84% of juvenile arrests took place. While youth living in non-MSAs comprised 21% of the youth population, they made up 16% of those arrested.

<sup>8</sup> See Appendix 10 for the number of youth between the ages of 10 and 17 and juvenile delinquency arrests in Minnesota by Metropolitan Statistical Area in 2017.

<sup>9</sup> Counties in MSAs include: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Le Sueur, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, Wright, Carlton, St. Louis, Benton, Stearns, Dodge, Fillmore, Olmsted, Wabasha, Blue Earth, Nicollet, Houston, Polk, and Clay. See <https://apps.deed.state.mn.us/assets/lmi/areamap/msa.shtml>.



## 2. Diversion (filing of charges)

## 3. Pre-trial detention (both secure and nonsecure)

### YOUTH IN SECURE FACILITIES<sup>10</sup>

#### *Pre-Adjudication*

The graph below examines youth held in secure detention during court processing prior to disposition in 2017. To calculate disproportionately, the percent of youth held in secure detention is compared to the percent of youth arrested for delinquency offenses. This data point is used since data on referrals to county attorneys are unavailable.

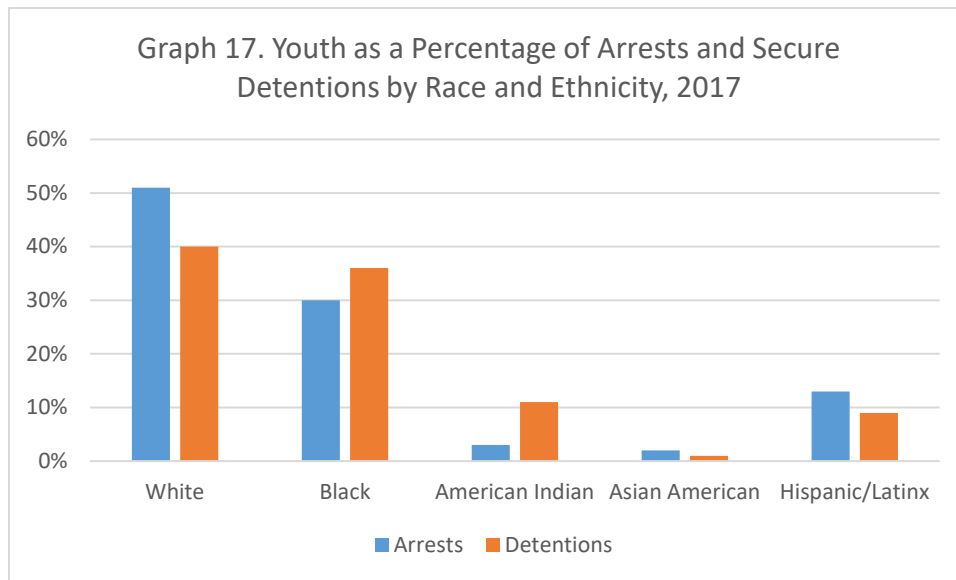
Graph 17 shows disproportionately among most groups. White youth and Hispanic/Latinx youth were underrepresented, and black youth and American Indian youth were overrepresented. The percentage of Asian Americans arrested and securely detained (2% and 1% respectively) were more or less proportionate.

Among juveniles arrested, 51% were white. However, 40% of youth in secure detention were white. Likewise, but to a lesser degree, Hispanic/Latinx youth were 13% of those arrested but 9% of those securely held pre-adjudication.

In the opposite direction, black youth comprised 30% of delinquency arrests but a little over one-third (36%) of youth held securely. Similarly, 3% of arrests but 11% of secure detentions were of American Indian youth.

<sup>10</sup> Data on youth in secure facilities provided by the Minnesota Department of Corrections, Hennepin County Juvenile Detention Center, Ramsey County Juvenile Detention Center, Boys Totem Town, Dakota County Juvenile Services Center, Arrowhead Juvenile Detention Center, and the Minnesota Correctional Facility- Red Wing, upon request. See Appendix 15 for the number of youth in secure detention and secure confinement in Minnesota by race and ethnicity in 2017.





#### 4. Disposition commitments (secure and nonsecure)

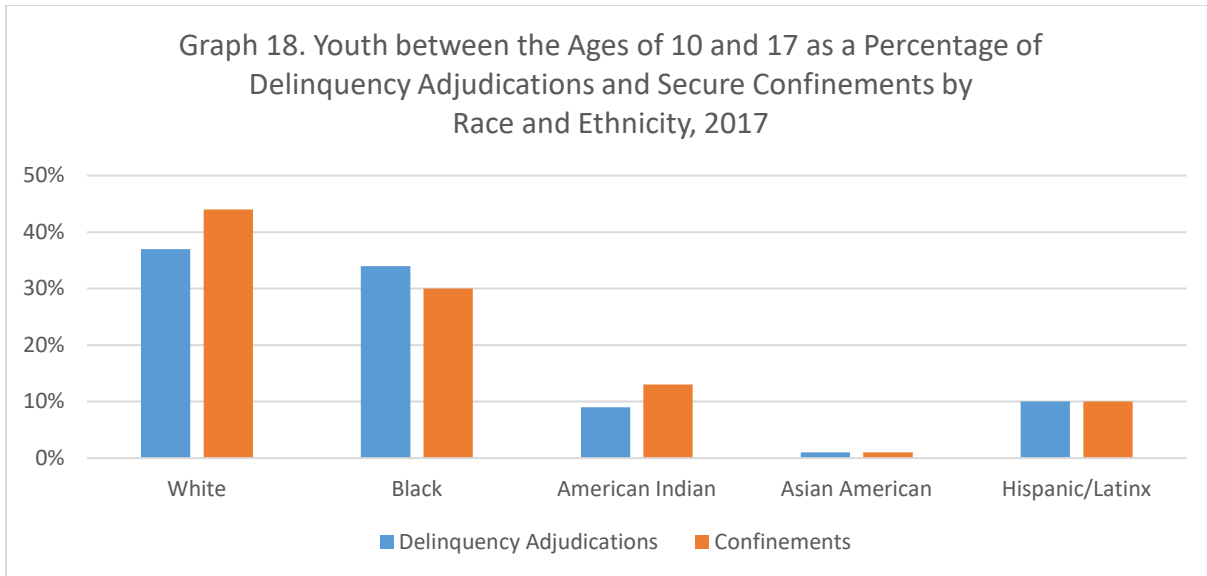
##### *Post-Adjudication*

Next, we investigate the race and ethnicity of youth held in secure confinement after court processing. Graph 18 presents this information along with the percent of youth with delinquency adjudications.

There was no disproportionately among Asian American youth and Hispanic/Latinx youth. Asian American youth were 1% of those with delinquency adjudications and 1% of those in secure confinement. Ten percent of cases resulting in delinquency adjudications and 10% of those held in secure confinement were Hispanic/Latinx.

White youth and American Indian youth were overrepresented among those held securely post-adjudication. While white youth made up 37% of delinquency adjudications, they were 44% of those in secure confinement. American Indian youth were 9% of those with a delinquency adjudication but 13% of those confined securely.

Black youth were underrepresented. Thirty-four percent of delinquency adjudications involved black youth. Of those in secure confinement, 30% were black.



## 5. Adult transfer

### CASES TRANSFERRED TO ADULT COURT<sup>11</sup>

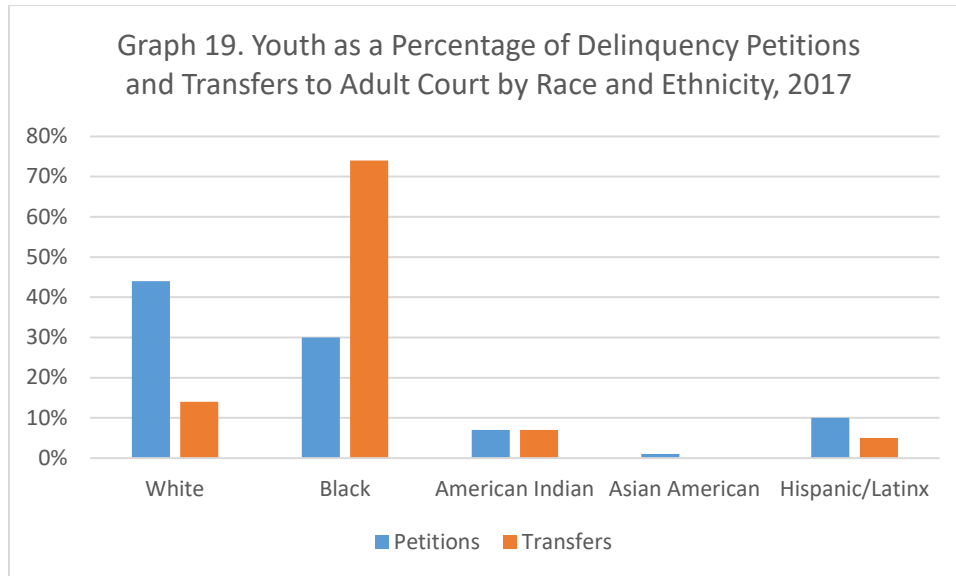
Lastly, we turn to youth transferred to adult court in 2017. Under Minnesota law, youth 14 or older alleged to have committed a felony-level offense may be transferred to adult court for prosecution.<sup>12</sup> The process of transferring a case to adult court is called “certification” under Minnesota’s statutes. In 2017, of the 3,694 felony cases filed (which includes youth under 14 not eligible for certification) only 42 cases were transferred to adult court (1.14%).

The following graph compares the percent of youth petitioned to juvenile court to the percent certified to adult court. As the graph shows, there was significant disproportionality among white youth and black youth. White youth comprised 44% of delinquency petitions, but only 14% of youth transferred to adult court. By contrast, black youth were 30% of those petitioned in juvenile court, but three-quarters (74%) of those certified as adults.

Hispanic/Latinx youth were slightly underrepresented. They were 10% of delinquency petitions and 5% of those transferred to adult court. American Indian youth were proportionately represented in adult court. Seven percent of delinquency petitions and 7% of transfers involved American Indian youth. Asian American youth made up 1% of cases petitioned in juvenile court, but none were certified as adults.

<sup>11</sup> Data on transfers to adult court provided by the Minnesota State Court Administrator’s Office, upon request. See Appendix 16 for the number of cases transferred to adult court in Minnesota by race and ethnicity in 2017.

<sup>12</sup> Minn. Stat. §260B.125 (2018).



**Note: States can provide more data collection points but must provide four of the five listed above. Also, this plan does not disallow the use of the Relative Rate Index (RRI) but is not required and should not be used in lieu of the data required above.**

## II. ACTION PLAN Develop an Action Plan.

Provide answers to the questions below.

### 1. What do your DMC numbers tell you about your jurisdiction?

Data reveals racial disparities at almost all stages of the juvenile justice system in 2017. Relative to white youth, youth of color were almost 3 times more likely to be arrested. They were a little over 1.5 times more likely to be held in secure detention than white youth. The rate at which youth of colors' cases was petitioned in juvenile court was higher than that of white youth. Delinquency adjudications were slightly more likely for youth of color than white youth. Youth of color were transferred to adult court at much higher rates than white youth. They were nearly 5 times more likely to be certified as adults.

There were a couple stages at which youth of color were underrepresented. They were half as likely as white youth to receive a probation placement and about one-quarter less likely to receive secure confinement. Underrepresentation still constitutes a racial disparity and is problematic.

Youth of color are not a monolithic group, and though it is important to note differences in treatment between white youth and youth of color, it is also important to note differences in treatment among youth of color. A disaggregation of youth of color by race and ethnicity reveals important differences in youths' experiences with the juvenile justice system. While some groups were overrepresented at various stages, other groups were underrepresented. At the arrest stage, black youth were much more likely than white youth to get arrested. Their arrest rate was 4.12 times higher than that of white

youth. Similarly, but to a lesser degree, American Indian youth were almost 3 times more likely to be arrested than white youth. Likewise, the arrest rate among Hispanic/Latinx youth was 2.15 times higher than that of white youth. By contrast, Asian American youth were significantly underrepresented (.35). They were 65% less likely to face arrest than white youth.

Compared to the other stages of the juvenile justice system, the arrest stage is one in which youth of color have a wide range of experiences relative to white youth *and to one another*. It is worth emphasizing that the point of arrest and transfer to adult court are critical stages affecting youths' trajectory through the juvenile justice system. Not only does data identify racial disparities between youth of color and white youth, but it also demonstrates that youth of colors' experiences with the juvenile justice system are far from uniform.

## **2. What would success in DMC reduction look like for your state?**

The following are our State Advisory Group's Goals around reducing racial and ethnic disparities:

1. Better describe state of DMC statewide through consistent data
2. MN will significantly reduce out of home placements per capita and per populations of color
3. Make a significant contribution to the body of information addressing DMC through creative approaches

## **3. How much do you want to reduce DMC next year?**

MN will significantly reduce out of home placements per capita and per populations of color.

## **4. Is that reasonable? If yes, why?**

We can see ourselves accomplishing this goal by:

- a) Developing alternatives to out of home placement via partnership with JDAI
- b) Supporting effectiveness of reunification with family
- c) Redirecting of out of home placement dollars to support intervention/assessment aimed at avoiding out of home placement
- d) Training out of home placement facility staff on how to provide culturally relevant services

## **5. What do you need from OJJDP to be successful with your plan?**

We would like for OJJDP to help identify efficient and effective evaluation tools that we can use to measure outcomes over the next year.

## **6. What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?**

We will protect the public, hold youth accountable and equip youth to live crime-free, productive lives by exploring creative, community based approaches to DMC reduction that are rooted in youth voice. We will ensure that their voices are heard by policymakers and legislators by providing a platform for

these ideas and showcasing successes. Our SAG is comprised of and advised by representatives from the state departments of Corrections, Health, and Public Safety, as well as local law enforcement, attorneys, and service providers who oversee DMC reduction work and ensure that we are upholding these safeguards.

**III. EVALUATION Outcome-Based Evaluation (not applicable for FY 2019).**

N/A