



**HENNEPIN COUNTY DEPARTMENT OF COMMUNITY CORRECTIONS**

***JUVENILE REFERENCE STUDY***

153795

**Prepared By**

**Marcy R. Podkopacz, M.A.  
Senior Statistical Analyst,  
Office of Research and Systems Technology**

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**Office of Research and Systems Technology  
Michael Zimmerman, Ph.D., Director  
A-2104 Government Center  
Minneapolis, Minnesota 55487-0214**

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**For Further Information, Contact:**  
**Marcy R. Podkopacz**  
**Department of Community Corrections**  
**Office of Research and Systems Technology**  
**A-2104 Government Center - Mailcode 214**  
**300 So. 6th Street**  
**Minneapolis, Minnesota 55487-0214**  
**(612) 348-6812**

## **ACKNOWLEDGMENTS**

This research was requested by many people who work with juveniles throughout the Hennepin County criminal justice system. Judge Philip Bush, the presiding Juvenile Court judge, presented the initial request for the study. Many other also expressed interest, including Dianne Ward, Chief of the Juvenile Prosecuting Division of the County Attorney's Office, Freddie L. Davis, Supervisor of Juvenile Parole Supervision, and Michael H. Cunniff, Director of Community Corrections. The report would not have been completed without their interest, support and input. For example, Judge Bush made sure I was invited to many different court hearings and chamber discussions that are normally closed to all except the attorneys involved in each case. These 'backstage' glimpses allowed for an understanding of the complexity of the reference process unobtainable from simply reviewing case files. These individuals should be commended for their commitment to the youth of our community and to ensuring that decisions affecting juveniles are informed and complete.

Special thanks to the many individuals who received training in data collection and spent months pouring through hundreds of juvenile court files. Cheryl English, Anne Hoffman, and Michelle Moran-Kelly taught me many numerous details about the juvenile reference process as they discovered them. They worked hard because of their interest in juveniles and their belief in the goals of the study. Additional thanks to Anne Hoffman for her careful processing of delinquency and criminal information from other jurisdictions in constructing a total activity pattern for each youth. Anne worked on the study for over a year, following through on cases that were delayed due to appeals, lengthy trials or missing offense-related information from other jurisdictions. Her initiative allowed for the high rate of complete historical delinquency information on these youths. In addition, Kristine Perkins and Julie Frederich provided limited, but no less important, time coding court files.

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## FORWARD

The impetus for this research was a legislative task force on the juvenile justice system staffed by prominent juvenile justice officials from across the State of Minnesota. One of these members, the presiding Hennepin County Juvenile Court Judge Philip Bush, initially requested this study and was supported in this request by members of the County Attorney's Office and the Department of Community Corrections.

The task force members were charged by the legislature to conduct research on the juvenile justice system and make recommendations concerning a number of items, the first of which was certification of young offenders to adult court. Certification<sup>1</sup> is a process of deciding if the juvenile justice system is able to handle a particular youth or if the youth's past treatment opportunities have reached the limits of the juvenile system, and further, that public safety dictates that the youth be transferred to the more punitive adult system.

In Hennepin County, a certification motion is called a motion for adult reference. This process takes place after a juvenile has been charged with a serious offense and the County Attorney decides to file a reference motion but prior to a hearing or trial on the charge. It is a decision that determines which court, juvenile or adult, will hear the evidence.

The juvenile must be at least 14 years of age, but less than 18, to be considered for transfer to adult court. In addition, probable cause must be established that the youth committed the alleged offense and there must be clear and convincing evidence established by the prosecutor that the juvenile is not amenable to treatment or that public safety would not be served if the youth is kept within the juvenile system. The juvenile court judge in weighing the previous conditions is additionally given eleven different factors to assess in the determination of the totality of the circumstances for each youth facing possible referral to the adult criminal justice system.<sup>2</sup>

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<sup>1</sup> Also called transfer, waiver, remand or referral to the criminal justice or adult system. These terms will be used synonymously throughout this report.

<sup>2</sup> "The eleven factors the court may consider, but is not limited to are:

- (a) the seriousness of the offense in terms of community protection,
- (b) the circumstances surrounding the offense,
- (c) whether the offense was committed in an aggressive, violent, premeditated or willful manner,
- (d) whether the offense was directed against persons or property, the greater weight being given to an offense against person, especially if personal injury resulted,
- (e) the reasonably foreseeable consequences of the act,
- (f) the absence of adequate protective and security facilities available to the juvenile treatment system,
- (g) the sophistication and maturity of the child as determined by consideration of the child's home, environmental situation, emotional attitude and pattern of living,
- (h) the record and previous history of the child,
- (i) whether the child acted with particular cruelty or disregard for the life or safety of another,
- (j) whether the offense involved a high degree of sophistication or planning by the child, and
- (k) whether there is sufficient time available before the child reaches age nineteen to provide appropriate treatment and control." Minnesota Rules of Juvenile Procedure 32.05. subd 2.

Another set of criteria that can result in a reference motion in Hennepin County is if the County Attorney can establish a *prima facie* basis. A case is designated as *prima facie* if the juvenile is at least 16 years of age and the offense has certain characteristics (specific types of serious person offenses) or the offender has certain characteristics (prior adjudications) in combination with particular offense circumstances.<sup>3</sup>

The final reason that a motion for adult reference can be filed is if the youth has previously been motioned and referred to criminal court on a separate incident. This basis is only relevant if the juvenile has been convicted of this offense or a lesser included offense in the same behavioral incident.

The work done by the task force resulted in legislative changes to the Minnesota Juvenile Rules of Procedure. The main change for certification is a distinction between different types of certification with the sole basis being public safety. The first route, called presumptive certification, is for 16 and 17 year old youths charged with a 'presumptive offense'.<sup>4</sup> In this case the burden of proof is on the defense to convince the court that the child is not a public safety risk. In essence, this makes it easier for the state to refer juveniles who have been charged with the most serious offenses. This route takes the place of the *prima facie* basis described above.

Juveniles who are 14 to 17 years old and charged with a felony can still be motioned for adult reference for non-presumptive offenses and the burden of proof remains with the prosecution,

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<sup>3</sup> A *prima facie* case is established if:

- (1) delinquency petition alleges aggravated felony against a person and
  - (a) child acted with cruelty or disregard for the life and safety of another; or
  - (b) offense involved a high degree of sophistication or planning; or
  - (c) the juvenile at the time of the offense had a firearm; or
- (2) alleged to have committed murder in the first degree; or
- (3) alleged to have escaped from judicially ordered confinement and committed a felony; or
- (4) adjudicated on a felony within the preceding 24 months and alleged to have committed 2nd or 3rd degree murder, 1st degree manslaughter, 1st degree criminal sexual conduct or 1st degree assault; or
- (5) adjudicated on two separate felonies within the preceding 24 months and is alleged to have committed 2nd degree manslaughter, kidnapping, 2nd degree criminal sexual conduct, 1st degree arson, aggravated robbery, or 2nd degree assault; or
- (6) adjudicated on two separate felonies within the preceding 24 months, one of which is burglary of a dwelling and is alleged to have committed another burglary of a dwelling; or
- (7) adjudicated on three separate felonies within the preceding 24 months and is alleged to have committed any felony other than those described in (2), (4), or (5); or
- (8) alleged to have committed an aggravated person felony in association with a gang; or
- (9) adjudicated on a previous felony and alleged to have committed a felony level sale or possession of a scheduled I or II controlled substance while in a park or school zone; or
- (10) alleged to have committed terroristic threat with a firearm and has been adjudicated in the past of terroristic threat with a firearm.

Minnesota Juvenile Code, 1993 paraphrased from Section 260.125 subd. 1, 2, 3. pp. 16-18.

Published by Minnesota County Attorneys Association.

<sup>4</sup> An offense, that if convicted of in an adult court, would result in a prison commitment. Defined for this study as Minnesota Sentencing Guidelines categories 7 through 10, plus Homicide 1 and Assault 2. Defined by the task force as Guidelines 7 through 10 plus certain other felony offenses that involve a firearm, such as Assault 2.

this is called regular certification. Finally, the legislature decided, although the task force did not recommend it, that 16-17 years old charged with Murder 1 would be excluded from juvenile court.

One other significant change is the creation of a category of youths referred to as Extended Jurisdiction Juveniles (EJJs). The juvenile court can maintain jurisdiction for these kids until they are 21 years old. Youths can become EJJs by prosecutorial designation, by the juvenile court deciding not to certify, or by presumptive charges being reduced to non-presumptive offenses. These children will have a stayed adult commitment and will be placed in a juvenile treatment facility. The EJJ category gives youths one more chance to work within the Juvenile Court system while reserving the right to impose a more stringent sentence without further court time. Please see: Minnesota Supreme Court Advisory Task Force on the Juvenile Justice System, Final Report; January 1994.<sup>5</sup> This synopsis of the legislative changes, proposed to begin January 1995, is not meant to be all inclusive and the interested reader should refer to the above cited final report.

The importance of the current report is as a monograph of the certification process in Hennepin County prior to the implementation of these new legislative changes. Besides documenting the reference process, the purpose was to profile the type of offender handled in Hennepin County (who is quite different from those for the state as a whole), and to document the rate of certification, conviction, sentencing, and recidivism of the most serious youthful offenders.

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<sup>5</sup> In addition, an article is in process that documents the current legislative changes. See, Feld, Barry C. (forthcoming). Violent Youth and Public Policy: A Case Study of Juvenile Court Law Reform.





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## ***I. INTRODUCTION***

### **A. PURPOSE**

This report is a result of a multi-department desire to gain information about a small but serious group of juvenile offenders. The Hennepin County Department of Community Corrections, the Juvenile Court and the County Attorney's Office all contributed resources to data collection efforts on the 330 juveniles who faced the possibility of referral to adult court between the years of 1986 and 1992.<sup>1</sup> Prior to this research effort, information was limited to individual, anecdotal and incomplete piecemeal glimpses of some of these serious juvenile offenders and their backgrounds. The interest in this population stemmed from a need to gain information about these youths who, by definition of a reference motion being filed, are deemed the most serious juveniles and to assess the system response to this last decision step in the juvenile justice system. The hope is that this research will shed light on those youths who are facing the end of the road as a juvenile -- who they are, what they are alleged to have done, the onset of their delinquency career, the extent of the offending that brought them to this point, and, how the justice system responded -- amelioration attempts through past interventions, evaluations, incarcerations, and finally, how these attempts and the certification decision affected future offending.

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<sup>1</sup> Information has been collected but not analyzed on juveniles who were motioned for adult reference in 1993. Many of the cases were pending a reference decision and/or disposition decision at the close of data collection and so were not included in this report. There were an additional 43 juveniles who were motioned for adult reference for the first time in 1993.

The central topics of this research were identification of the offense for which reference motions were filed for the first time (here referred to as the Instant Offense),<sup>2</sup> and documentation of the events that prompted the County Attorney's office to file a reference motion. These events include the type of Instant Offense charge, the past adjudication record of the offender, and the past treatment efforts for these juveniles, all of which were analyzed to determine how these aspects relate to the decision to refer some juveniles to adult court and retain others in the juvenile system. In addition, this research documents the juvenile offender's life experiences prior to being charged with the Instant Offense. Finally, this research concludes with an analysis of future criminal activity or recidivism of these serious juvenile offenders after the Instant Offense.

## **B. DATA ELEMENTS**

This study collected information related to the juvenile's education, employment, status offenses, truancy, arrest and detentions, bench warrants, prior probation, prior parole, type of past court involvement, and gang involvement. This research also documented family information, including the person with whom the juvenile lived, the juvenile's length of residence in the Hennepin County area, the extent to which the father was involved in the juvenile's upbringing, family criminality, abuse patterns (sexual, physical and neglect), chemical abuse issues for the juvenile and other family members, psychological problems for family members and prior out-of-home placements that were non-delinquency related. In addition, the coders documented any other significant life event that occurred prior to the juvenile being charged with the Instant Offense. The main purpose in collecting this type of information was to document the situational elements in the lives of those motioned prior to being charged with this serious offense(s).

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<sup>2</sup> Subsequent to the first motion any additional reference motions have a much higher likelihood of being referred to adult court regardless of the result of the first motion. Table 28 (in section X . Recidivism) elaborates on this concept.



Another goal of this study was to document the reference process as found in Hennepin County. This county, and Minnesota as well, has what is termed a judicial transfer decision that is the most common among the majority of other states.<sup>3</sup> The information gained from this analysis may apply to other jurisdictions where judicial transfer decisions are in place. In particular, the length of the process and the number of resources expended on these cases (psychological exams, reference studies, full reference hearings, and appeals) were analyzed. Did the psychologists and probation officers give recommendations in their assessments and if so, how often were they heeded? Of the juvenile's who were certified (or referred) how many juveniles waived their juvenile rights compared to the number who were granted reference by the court? For those who remained within juvenile court jurisdiction, how many had the reference motion withdrawn by the County Attorney versus denied by the court? What effect does the particular judge have in the ultimate referral decision?

The Instant Offense was a primary focus of the data collection. What were the charges, what were the hearing responses for each charge (admit, proven, not proven, dismissed), and what were the final dispositions? How many of the crimes were committed with a weapon and what type of weapon? How many times were alcohol or drugs involved in the circumstances of the crime? How many crimes were committed with codefendants and were the codefendants other juveniles or adults? How many victims were there (if it was a person crime), how old were they, their gender, race and extent of injuries? How many psychological examinations were completed regarding the Instant Offense? Did any of the juveniles in this study have indications of organic problems identified prior to the Instant Offense (head injuries, poisonings or other organic abnormalities)? Was competency an issue? Did any of the juveniles included in this research have indications

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<sup>3</sup> The other types of decisions are generally termed, legislative and prosecutorial decisions. See, Champion, Dean J. and G. Larry Mays. 1991. *Transferring Juvenile to Criminal Court: Trends and Implications for Criminal Justice*. Praeger: New York. Also see, Feld, Barry C. 1987. The Juvenile Court Meets the Principle of the Offense: Legislative Changes in Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology*, Vol. 78, No. 3, pp. 471-553.

of hyperactivity or attention deficit syndrome found in the files? If psychological examinations were completed, what IQ score was documented and what were their achievement grade levels for spelling, reading and writing?

Finally, all delinquency charges were documented along with the resulting adjudications or dismissals. For the purposes of this report, crimes other than the Instant Offense were sorted into prior adjudication history,<sup>4</sup> that is prior to the Instant Offense; and future criminal history. Future criminal history included all juvenile adjudications after the Instant Offense as well as all adult convictions in Hennepin County, in other counties of Minnesota, or in states other than Minnesota.<sup>5</sup> If the court file had any indication that the juvenile had lived in another area of Minnesota or the United States, or that criminal information existed in any other jurisdictions, efforts were made to collect this delinquency or conviction information.<sup>6</sup> Obtaining complete juvenile adjudication information is one of the most difficult aspects of research on juvenile delinquency due to the privacy issues and lack of automation. Each lead was followed even if current local information on the offender was extensive.<sup>7</sup>

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<sup>4</sup> All charges, regardless of whether they resulted in adjudications or dismissals were collected. However, for this report, only adjudication history is reported. Therefore, a juvenile may be in the category of 'no priors' if s/he had no prior adjudications but did have prior charges which were dismissed or not proven.

<sup>5</sup> Outside of Hennepin County but within Minnesota, adult criminal information was collected from Minnesota Sentencing Guidelines Commission. Adult criminal information was restricted to felony level crimes (charges and convictions for Hennepin County and convictions only for the rest of Minnesota). Criminal activity that occurred outside of Minnesota was also restricted to felony convictions. For juvenile offenses, all charges were collected including misdemeanors regardless of where they occurred. However, as noted above, only adjudications or convictions are displayed in this report when the discussion is concerning prior adjudication history or future criminal history.

<sup>6</sup> Two series of letters were sent to other jurisdictions in an attempt to locate delinquency/criminal information on the juveniles in this study. These letters were followed by phone calls. In a few instances, it was necessary to solicit the Juvenile Court judge to call individual jurisdictions to assure access to juvenile records.

<sup>7</sup> A review of juveniles not originally from Hennepin County demonstrates the extensive amount of outside information we obtained. There were 91 juveniles (28%) who were motioned for adult reference in Hennepin County but whose family moved to Hennepin County from another location. The families of most of these offenders moved here a number of years prior to the Instant Offense charge. Of the 91 juveniles within this category, 35 (11% of the total) had moved here more recently (within two years of the Instant Offense). These juveniles would seem to be the most likely to have inadequate information on their delinquency history. However, of these thirty-five juveniles, there were only five (less than 2% of

### C. DATA SOURCES

Data were collected from Juvenile Court files using an extensive data collection form (see Appendix A). Five employees, loaned from the departments listed above, were trained to collect the indicators used in this study. Data collection averaged three and one half hours per court file.<sup>8</sup> About half of the juveniles for whom a reference motion was filed were seen by a court psychologist resulting in a psychological examination and full report. Almost all of the juveniles who were seen by Psychological Services were also required to have an in-depth reference study completed by the Juvenile Probation department. These reports are included in the Juvenile Court files along with all delinquency charges, adjudications and dispositions. The crime information, the psychological report, and the reference study provided the main sources of information utilized in this research. In addition, all disposition reports, probation progress reviews, program progress reviews and program exit summaries were reviewed for any other information that may have supplemented the main sources.

Delinquency information outside Hennepin County was gathered as well as criminal information (adult level) in Hennepin County and throughout Minnesota. Any indication of criminal involvement outside Minnesota was investigated and collected as well.

The data were collected by thoroughly reviewing the juvenile's court file. There is little standardized family or individual information required by juvenile court, thus lack of information could mean one of two things. One, the information was not deemed relevant and so, was simply not recorded or two, it did not exist. In designing the data

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total) for which we were unable to document their past adjudication history. Of those juveniles who had been living in Hennepin County for more than two years, an additional five juveniles for which we did not receive outside juvenile information, but we did have complete delinquency information within our own jurisdiction. A non-response from an outside jurisdiction may have meant no delinquency file existed on the juvenile or that the jurisdiction simply did not respond.

<sup>8</sup> The range was between 1/2 hour and 6 hours.

collection from the attempt was to collect any pertinent piece of information that seemed to have consistency across the pre-tested files. There were certain items that were included even if they were not found with any regularity because they were hypothesized to be important indicators and because the lack of consistent information is an important finding of this study.<sup>9</sup>

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<sup>9</sup> An example of this type of limited data is education level. Most files mentioned the juvenile's school situation at some point but it was very difficult to systematically collect the last year of school that the juvenile had successfully completed at the time of the Instant Offense or any other single type of educational assessment. Less than 40% of the juveniles in this study had information in their court files that allowed us to determine the last year of school they had completed

## ***II. INDIVIDUAL CHARACTERISTICS OF MOTIONED JUVENILES***

### **A. AGE**

Age is often found as a critical variable in studies of delinquency. That is, age at which the first offense occurs, or age at which first court interaction occurs may be "one of the best predictors of the future course of the criminal career".<sup>10</sup> The earlier a person begins offending the higher the number of offenses over a longer period of time.<sup>11</sup> This study has two indicators of earliest court contact; age of first court appearance and age at first finding of delinquency. One additional age variable to be examined is the age of the offender at the point of allegedly committing the Instant Offense. Age at first court appearance is not necessarily related to delinquency, it could also be related to dependency or neglect, CHIPS (Children in Need of Protective Services), traffic issues, status offenses, parental rights termination or even adoption issues. This variable is entered by juvenile court staff. The second indicator was determined by the coders documenting the date of the first finding of delinquency (i.e., a juvenile court hearing response of admit or proven).<sup>12</sup>

#### **Age at first juvenile court appearance**

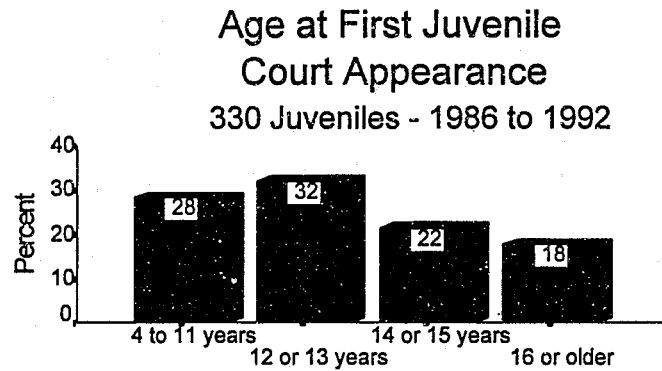
The range for first court appearance for these juveniles was from 4 years old to 17 years old. Graph 1 shows the distribution of the offenders in this study and the age at which their first court appearance occurred in grouped categories. This chart demonstrates that 28% of these juveniles had their first court appearance before they were twelve. Sixty percent of them had been to court at least once by the time they were thirteen.

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<sup>10</sup> Farrington, David P., et al., 1991. Advancing Knowledge About the Onset of Delinquency and Crime, in *Advances in Clinical Child Psychology*, Volume 13 (eds.) Lahey, Benjamin B. and Alan E. Kazdin. Plenum Press: New York.

<sup>11</sup> Id.

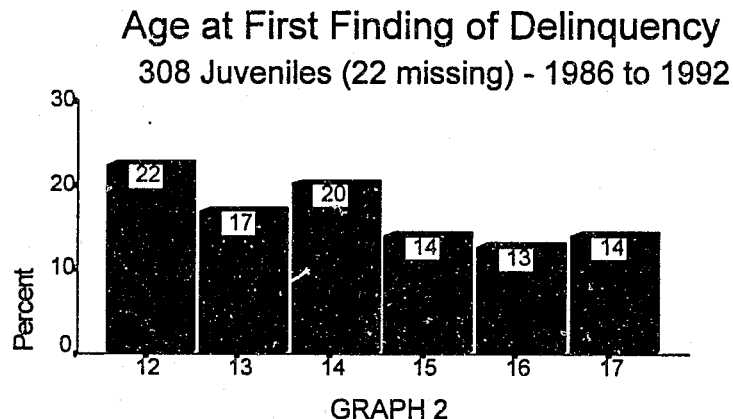
<sup>12</sup> Some juveniles may not have this second indicator if they had no prior adjudications and were either dismissed on the Instant Offense or were referred to adult court (thereby still having no delinquency finding, only a criminal finding).



Graph 1

### Age at first finding of delinquency

The second indicator of earliest court contact is age at first finding of delinquency. Twenty-two (7%) of the offenders in this study had no delinquency adjudications, including the Instant Offense<sup>13</sup> and are excluded from Graph 2. The remaining 308 juveniles had an average age at first adjudication of 14 years old. Graph 2 shows the distribution of ages these juveniles were found delinquent for the first time.



GRAPH 2

<sup>13</sup> Most of these youths (16 of the 22) were certified and most (15 of the 16) pled guilty or were proven guilty in adult court, thereby never having a finding of delinquency in juvenile court.

### Age at Instant Offense

Another age indicator is the juvenile's age at the time the Instant Offense is alleged to have occurred. This variable is particularly important since it indicates the length of time available to the juvenile system to treat the particular juvenile. Juvenile Court jurisdiction at the point of this research extends to age 19. Minimum age for filing a reference motion is 14 years old. Very few juveniles are under 16 when reference motions are filed in Hennepin County, as witnessed in Graph 3. Indeed, only 34



GRAPH 3

juveniles (10%) in the seven year study were less than 16 when they committed the crime that resulted in a reference motion (twenty-four were 15 years old and ten were 14 years old). The vast number of juveniles, 296 or 90%, were 16 or 17 at the time of the Instant Offense. A full 60% of the juveniles were 17 years old and another 30% were 16 at the point that the Instant Offense occurred.

## B. EDUCATIONAL LEVEL AND TRUANCY CITATIONS

### Truancy

Thirty-six percent of the motioned juveniles had at least one truancy citation in their court file. Of those with indications of truancy the range in missed school days was from 1 to 97. The median number of trancies was 21 days and the average missed school days for these 119 juveniles was 27. Of the remaining 64% of the youths in this study, no

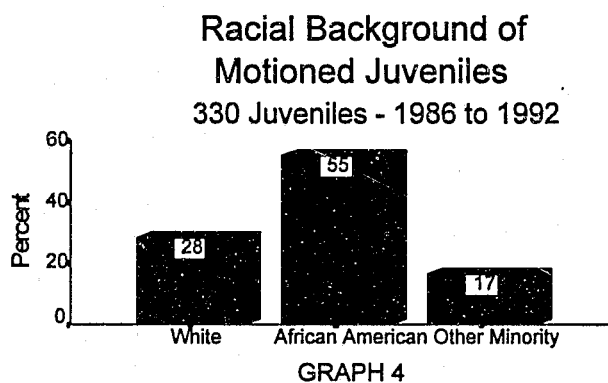
information regarding truanancies was found. This was inconsistent with the impression left from other information in the court files that indicated that a lot of these juveniles were not routinely attending school. However, since this element was counted by the presence or absence of truancy citation, all that can be definitively stated is that 64% had no such citations in the files kept by juvenile court.

### **Education**

The average grade these juveniles had last completed and passed was ninth, but as mentioned earlier, only 40% of the juveniles had this information available in their court files. The range in grade level was from sixth to twelfth grade.

### **C. RACIAL BACKGROUND**

The vast majority of the juveniles facing the possibility of certification in Hennepin County are African American (55%) as demonstrated in Graph 4. The next largest racial group is whites who comprise 28% of the population between 1986 and 1992. The remaining 17% are other minority groups, the largest single group is American Indians (12%), followed by Asian (2%), Hispanic (2%), and 1% of juveniles where race or ethnic background could not be determined.



### **Change in Racial Background Across Time**

The high percentage of African Americans has not been consistent during the seven years of the study. For example, in 1987 44% of the motioned juveniles were white, 34% were



African Americans and 22% were other minorities. However, from 1990 forward, the percentage of African Americans reached over 60% of the motioned juveniles, to the highest percentage in 1992 of 74% of the motioned juveniles. In general, the percentage of white youths motioned for adult reference has continually dropped during the years of this research (from 36% in 1986 to 11% in 1992), the percentage of African Americans has increased, and the other minority percentage has changed in a nonlinear pattern (from a low of 6% in 1986, to a high of 25% in 1988, and finally, to a midpoint of 14% in 1992).<sup>14</sup>

#### **D. STATUS OFFENSES, ARREST & DETENTION NOTICES, BENCH WARRANTS**

##### **Status Offenses**

Citations for status offenses prior to the Instant Offense appeared in 43% of the juveniles' files. Status offenses were defined in this study as behavior defined as delinquent but not criminal, excluding truancy that was addressed separately. Curfew violations, drinking alcohol, runaway, use of tobacco, etc., are examples of status offenses. They ranged from 1 to 14 status offense citations per juveniles. The median number of status offenses was one and the average was two.

##### **Arrest & Detention Citations**

Court ordered sanctions or procedures were consistently recorded in the files. Thus, if Arrest & Detention (A & D) orders were not found in the file, it was highly likely that

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<sup>14</sup> This research *cannot* answer the important question of why the youths in this study and *not others* were motioned for adult reference. To address that, a comparison sample of youths who had committed equally serious offenses would be necessary. This would help to determine if minority juveniles were systematically being motioned for adult reference at a greater rate than non-minorities or if some other factor, like severity of offense, is the direct relationship to a motion being filed and race is only indirectly related to being motioned as a result of minorities committing more serious offenses. This study *can* answer if the youths that are being motioned are different according to racial group or if the system is handling them differently at a number of different points, from prior treatment opportunities to reference decision to sentencing decisions. Chapter XII. Section B. Overview of Motioned Juveniles provides a thorough examination of these youths by racial background. In addition, this section provides the comparative arrest rates for the different racial groups in Hennepin County.

one had never been ordered in Hennepin County. A&D orders are filed if a juvenile has violated his or her probation contract. Fifty-six percent of the motioned juveniles had at least one A&D prior to the Instant Offense. The range was from 1 to 11. The average number of A&D orders was two prior to the Instant Offense date. The average number of A&D orders has increased over the seven year period from 1.5 in 1986 to 2.7 in 1992.

### **Bench Warrants Issued**

Bench warrants are ordered when a juvenile fails to appear for a court ordered hearing. Fifty-four percent of the juveniles had at least one bench warrant ordered prior to their Instant Offense. Bench warrants ranged from 1 to 7 and averaged one bench warrant prior to being charged with the Instant Offense. The average number of bench warrants has dropped slightly over the years from 1.5 in 1986 to an average of less than one per juvenile in 1992 (.77).

## **E. PROBATION AND PAROLE STATUS**

### **Parole**

Parole is automatic for juveniles in Hennepin County if they ever spent time at either of the state correctional facilities. Over 35% of motioned youths had already been sentenced to Red Wing or Sauk Center, the state correctional facilities, prior to the Instant Offense.

### **Probation**

Nearly three quarters (74%) had received a disposition that included juvenile probation prior to the offense that resulted in a reference motion. Thirty-five percent of these juveniles had been on both probation and parole at some point prior to the Instant Offense.

## **F. OTHER DEMOGRAPHIC FACTORS**

### **Gender**

Only 12 of the 330 juveniles were female (less than 4%). Seven of the 12 (58%) are white, 4 (33%) were African American and the final female juvenile was American Indian.

### **Employment**

The files indicate that less than 10% of the juveniles were employed, mainly working part-time or sporadically.

### **Types of juvenile court involvement**

Juvenile Court administration records up to five different types of possible court involvement such as dependency and neglect, CHIPS, truancy, traffic, etc., as well as delinquency issues. One would expect that juveniles who are facing the possibility of referral to adult court would have delinquency related court experience and indeed, 99% of the juveniles had been to court on some type of delinquency matter. In addition, 8.5% also had been to juvenile court regarding dependency or neglect issues, 34% had prior traffic involvement.

Sixty percent had been to juvenile court on a status offense at least once prior to the Instant Offense. The previous percentage of status offenders described above (43%) was determined by coders counting status offense citations in each juvenile's court file.

Whereas this percentage (60%), is derived from court clerks recording court involvement related to status offenses. The discrepancy between the two percentages would indicate that not all of the status offense citations make it into the individual juvenile court files.

## G. PRIOR DELINQUENCY ADJUDICATION HISTORY<sup>15</sup>

### Offense Categories Used in This Report

There are a number of ways to categorize the delinquencies or criminal offenses to be discussed in this report. Three methods are used in this report to discuss prior delinquency history, the Instant Offense charges, and future offenses. The first method used in this study sifts offenses into two piles: **presumptive and non-presumptive**. A presumptive offense is a crime that would normally result in a prison commitment if it resulted in a conviction in adult court. These include the most serious person felonies such as murder, aggravated robbery, criminal sexual conduct, assault, kidnapping and select other crimes such as first degree arson and some types of first degree burglary.<sup>16</sup> A second typology that is used in this study, categorizes offenses into the number of felony counts (or misdemeanor) brought against the juvenile. This typology is referred to as **level and number** of adjudications for past history and future offenses and charges for the Instant Offense. All felonies are given equal weight in this schema. This classification allows for testing of, for instance, whether simply knowing the number of prior felonies is sufficient information about past offense history or if it is necessary to also have information about the kind of felony adjudication history.

Finally, the last method separates offenses by **type of offense**, that is, person felony offenses, property felonies, drug felonies and similar misdemeanor breakdowns. Beyond the categories listed, there is a final category, termed 'multiple felonies,' that includes those with person felonies **and** some other type of felony counts as well. This distinction was made with the thought that juveniles adjudicated on person offenses only may be different from those who have some person felonies and other type of offenses as well.

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<sup>15</sup> Prior History is related to adjudications only, charges were collected but not analyzed for this report.

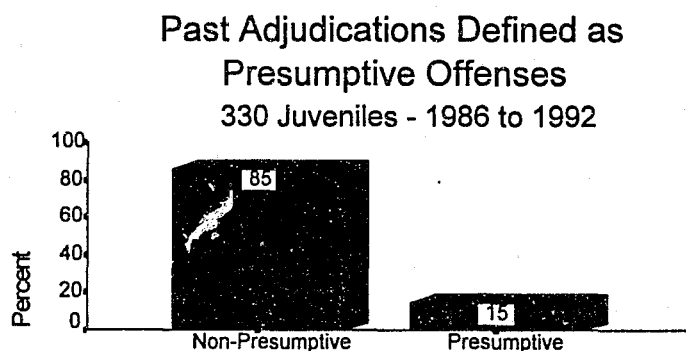
<sup>16</sup> Presumptive offenses include all offenses which 'fit' the Minnesota Sentencing Guidelines Commission's seven through ten classifications, plus Homicide 1 and Assault 2. See: Minnesota Sentencing Guidelines and Commentary, revised August 1, 1992

In each of the offense typologies discussed in this report, juveniles are categorized according to the most severe or serious category that represents their behavior. For example, a juvenile with one felony adjudication and multiple misdemeanor adjudications would be placed in the 'one felony' group.

One additional note about how offenses are handled in this report. In the descriptive section of this report, offenses are categorized into groups to aid in the display of this information. For the multivariate section, the actual number of offenses (interval level data) were utilized or other appropriate methods, such as dummy coding, were used as needed.

#### **Presumptive versus Non-Presumptive Adjudication History**

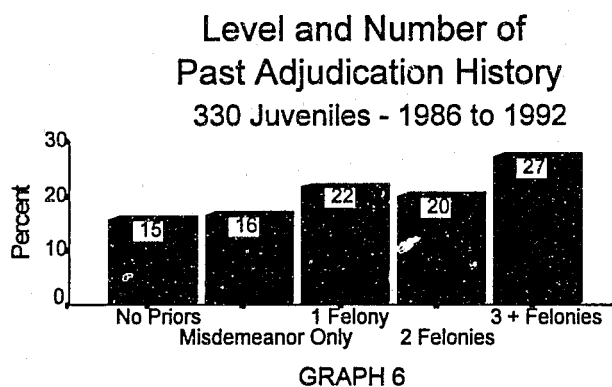
Thirty-one percent of these juveniles have been charged with a presumptive offense prior to the offense that led to a reference motion. However, less than half of these charges were substantiated in court (47%) by an adjudication. Therefore only 15% have been adjudicated for presumptive offenses prior to facing a reference motion as shown in Graph 5. The vast majority of motioned juveniles do not have a presumptive delinquency background (85%).



GRAPH 5

### Level and Number of Adjudication History<sup>17</sup>

Fifty-one juveniles (15%) had no prior adjudications<sup>18</sup> and another 16% had only a misdemeanor level adjudication history. Over two thirds (69%) of these youths had at least one felony adjudication with a full 27% having three or more felony adjudications in their past (Graph 6). Therefore, although the majority of these juveniles had a felony background, most were not considered presumptive offenses.



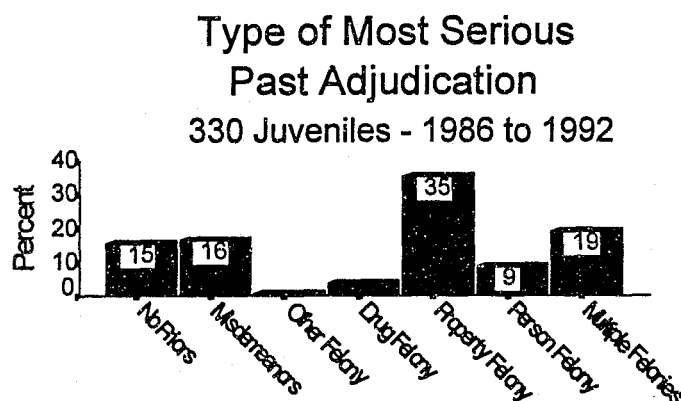
### Type of Adjudication History

Graph 7 shows the breakdown of the type of past adjudications for these juveniles. The 'Multiple Felonies' category includes those with at least one person felony and some other type of felony as well (19%). Another 9% have felony adjudications that are classified as person offenses in their past history. A full 35% are property felons (with no person felonies in their background) and another 4% have past drug felonies only. Only 3 juveniles had felony backgrounds that did not fit one of the above categories and they are defined here by the 'Other Felony' category.

<sup>17</sup> Indications of delinquency involvement discussed above in the section on Age at First Delinquency included findings on the Instant Offense. Here, only prior adjudication are at issue.

<sup>18</sup> Of these 51 juveniles with no adjudications in their backgrounds, 10 (20%) had some type of charges that were dismissed or not proven. The rest of the 41 (12% of all the youths in this study) juveniles listed as having 'No Priors' had neither charges nor adjudications that we found prior to the offense which brought a reference motion. For five of these 41 juveniles we were unable to obtain information concerning their past records in their previous jurisdictions.

The juveniles in each of the felony categories may have had misdemeanor activity as well but that part of their adjudication history was ignored and they were grouped according to their most serious offense history.<sup>19</sup> As noted in the typology listed above, 15% had no prior adjudications and another 16% had only a misdemeanor background.



GRAPH 7

## H. ADJUDICATION HISTORY DIFFERENCES BY RACIAL GROUPS

### Presumptive versus Non-presumptive

As noted above, very few juveniles had presumptive adjudications in their background. However, of those who did, 75% of them were African American. The remaining 25% were evenly split between whites and other minority youths. This relationship is statistically significant ( $p = .009$ ).<sup>20</sup>

### Level and Number of Adjudication History

There were no significant differences among the three racial groups on the total number of felony adjudications in their past.

<sup>19</sup> Indeed, of those juveniles who are grouped into the property felony category, meaning they have property felonies in their past delinquent behavior but no person felonies, 27% have person misdemeanor adjudications as well as their property felony history. A similar percentage (26%) of those juveniles with only a misdemeanor history have person misdemeanor adjudications as well. For those in the drug felony category, only two of the eleven offenders have also been adjudicated on person misdemeanors and in the final category of 'Other Felony', two of the three have person misdemeanor adjudications.

<sup>20</sup> Statistical significance is a probability of .05 or less throughout this study.

### **Type of Adjudication History**

The trend in the type of adjudication history is similar to what was found when analyzing the presumptive versus non presumptive offense category differences between the racial groups. A higher percentage of African Americans and other minorities (33% combined) have been adjudicated in the past on person felonies compared to whites (15%).

The mean difference between the racial groups on the number of past person felony adjudications was statistically significant ( $p = .02$ ). This overall difference was only apparent between whites (.20) and African Americans (.43). No other comparison between racial groups was significant. In other words, the juveniles in the 'other minority' group were not significantly different from the white juveniles and they were also not significantly different from the African American juveniles with regard to person felony past adjudications.

Property felonies are predominately committed by whites and other minorities. The overall mean difference between the racial groups and number of past property felonies was significant ( $p = .001$ ). The significance of this difference in average prior property felonies is between whites and other minorities (1.53, 1.51, respectively) when compared to African Americans (.88).

### **I. CHANGE IN ADJUDICATION HISTORY OVER TIME**

The difference across years (1986 to 1992) in the number of juveniles with past presumptive adjudications is insignificant. However, the number of juveniles with past felony adjudications of any type is significantly different over the last 7 years ( $p = .005$ ). Interestingly, the number of past felony adjudications for the juveniles who find themselves facing their first reference motion has decreased over time (2.11 in 1986 and 1.57 in 1992). This is not surprising since the policy on bringing motions changed over the last few years of the study. The County Attorney's Office decided to concentrate



motions on more serious offenses that could meet the *prima facie* criteria.<sup>21</sup> A higher percentage of the juveniles charged with these offenses had little or no felony delinquent backgrounds than non *prima facie* cases.

This overall decrease in felony adjudications is composed of no significant difference in person felony history but a significant decrease in property felony adjudications ( $p = .002$ ). In addition, there was a significant increase in the histories of these juveniles with regard to drug felonies between 1986 and 1992 ( $p = .006$ ), but the number of juveniles in this category was not large enough to change the overall finding of more recently motioned juveniles having less of a felony history than earlier youths.

#### **J. PRIOR DELINQUENCY RELATED OUT-OF-HOME PLACEMENTS<sup>22</sup>**

It is obvious from the prior delinquency information above that this group of juveniles has been heavily involved with the juvenile correctional system. Part of this involvement includes juvenile court dispositional placements as a result of delinquency adjudications. This information was captured in two different ways for this study. First, the number of unique programs that had been tried as treatment alternatives was documented. Second, the count of the number of times the court ordered an out-of-home placement, regardless of where that placement occurred, was collected. The first indicator represents the number of different programs tried by the juvenile system while the second represents the total number of tries at out-of-home placements. If a child was sent to County Home School - Alpha program twice and Red Wing once, his unique program indicator would be a value of two, whereas his total program indicator would be three.

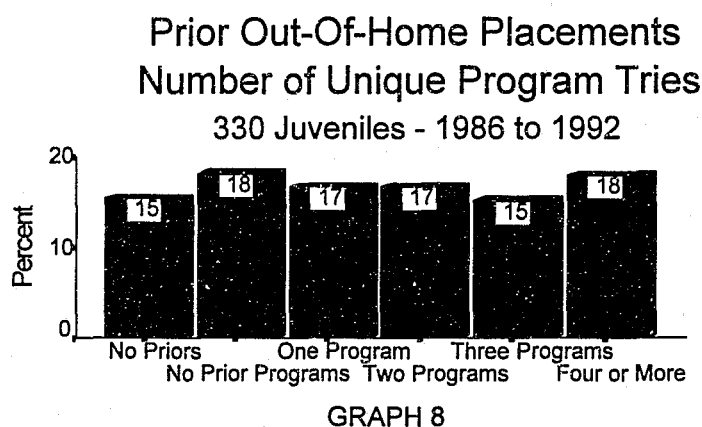
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<sup>21</sup> See Forward for a definition of *prima facie* basis for filing a motion of adult reference.

<sup>22</sup> Since these variables represent out-of-home placements prior to the Instant Offense, we were able to follow each court disposition through to its completion. In the event that the placement was ended prematurely (due to the juvenile running, escaping or being terminated) and a new placement was ordered, we captured that information as well. Up to five separate placement opportunities per disposition was coded. Not included in this variable are foster home placements, shelter placements, or dispositions to day treatment programs since they are generally of a shorter duration and often do not represent a final disposition. Dispositions to correctional facilities, residential treatment facilities and group homes were included.

### Number of Different or Unique Program Placements

Thirty-three percent did not have any prior out-of-home placements, 15% because they had no prior crime and 18% because they received some other type of non-placement disposition such as probation or work squad (see Graph 8). Two-thirds of the juveniles in this study have had at least one prior program placement, with 33% having already been placed in at least 3 different and unique programs prior to being motioned for adult reference.

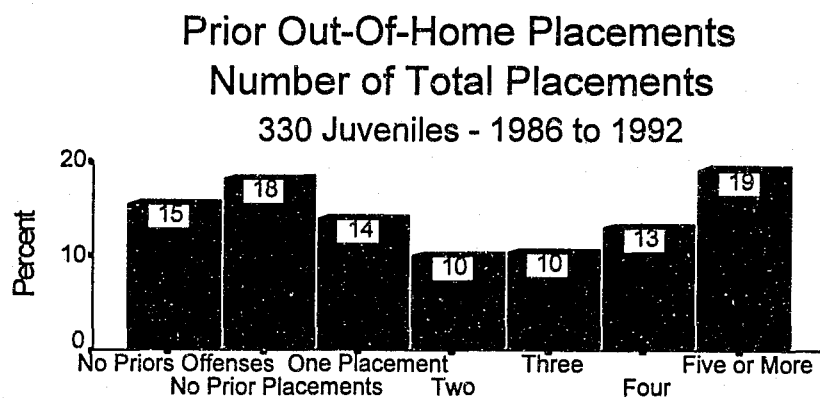


### Number of Total Program Placements

Viewing Graph 9 in conjunction with the graph above indicates that many programs are tried more than once. The 67% who have had some placement are more often found toward the end of this graph than the prior graph that only counted unique programs. Here, 42% of the juveniles have had 3 or more prior out-of-home placements, with nearly 20% indicating 5 or more prior placements. This indicator was significantly related to whether or not a juvenile was ultimately certified ( $p < .001$ ).<sup>23</sup> The higher the number of prior delinquency out-of-home placements, the more likely the juvenile will be referred to

<sup>23</sup> This variable also adds a significant unique contribution to multivariate testing for determinants of referral to adult court. When it was entered in conjunction with delinquency history only one of the two variables were significant predictors. It is assumed that prior program placements acts as a proxy for criminal history. Table 24 provides the multivariate results.

adult court. This is in keeping with the policy for referring juveniles that is based partially on unamenability to treatment.



GRAPH 9



### ***III. HOME AND LIFE SITUATION***

As mentioned earlier, no definitive set of family characteristics is routinely captured on juveniles as they wind their way through the juvenile court system. This means that a large amount of missing data is possible as we attempted to collect systematic information about the lives of these juveniles prior to their Instant Offense. This does not mean that the court acted without necessary information or that there was an absence of family history information in the files. On the contrary, the files contained volumes of critical assessments at different points in the juvenile's delinquent career. However, the format of the information was not standardized among juveniles since their particular situations were unique to them. This is in keeping with the standards of an individualized juvenile justice system but it means that we have less than complete family history information.

#### **Living Situation of the Juvenile**

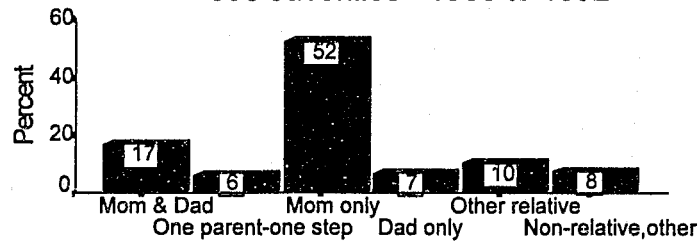
Fifty-two percent of the motioned juveniles are reported to be living with their mothers, another 7% list only living with their fathers (see Graph 10), totaling 59% of these youths living in a home with a single parent. Comparable Hennepin County census data from 1990 for the general population shows 51% of African American families are single head of households with children under 18, 30% of other minority families and 10% of white families.<sup>24</sup> Only 17% reported living with both their mother and father. Another 6% lives with one parent and one step-parent. A total of 92% of these juveniles lives with some type of relative with the remaining 8% living on their own, with friends, or in an institution.

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<sup>24</sup> 1990 Census of Population and Housing: Office of Planning and Development, Hennepin County.

## Living Situation of Motional Juveniles

330 Juveniles - 1986 to 1992



GRAPH 10

### A. PARENT CHARACTERISTICS

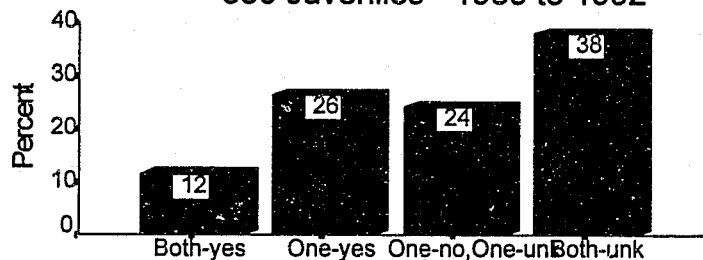
#### Employment Situation of Parents

Information on whether both parents were working was rare as Graph 11 demonstrates.

Only 12% of the juveniles' files had complete information on both parents. Another 26% had at least one parent working. Twenty-four percent of the youths had one parent who was not working while no information was available on the other parent. Finally, in 38% of the cases, we could not determine if either of the parents were working.

#### Employment Status of Parents Are Parents Working?

330 Juveniles - 1986 to 1992

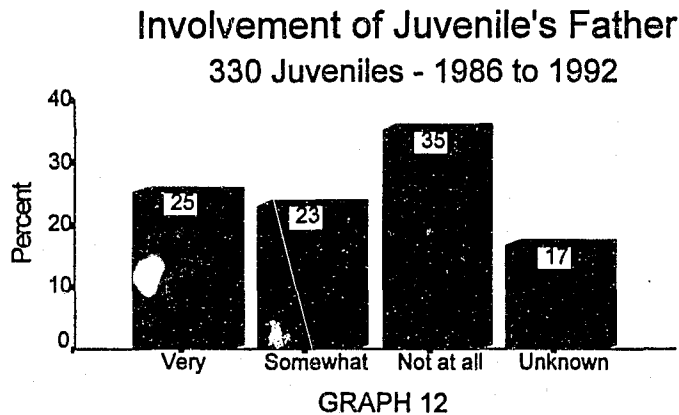


GRAPH 11

### **Involvement of the Father**

Since such a large percentage of the youths were living with their mothers only, we were interested in determining the extent of involvement of their fathers. Graph 12 shows that less than 50% of the juveniles have fathers even somewhat involved in their lives.

Thirty-five percent of the youths were reported to have no involvement with their fathers and for another 17% level of involvement could not be determined.



### **Family Criminality**

In 13% of the files, it was indicated that the juvenile's father had been in jail or in prison.

Six percent of the juveniles had mothers who had been involved in the criminal justice system.

## **B. FAMILY CHEMICAL DEPENDENCY**

### **Family Chemical Dependency Problems**

Forty-nine percent of the juveniles were considered to have problems with alcohol or drugs by a professional involved with their case (probation officer, psychologist, school official, etc.). Twenty-two percent of these motioned juveniles had prior chemical dependency evaluations that were non-delinquency related. Nearly one quarter of the youth's fathers were reported to have chemical dependency problems as well as 22% of their mothers. Table 1 displays this and other family history information. Please pay

close attention to the far right column designated as 'unknown.' The percentage missing information is quite high and reducing this lack of information on these juveniles could dramatically increase the percentages found in the 'yes' or 'no' categories.

**Table 1**

***Family Background Characteristics of Motioned Juveniles  
Prior to the Instant Offense  
Hennepin County, Minnesota  
Department of Community Corrections***

	YES	NO	UNKNOWN*
<b>Child's Victimization</b>			
Physical Abuse	22%	41%	37%
Sexual Abuse	7%	47%	46%
Neglect	17%	45%	38%
Child Protection Involved	14%	50%	36%
Prior Non-delinquent Out-of-Home Placements	22%	30%	48%
<b>Family Criminality</b>			
Mother's	6%	38%	56%
Father's	13%	18%	69%
<b>Family Chemical Dependency Problems</b>			
Juvenile's Prior to IO	49%	19%	32%
Juvenile's After IO	12%	14%	74%
Mother's	22%	26%	52%
Father's	24%	21%	55%
Prior Non-Delinquent C/D evaluations	22%	20%	58%
<b>Family Mental Health Problems</b>			
Juvenile's	23%	32%	45%
Mother's	6%	30%	64%
Father's	3%	27%	70%
Prior Non-Delinquent Psychological Evaluations	19%	30%	51%

Source: Hennepin County Juvenile Court files

\* Missing data were analyzed to determine if it was random or specific to a particular group of motioned juveniles. There were no differences by racial background or by reference decision (i.e., a similar percentage of referred and retained juveniles had a lack of family history information, as did whites, African Americans, and other minorities). However, a statistically significant difference was found across years included in this study. The four earliest years had more missing family information than the final three years ( $p < .001$ ).



## **C. FAMILY MENTAL HEALTH**

### **Family Mental Health Problems**

These indicators were checked 'yes' only if the coder found a professional assessment that the juvenile or the mother or father had mental health problems. Nearly one quarter of the youths in this study (23%) were designated as having mental health problems, 6% of their mothers and 3% of their fathers. A full 19% of the motioned juveniles had received a psychological evaluation prior to the Instant Offense that was not initiated as part of a delinquency hearing. This finding deserves further inspection in Hennepin County. Other studies have characterized the motioned population as being partially composed of children with mental illness problems who also have committed deviant acts and are therefore considered 'twice deviant'.<sup>25</sup> Champion and Mays contend that often the juvenile justice system is not equipped to handle both types of problems simultaneously and treats either the deviancy or the mental illness. Some areas solve this problem by transferring youths to the adult system where treatment services may be available.<sup>26</sup>

## **D. VICTIMIZATION OF THE MOTIONED JUVENILE**

### **Victimization of the Motioned Juveniles**

Physical abuse (usually by a parent or parent-figure) was reported by professionals for 22% of these youths. Seven percent were victimized sexually and 17% were considered to have experienced neglect by their parents or family. For 14% of these youths, the problems facing them had gone far enough to involve the Child Protection Agency.

### **Non-Delinquency Related Out-of-Home Placements**

The out-of-home placement section discussed above referred to court ordered placements. In addition, some of these juveniles (22%) had also been taken out of their home for such reasons as those just discussed, sexual or physical abuse or neglect. This type of out-of-home placement could also occur due to other issues in the home such as parent's chemical dependency problems

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<sup>25</sup> Champion, Dean J. and G. Larry Mays. 1991. *Transferring Juveniles to Criminal Courts: Trends and Implications for Criminal Justice*. Praeger: New York.

<sup>26</sup> Id.

or mental health problems. For those youths where complete information was available (only about 52% of the total), there was little association between the youths who were placed out of the home for non-delinquency reasons and those who had been placed for court ordered delinquency reasons ( $p = .331$ ). That is, of those juveniles with information on non-delinquent out-of-home placements there was no greater likelihood that more non-delinquent placements were associated with a higher number of delinquency related placements. In addition, there was a lack of relationship between a non-delinquency related placement and whether a juvenile was ultimately referred to adult court.

## **E. OVERVIEW OF VICTIMIZATION AND FAMILY HISTORY**

### **Open-ended Family or Social History Information**

In addition to the close-ended indicators discussed above, coders were trained to look for any other significant life event or occurrence that was prior to the Instant Offense. Since the background information for serious juvenile offenders facing adult referral was not standardized, we took extra care in documenting any other event that seemed to give us a picture of the life of these juveniles. Over 450 different statements were written about these 330 juveniles.<sup>27</sup> These 450 comments were categorized into 36 different subheadings. For example, all comments regarding children being abandoned in some manner were listed under the heading Absent Parents. These 36 subheadings were further reduced to three major categories: 1) things done to the juvenile, 2) problems in the juvenile's home or life, and 3) problems exhibited in the juvenile's behavior.

Some of the categories found in the open-ended information were duplications of the closed-ended questions. This occurred when a coder felt the need to explain particular details of a 'yes' response in the closed-ended section. When the closed-ended question did not provide a mechanism to detail a particular event or piece of information in this research, the open-ended format worked well. For example, if the child was not living with their parents but was at some

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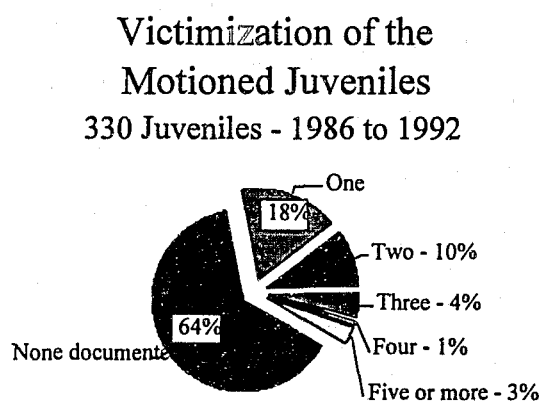
<sup>27</sup> Most of these were unique statements about a particular juvenile, but about 1/3 of these statements were used to describe more than one of the youths.

other relative's home prior to the Instant Offense and that relative was documented as having chemical dependency problems, it was noted here.

One of the main purposes of collecting this information was to complete a picture of the life these juveniles faced prior to committing their Instant Offense. The closed-ended indicators held part of the answer but did not tell us how many of these youths faced more than one problem and how many faced problems that we did not initially anticipate. With that in mind, we put the closed-ended questions together with the open-ended responses (after removing all duplicate information). Graphs 13 through 15 give a picture of all of these categories separated into the three topics referred to above.

### **Victimization of the Motioned Juvenile**

Graph 13 indicates the things done to the juvenile, entitled Victimization of the Motioned Juvenile. This graph includes instances of sexual abuse, physical abuse, neglect, verbal or emotional abuse and dependency issues documented in court files. Thirty-six percent of these juveniles have had at least one of these types of victimization. The 64% of the youths listed as 'none documented' are not necessarily free from abuse in their background, but rather, no abuse was documented. Appendix B includes a sample of the open-ended responses that were documented by the coders.



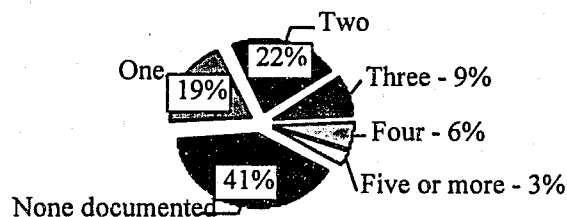
Graph 13

### Problems Exhibited in the Motioned Juvenile's Home

Problems in the juvenile's home are displayed in Graph 14. Nearly 60% of these juveniles were reported to have at least one problem in their home or life. The type of items included in this category are traumatic losses (e.g., little sister was run over by a bus while he was baby-sitting her, respondent present when uncle was shot and killed, etc.), traumatic events (e.g., dad left him to drown in lake and he was saved by a witness, father kidnapped child from mom -- threatened with a gun, etc.), absent parents (e.g., mother abandoned him, mom left when he was 6 didn't return until he was 13, been taking care of himself since he was 12), non-responsible parenting (e.g., mom pimped her two daughters, father supplied drugs and alcohol, at 11 found home alone in apartment with no heat or food-kids huddled together under blanket), spousal abuse in home, economic problems, unstable residence-moving a lot, lives with other family members, custody disputes, family mental health problems, family criminality, family drug or alcohol problems, family mental health problems, sex abuse in family (juvenile not the victim), organic problems (e.g., fetal alcohol syndrome, high levels of mercury or lead).

One final note on this subject, the coders often were traumatized by the information found in these juvenile's files. This was partially because of the crimes these youths committed but not wholly. Often it was related to the things that were done to these juveniles by their parents or other family members.

### Problems in the Motioned Juvenile's Home or Life 330 Juveniles - 1986 to 1992

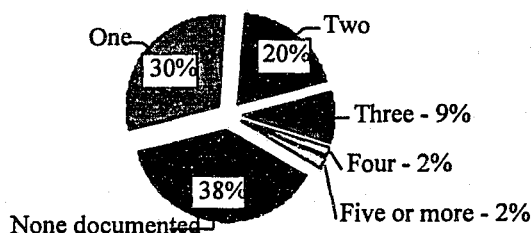


Graph 14

### Problems Exhibited in the Juvenile

Finally, Graph 15 displays the number of problems exhibited in the juvenile or his/her behavior. These types of problems included the juvenile's drug and alcohol use, violent or aggressive behavior (particularly with authority figures), mental health problems, physical anomalies -- including health, weight and skin problems, severe interpersonal problems with parents or siblings, school problems, sexual predator or sexually inappropriate behavior, racial identity problems, chronic running or escape, or mental capacity issues. Sixty-three percent of the juveniles had at least one documented issue of those listed above. Of these, 30% had one problem, another 20% had at least two documented problems, and the remaining 13% had three or more of the listed problems. Appendix B includes samples of the problems that plagued these juveniles.

Problems Exhibited in the  
Juvenile's Behavior  
330 Juveniles - 1986 to 1992



Graph 15

Both the things done to the juvenile and the problems in the juvenile's life or home are significant indicators in explaining the resulting problems that were exhibited in the juvenile ( $p < .0001$ ). One further reminder, these items only refer to what is documented in the court files. These files are maintained to provide court related information only, so there is a strong likelihood that other types of files, say, probation files may have included more individual and family history information.



#### ***IV. INSTANT OFFENSE CHARGES***

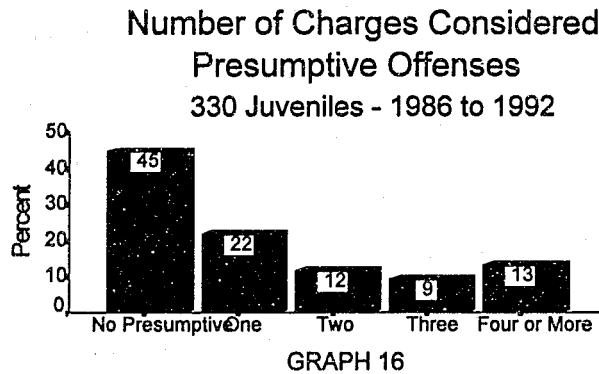
The Instant Offense will be defined and discussed in much the same way as prior adjudications. In addition, however, an explanation is in order to define what is and is not included in the term Instant Offense. The typical situation involved a juvenile who had a reference motion filed on a single behavioral incident that may have included more than one charge. No other outstanding offenses were unresolved for this typical scenario, so that when the juvenile made a first appearance, the only issue before the court was that of the Instant Offense. Eighty-five percent of the juveniles were in this situation.

However, for 15% of the youths, multiple motions were filed at the same time, or were handled at the same time, or, a single motion was filed but outstanding offenses were pending with the court and final dispositions included handling all of these offenses jointly. Because of these atypical scenarios, we defined the Instant Offense to include all offenses with: 1) identical adjudication dates as the offense listed on the reference motion (the delinquency decisions occurred together), or 2) all reference motion decisions occurring on the same date as the first reference motion decision (separate reference motions were handled together at the same time). This definition allowed us to capture the full account of decisions that, for 15% of the cases, often were pled down to offenses not listed on the first reference motion filed with the court.

##### **A. TYPE OF CHARGES THAT RESULTED IN A REFERENCE MOTION**

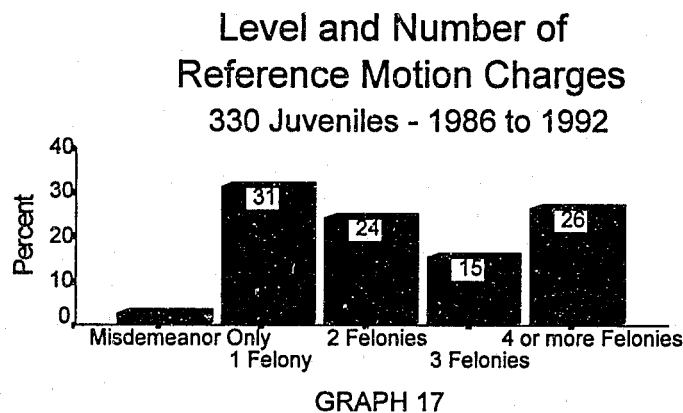
###### **Presumptive versus Non-presumptive Charges on the Instant Offense**

Over half (55%) of the juveniles who faced the possibility of transfer to adult court were charged with offenses that would result in prison commitments if they were convicted in criminal court (i.e., presumptive commit offenses). Nearly a quarter of these juveniles (22%) came to court with only one presumptive charge, the remaining 33% were charged with two or more presumptive charges (the range was from 1 to 31 charges). Graph 16 shows this distribution.



### **Level and Number of Felony Charges on the Instant Offense**

Nearly all of the juveniles who had reference motions filed were charged with felonies, but a few were charged with misdemeanor offenses (these were all prior to 1991). Graph 17 depicts the distribution of felony charges that resulted in reference motions. Over one quarter (26%) of the juveniles were charged with 4 or more felonies and almost one third (31%) were charged with only one felony.

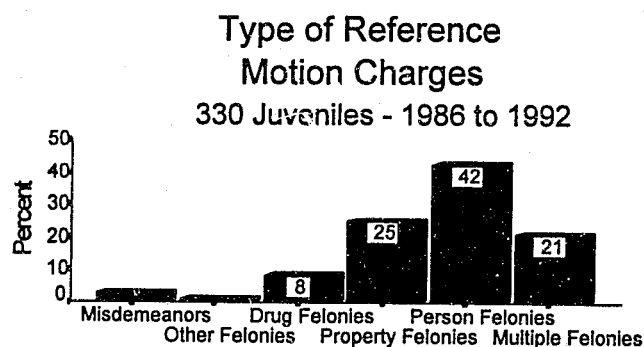


### **Type of Felony Charges**

Person felonies were the most common type of felony charge against these juveniles. Nearly two thirds of the charges included at least one person felony (this includes both the 'multiple felony' and 'person felony' category). Another one quarter (24.8%) were charged with property felonies and 8% were charged with drug felonies. Graph 18 shows this final typology of offenses. This distribution is quite different from the prior type of adjudications shown in Graph 7. The vast



majority of the felony activity in the past was property felonies as opposed to the preponderance of person felonies on the Instant Offense.



GRAPH 18

Table 2 shows the combination of the level and type of Instant Offense crime. Of those juveniles who came in on one felony charge, 47% were person felonies, 34% were property felonies, 18% were drug felonies and the last two percent were some other type of felony charge.

Table 2

*Type of Instant Offense Charges\* By  
Level and Number of Instant Offense Charges\*\**

*Hennepin County, Minnesota  
Department of Community Corrections*

TYPE OF INSTANT OFFENSE (down)	LEVEL AND NUMBER OF INSTANT OFFENSE (across)					TOTAL
	Misd Only	1 Felony	2 Felonies	3 Felonies	4+ Felonies	
Misdemeanors	9 100%					9 3%
Other Felony		2 67%	1 33%			3 1%
Drug Felony		18 67%	7 26%		2 7%	27 8%
Property Felony		35 43%	20 24%	11 13%	16 20%	82 25%
Person Felony		48 34%	33 24%	22 16%	37 26%	140 42%
Multiple Felonies			19 28%	18 26%	32 46%	69 21%
TOTAL	9 3%	103 31%	80 24%	51 16%	87 26%	330

Source: Hennepin County Juvenile Court files

\* Juveniles are categorized into the most extreme category that fits the charges for their Instant Offense. A juvenile with a Property Felony and multiple misdemeanor charges would be placed in the Property Felony category. Multiple Felonies includes at least one Person Felony AND other type of felonies as well (Property, Drug or Other). The Misdemeanors category is Gross Misdemeanors and Misdemeanors.

\*\* Juveniles are categorized into the most extreme category that fits the charges for their Instant Offense. A juvenile with 2 Felony charges and multiple misdemeanor charges would be placed in the 2 Felony charges category.

## **B. CHANGES IN INSTANT OFFENSE CHARGES OVER TIME**

### **Presumptive versus Non-presumptive**

There were significant increases across the 7 year period on charges for presumptive offenses ( $p=.02$ ). In the earlier years (1986 through 1990) about 50% of the juveniles who were motioned were charged with an offense that could be defined as presumptive. In 1991 and 1992, this percentage jumped to 73% and 74% respectively. This change is a result of a policy decision of the County Attorney's Office to concentrate motions to *prima facie* cases and corresponds to a decrease in the total number of first motions filed in the later years.

### **Number of Felonies**

There were no significant differences between years on the number of felony charges brought against the juveniles in this study.

### **Type of Felonies**

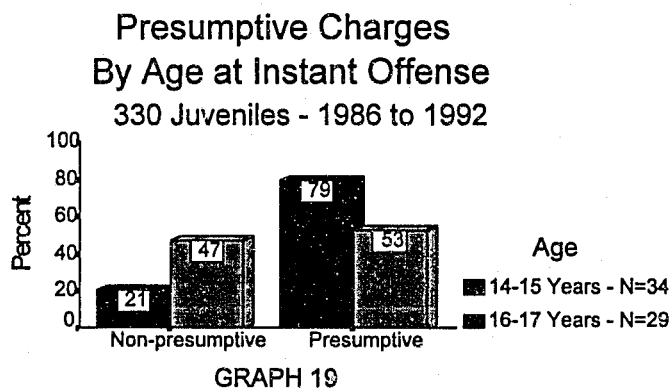
Over the seven years of the study, person felonies continued to be the most typical type of felony charge for which a reference motion was filed. Reference motions were filed for person felonies on 60% of the juveniles in 1986 and this percentage moved up to 80% in 1992 (not a statistically significant difference,  $p=.103$ ). Property felonies accounted for about 25% to 30% of the motions throughout the earlier years, but in 1991 and 1992, only 8% and 11% of the reference motions were filed for property felony crimes. This is a statistically significant decrease in motions filed for property charges ( $p = .005$ ) and is related to the concentration of *prima facie* motions discussed above.

## **C. TYPE OF CHARGED INSTANT OFFENSES BY CHARACTERISTICS OF JUVENILES**

### **Age**

The earlier discussion of age provided an overview of youths motioned for the first time. This section looks at the relationship of age to type of offense charged. Only thirty-four 14-15 years

old had motions for reference filed, but nearly 80% of these youths were charged with presumptive offenses. In comparison, 53% of the 16-17 year old had presumptive charges as shown in Graph 19. It is not that younger kids are being motioned for offenses that older kids are not, rather, older kids are being motioned for less serious offenses due to their criminal history in addition to being motioned for serious offenses.



#### **Prior Parole**

Only 36% of the juveniles had been on parole prior to the first reference motion being filed. In Hennepin County, being on juvenile parole means having a previous disposition to the Commissioner of Corrections and spending time at Red Wing or Sauk Center. Of those who had been on parole previously, 39% committed presumptive offenses for which reference motions were filed and 61% committed non-presumptive offenses.

#### **Prior Probation**

Close to three quarters (74%) of the motioned juveniles had been on probation prior to committing the Instant Offense. Of these, slightly more than half (52%) committed presumptive offenses, while the other 48% were motioned on non-presumptive offenses.

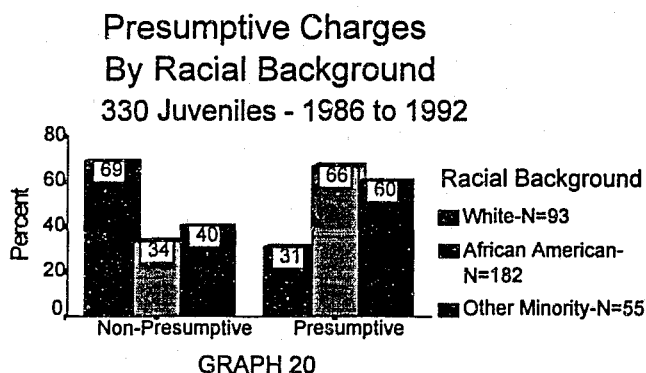
Thirty-five percent of the juveniles in this study had previously been on both probation and parole through Hennepin County.

## Gender

Only 12 females were motioned for adult reference between 1986 and 1992. Eight were motioned for non-presumptive offenses and the other four for presumptive offenses. The vast majority of the juveniles motioned are male, 55% on presumptive charges and 44% on non-presumptive charges.

## Racial Background

Nearly 70% of the whites were charged with a non-presumptive instant offense, compared with 33% of the African American and 40% of the other minority juveniles. Graph 20 shows the percentage of juveniles with a presumptive charge on the Instant Offense by racial grouping. The other side of this coin shows African Americans and other minority juveniles more likely to have motions filed on crimes defined as presumptive. Sixty-six percent of the African Americans and 60% of the other minority members were charged with presumptive offenses while only 31% of the white juveniles were charged with this level of crime. This relationship is statistically significant ( $p < .0001$ ).



There was no meaningful difference between the racial groups on the level and number of felony charges brought against them. Twenty-four percent of the whites, 26% of the African Americans, and 31% of the other minority were charged with 4 or more felony offenses.

In terms of the type of charges, a higher percentage of whites were charged with property offenses (44%) when compared to African Americans (13%) and other minorities (32%). If the

person felony category and the multiple felony category are combined, accounting for total person felony charges, 75% of the African Americans were motioned for adult reference based on person felony charges compared with 62% of the other minority, and 43% of the whites. The difference between these groups on the mean number of person felony charges filed against them was statistically significant ( $p = .004$ ).

#### **D. OTHER INSTANT OFFENSE CHARACTERISTICS**

##### **Weapon Use**

Half of the motioned juveniles used a weapon in the commission of their alleged Instant Offense (49.2%). Seventeen percent used a weapon to threaten their victim, 21% injured their victim, and 11% killed their victim. There was a significant relationship between having a weapon and being referred to adult court ( $p=.01$ ), although the level of use (whether it was to threaten, injure, or kill) was not clearly related to the reference decision ( $p=.09$ ). It seems the more important factor is if a weapon was involved in the commission of the Instant Offense rather than the extent of the use of the weapon.

Firearms were more likely than any other type of weapon, the choice of 46% of those who used a weapon. The next most likely weapon was a knife (22%), 15% used some type of blunt instrument, and 17% utilized some other type of weapon (such as a chain, etc.) or the weapon was not identified.

##### **Codefendants**

Forty-one percent of these juveniles were accompanied by at least one codefendant in the commission of their alleged offense and 16% were accompanied by an adult codefendant.

##### **Victim Information**

Sixty-one percent of these youths had at least one victim. The range in the number of victims was from one to 15. Only 45% of the primary victim's ages were noted in the files. Of those

with age information, the average victim age was 25 and the median age was 20 years old. The ages ranged from 2 years old to 81 years old. Similarly, only 44% of the primary victims were identified by their racial background. Of those that had race information, 42% were white, 37% were African American, 12% were Native American, 3% were of Hispanic background, and 6% were Asian. Gender information was available on 78% of the primary victims. Sixty-four percent of those victims with gender information were males and 36% were females.

The relationship of the victim to the offender was available for all primary victims. Sixty-four percent of the victims were considered strangers, while 28% were some type of acquaintance or friend. Four percent of the victims were family members and an additional 4% were some type of authority figure, either a peace officer or a staff member at a correctional facility.

The extent of the injury to the primary victim was available in 78% of the cases. Of these, 24% were killed and 43% were classified as receiving extreme injury that included being shot, stabbed, beaten severely, and sexually assaulted. Eighteen percent of the victims were listed as injured or slightly injured and 23% were listed as no injury, just threatened or scared.





## V. REFERENCE DECISION INFORMATION

### A. NUMBER OF JUVENILES MOTIONED AND REFERRED BY YEAR

Table 3 displays the number of first motions across each of the study years. The final row provides the percentage of juveniles who have been referred to adult court or certified for each year. The overall rate of referral for all seven years is 65%. With the exception of 1988 (which had a high volume of first motions), the earlier years (1986 through 1990) show a relatively stable certification rate of 70% or above. The years of 1991 and 1992 have slightly lower rates of referring youths to adult court. Two different reasons exist for the drop in these later years. First, the presiding juvenile court judge changed (the judge had been the same from 1986 to 1990).<sup>28</sup> Second, the County Attorney's Office changed its policy concerning the type of cases for which it would file reference motions. During all of the study's years, the burden of proof that the juvenile was, 1) unamenable to treatment, 2) a public safety risk, or 3) that the crime or the offender fit the legal definition of *prima facie*, rested with the prosecutor and thus these cases took a great deal of time. The County Attorney's Office decided to concentrate on bringing reference motions on the most serious cases, that is, *prima facie* cases. Indeed, the percentage of cases that fit the criteria for *prima facie* went from close to zero in 1986 to 54% in 1992.<sup>29</sup>

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<sup>28</sup> The presiding judge generally handles the reference cases since they can be the most complex. See Table 8 for further information on certification rates by particular judges.

<sup>29</sup> See Table 13 and Table 14 for further information on the basis for the motions.

**Table 3**

***Number of First Motions and Motion Outcomes by  
Year the Juvenile was First Motioned\****

*Hennepin County, Minnesota  
Department of Community Corrections*

	1986	1987	1988	1989	1990	1991	1992	Total
<b>First Motions Filed</b>	53	41	61	46	54	40	35	330
<b># Juvenile Decisions</b>	16	9	26	14	15	22	13	115
<b>Percent Juvenile</b>	30%	22%	43%	30%	28%	55%	37%	35%
<b># Adult Decisions</b>	37	32	35	32	39	18	22	215
<b>Percent Adult</b>	70%	78%	57%	70%	72%	45%	63%	65%

Source: Hennepin County Juvenile Court files

**First Motions :** This represents the number of juveniles who had a motion for adult reference filed for the first time. Each juvenile appears only once in this table. In other words, if a juvenile had more than one motion filed, it would be recorded once, in the earliest year.

\*  $p = .03$  The difference between years is statistically significant.

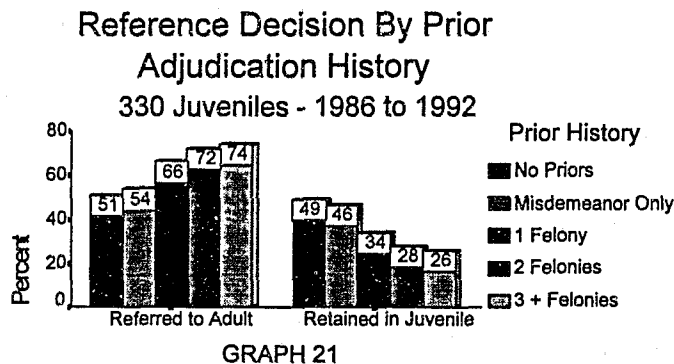
## **B. THE REFERENCE DECISION BY ADJUDICATION HISTORY**

### **Presumptive versus Non-Presumptive History**

Few youths had been adjudicated on a presumptive offense prior to the Instant Offense, as was mentioned earlier, and there were no significant differences with regard to the decision to certify or not certify a youth based on this criterion. Sixty-five percent of those with no history of presumptive offenses were certified to adult court compared to 69% of those with a presumptive background.

## Level and Number of Adjudication History

There is a significant and linear relationship between the number of past felony adjudications and whether a juvenile is certified in Hennepin County ( $p < .001$ ). For those with no prior adjudication history, 51% were referred to adult court as Graph 21 displays. For those with only a misdemeanor background, 54% were referred. Once a juvenile had at least one felony adjudication, 66% were certified to stand trial as an adult. A multiple felony adjudication history resulted in nearly three-quarters of the juveniles being referred to District Court (72% for 2 felonies, and 74% for 3 or more felonies).



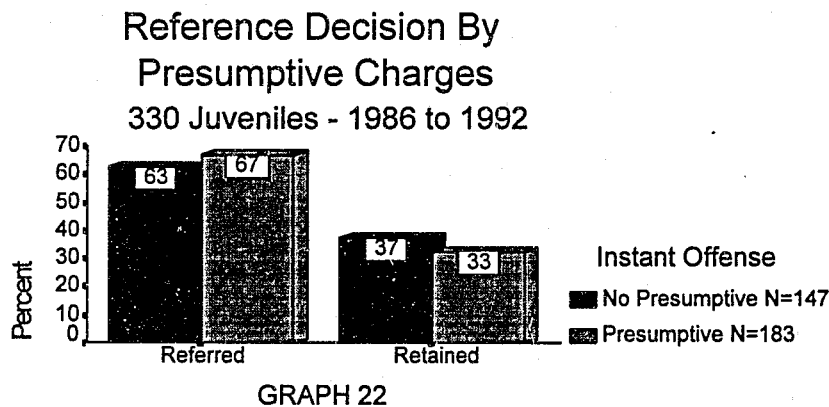
## Type of Adjudication History

For two of the categories in this indicator, we gain no new information on these juveniles, that is, 'no priors' and 'misdemeanor only'. Two more of the categories, 'other felony' and drug felony' include a very small number of the juveniles. The remaining three categories comprise 63% of this population and are juveniles with a history of 'property felonies only', 'person felonies only', or 'multiple felonies'. Nearly three-quarters of those with a history of property offenses are certified (74%), 59% of those with only person felonies in their background are referred to adult court, and 71% of those with both person felonies and other type of felonies as well are transferred to the criminal division.

### C. THE REFERENCE DECISION BY INSTANT OFFENSE CHARGES

#### Presumptive versus Non-Presumptive Instant Offense Charges

Forty-three percent of those juveniles who are alleged to have committed non-presumptive offenses were certified to stand trial as an adult compared with 48% who were retained in the juvenile system. Fifty-seven percent of the juveniles who were charged with presumptive offenses were referred to the adult system compared with 52% of those who were retained (see Graph 22). These differences were not statistically significant. This surprising finding is discussed in detail in Chapter XII Overview of the Motioned Juveniles, in Section E Examination of Motioned Offenders By a Combination of History and Instant Offense Severity.

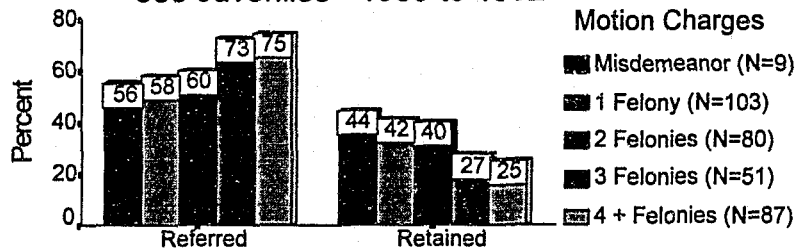


#### Level and Number of Instant Offense Charges

Fifty-six percent of those juveniles who were charged with misdemeanors only were ultimately referred to adult court compared with 58% of those who had only one felony, 60% of those with 2 felony charges, 73% of those with 3 felony charges and 75% of those with 4 or more felony charges. Graph 23 shows the relationship between the level of charges that result in reference motions by the reference decision. The differences shown in this graph are statistically significant ( $p=.007$ ), that is, the greater the number of felony charges the more likely the youth will be certified to stand trial in an adult court.

## Reference Decision By Level and Number of Charges

330 Juveniles - 1986 to 1992



GRAPH 23

### Type of Instant Offense Charges

The final typology used to categorize the charges specifies the type of offense. Seventy percent of the juveniles who were charged with only person felonies were referred to adult court, compared with 66% of juveniles who came in on property offenses. Sixty-six percent of those juveniles who had some combination of person felony and other type of felonies were referred to adult court as well. Forty percent of those charged with drug felonies were certified and one third of juveniles who were charged with some other type of felony were referred to adult court. Of the nine offenders who were motioned for misdemeanor level offenses, 5 (56%) were certified.

## D. THE REFERENCE DECISION AND OTHER ATTRIBUTES

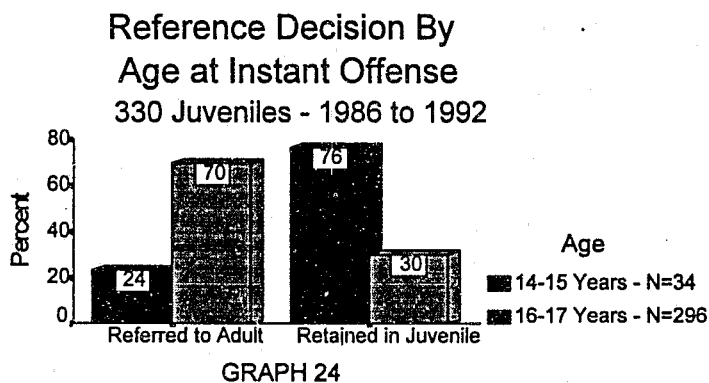
### Prior Probation and Parole

Juveniles who had previously been committed to the Commissioner of Corrections were significantly more likely to be referred to adult court than those who had never been on juvenile parole. Eighty-one percent of the those who had previously been on parole when the instant offense occurred were certified compared with 56% of those who had never been committed to

Red Wing or Sauk Center who were certified. This is a statistically significant relationship ( $p < .001$ ) that maintains significance when prior history is controlled as well. The relationship between probation and certification is not significant, 68% of the probationers who were motioned were certified compared with 58% of the those who had never been on probation prior to the Instant Offense.

### Age at the time of the Instant Offense

The age of the juvenile when the Instant Offense was allegedly committed was significantly related to the decision to refer or retain the juvenile. Twenty-four percent of the juveniles who are 14-15 years old when they commit the instant offense end up being referred to adult court compared to 70% of the youths who are 16 or 17 when they are charged with the instant offense. This relationship is statistically significant ( $p < .001$ ) and is depicted in Graph 24.

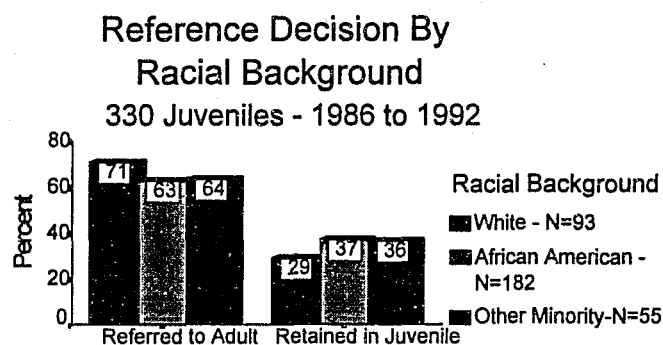


In addition, when age at Instant Offense is broken down into finer categories, the picture is even clearer. Only 10% of the juveniles who were 14 years old were referred to adult court, compared with 29% of those that were 15, 61% of those who were 16, and 74% of those who were 17.

### Racial Background

Seventy-one percent of whites who are motioned for referral to adult court end up being referred compared to 63% of the African Americans and 64% of the other minorities. Graph 25 shows

this comparison. This difference, of whites having a slightly higher likelihood of being certified is not statistically significant ( $p=.378$ ).



GRAPH 25

### Age of first court involvement

For older juveniles (16-17 years old), the earlier the first experience with juvenile court, the more likely they will be certified. Two separate indicators are available in this study, age at first court appearance, which does not necessarily have to be a delinquency appearance; and age at first delinquency finding. Both variables were significantly related to the reference decision but only for older juveniles ( $p<.05$  for both relationships).

### E. COMBINING AGE AT INSTANT OFFENSE AND ADJUDICATION HISTORY

Nearly half of the juveniles who are 14 or 15 years old at the point of the Instant Offense have either no prior adjudication history or a misdemeanor only background (47% together), compared to 30% of the 16-17 years old offenders. At the other end of the continuum, 53% of the younger offenders have felony backgrounds compared with 70% of the older juveniles.

Table 4a shows this distribution.

**Table 4a*****Adjudication History by Age at Instant Offense  
(Number and Percent of Juveniles)***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared by: Office of Research and Systems Technology

<b>ADJUDICATION HISTORY</b>	<b>14-15 Years Old</b>	<b>16-17 Years Old</b>	<b>ROW TOTAL</b>
<b>No Priors</b>	8 23.5%	43 14.5%	51 15.5%
<b>Misdemeanor Only</b>	8 23.5%	46 15.5%	54 16.4%
<b>One Felony</b>	4 11.8%	67 22.6%	71 21.5%
<b>Two Felonies</b>	7 20.6%	58 19.6%	65 19.7%
<b>Three or More Felonies</b>	7 20.6%	82 27.7%	89 27.0%
<b>COLUMN TOTAL</b>	<b>34</b>	<b>296</b>	<b>330</b>

Source: Hennepin County Juvenile Court files

As demonstrated earlier in this section, delinquency history was significantly related to the reference decision. Those juveniles who had more felony adjudications in their past had a higher likelihood of entering the adult court system. However, this relationship is valid only for the older juveniles ( $p < .000$ ), it was not the case for the younger offenders ( $p = .733$ ). Less than a quarter of the young offenders were referred and those that were referred were evenly distributed in the categories defining prior delinquency (see Table 4b). The point at which delinquency history seems to swing the reference decision direction in favor of referring juveniles to adult court is when there are at least two prior felony adjudications. Again, this is true only for juveniles who are 16-17 years old at the time the Instant Offense occurs.



**Table 4b**

***Adjudication History by Age at Instant Offense and Reference Decision  
(Number and Percent of Juveniles)***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

ADJUDICATION HISTORY	14-15 Yr Referred	14-15 Yr. Retained	16-17 Yr. Referred	16-17 Yr. Retained	ROW TOTAL
No Priors	2 25.0%	6 23.1%	24 11.6%	19 21.3%	51 15.5%
Misdemeanor Only	2 25.0%	6 23.1%	27 13.0%	19 21.3%	54 16.4
One Felony	1 12.5%	3 11.5%	46 22.2%	21 23.6%	71 21.5
Two Felonies	2 25.0%	5 19.2%	45 21.7%	13 14.6%	65 19.7
Three or More Felonies	1 12.5%	6 23.1%	65 31.4%	17 19.1%	89 27.0
COLUMN TOTAL	8 23.5%	26 76.5%	207 69.9%	89 30.1%	330

Source: Hennepin County Juvenile Court files

**F. COMBINING ADJUDICATION HISTORY AND INSTANT OFFENSE CHARGES**

**Presumptive versus Non-presumptive**

Remember from above, no relationship existed between being charged with a presumptive offense and the decision to certify a youth. In other words, there was no greater likelihood of being certified if a youth committed a technically more serious offense, a surprising finding. However, when past adjudication history is also taken into account as well as the severity of the Instant Offense, a pattern that is not so surprising becomes clear.<sup>30</sup> When this group of juveniles is separated into presumptive and non-presumptive Instant Offense charges, and that dichotomy is combined with their past adjudication history (separated into two groups: large history = two or more felonies prior to the Instant Offense, and little history = one felony, misdemeanor only or no priors) an interesting finding emerges with regard to the certification decision.

<sup>30</sup> In addition, the age of the juvenile at the point of the alleged offense is a critical factor. Refer to the Multivariate section below.

Table 5 shows the adult referral percentage for this breakdown that combines severity of Instant Offense with extent of prior history. Seventy-five percent of the juveniles who are charged with a presumptive Instant Offense and who have a large history of past adjudications were referred to adult court compared to 63% with a small adjudication history. For those charged with a non-presumptive offense, the certification rate was 72% for those with a large adjudication history compared to 46% for those with a smaller history of adjudications.

The largest single group of individuals were those who had been charged with a presumptive offense and who had a small adjudication history (36%) and the next largest group were youths with a non-presumptive offense and a significant delinquency background (28%). The two extreme categories, presumptive charges and large history accounted for 19% of the motioned juveniles and the remaining 16% were juveniles charged with non-presumptive offenses and a smaller adjudication history.

**Table 5**

***Percent Referral For Different Combinations Of Instant Offense And Adjudication History***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

Combined Instant Offense Charges And Adjudication History	Number of Cases Percent	Percent Referred to Adult Court
Presumptive Charges and Large History	61 19%	75%
Presumptive Charges and Little History	122 37%	63%
Non-Presumptive Charges and Large History	93 28%	72%
Non-Presumptive Charges and Little History	54 16%	46%

The number of cases in the category 'presumptive charges and little history', affects the result for the entire presumptive category by pulling down the average while the number of cases in the 'non-presumptive and large history' has the effect of bringing up the average for the non-presumptive category as a whole. Clearly, adjudication history is more important than seriousness of the Instant Offense charges.

### **Level and Number of Past Adjudications and Level and Number of Instant Offense Charges**

As delinquency history becomes more serious (e.g., higher number of felony adjudications), less serious Instant Offense charges are necessary to be motioned for adult reference. Looking at it a different way, in order for a reference motion to be filed for juveniles who have a minor delinquency history it is necessary that they be charged with a serious Instant Offense.

Technically, that has been the rationale that has been used to file motions for adult reference in Hennepin County.

The juveniles with both a high number of felony adjudications in their past and a high number of felony charges on the Instant Offense have the highest likelihood of being referred as Table 6b will demonstrate. If each juvenile was to be placed in one of the 25 cells in Table 6a (in accordance with their past history and current charges), a glimpse of the relationship between number and level of past adjudications and number of felony charges on the Instant Offense should become clear. Table 6a attempts to provide the framework for ranking the youths in this study according to a continuum from Most Serious Offender (#8) to Least Serious Offender (#1), based on a combination of the number past felony adjudications and the number of current felony charges. This typology does not include any information concerning the type of crimes (person, property, etc.), or whether or not they would be considered presumptive. This continuum is solely a look at the level and number of offenses.

**Table 6a**

***Combining and Ranking Instant Offense and Adjudication History:  
Number and Level of Offenses - (8 = Most Serious, 1 = Least Serious)  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

<b>INSTANT OFFENSE (Down)</b>	<b>HISTORY (Across)</b>				
	<b>No Priors</b>	<b>Misdemeanor</b>	<b>1 Felony</b>	<b>2 Felonies</b>	<b>3+ Felonies</b>
<b>Misdemeanor</b>	Score of 1*	Score of 1	Score of 2	Score of 3	Score of 4
<b>1 Felony</b>	Score of 1	Score of 2	Score of 3	Score of 4	Score of 5
<b>2 Felonies</b>	Score of 2	Score of 3	Score of 4	Score of 5	Score of 6
<b>3 Felonies</b>	Score of 3	Score of 4	Score of 5	Score of 6	Score of 7
<b>4 + Felonies</b>	Score of 4	Score of 5	Score of 6	Score of 7	Score of 8

Source: Hennepin County Juvenile Court files

\*Only one person had no priors and a motion for adult reference was filed on misdemeanor charges (gross misdemeanor drinking and driving, and causing an accident). He was scored with the lowest group for this section, instead of having a single person in the zero category.

Table 6b shows the distribution of these 330 juveniles. The majority of the juveniles are between a combined score of 3 and 6 with the largest category being a score of 5. The percentages express the proportion of each score on the continuum that were referred or retained. For example, 95% of those juveniles with the highest combined score (Most Serious Offender) of past delinquency and current charges were referred compared to only 31% of those in the lowest category (Least Serious Offender).

**Table 6b**

***Percent of Each Level of Seriousness Referred Or Retained  
(Combining Instant Offense Charges and Adjudication History)  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

COMBINED SCORE	ROW PERCENT REFERRED	ROW PERCENT RETAINED	TOTAL NUMBER OF JUVENILES
1 (Least Serious)	31.3	68.8	16
2	48.1	51.9	27
3	60.9	39.1	46
4	57.1	42.9	56
5	71.1	28.9	90
6	67.3	32.7	55
7	85.0	15.0	20
8 (Most Serious)	95.0	5.0	20

Source: Hennepin County Juvenile Court files

**Type of Past Adjudications and Type of Charges on Instant Offense**

A large group (49%) of juveniles who had no prior adjudication history had motions filed on charges that were exclusively person felonies. Another large group (20%) of those with no priors were motioned on 'multiple felonies' (which includes person felonies and other types of felonies). A third significant portion (18%) of those juveniles with non-existent delinquency histories had motions for adult reference filed due to drug felony charges. The last substantial proportion (10%) of the 'no priors' group of youths were motioned on property felonies.

A similar trend occurred for those juveniles categorized with past misdemeanor adjudications as their most serious history. The only difference is a higher percentage of misdemeanant juveniles were motioned for property felony charges (13%) compared to drug felony charges (9%). The

percentage of youths with a misdemeanor delinquency history motioned on person felonies was 46% and those facing reference on 'multiple felony' charges were 26%.

Clearly, juveniles with no priors or only a misdemeanor background are most often motioned for adult reference on charges that include a person felony. Those juveniles with a property felony background present a different picture. Forty-three percent of past adjudicated property felons were motioned on additional property felony charges. Another third (32%), were facing the possibility of adult court based on person felony charges and 21% were motioned on multiple felony charges.

Fifty-two percent of those juveniles with only person felonies in their background were motioned on additional person felonies. Another 31% of this group were motioned on multiple felonies. Combining these two categories (since they both represent person felony charges) results in a full 82% of those juveniles who have strictly a person felony background being charged with another person felony.<sup>31</sup> A very small percentage of these youths were motioned for drug felonies (1 juvenile) and property felonies (2 juveniles).

The juveniles whose history includes both person and other type of felonies (multiple felony history) had more diverse Instant Offense charges than the juveniles described in the paragraph above (only person felony backgrounds). Thirteen percent were motioned on drug felonies and another 29% were motioned on property felony offenses. The bulk of these youths (43%) were motioned on person felonies with another 14% being charged with multiple felonies (including at least one person felony charge).

These results indicate that a juvenile's type of history is related to the type of charge(s) she or he faced on the certification motion. The results are statistically significant ( $p < .001$ ). Juveniles who have a history of person felony adjudications have a higher likelihood of committing

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<sup>31</sup> There are 29 juveniles with a strict person felony adjudication history and 24 (82%) of them were charged with another person felony.

another person felony than those juveniles with only a property felony background. This type of 'specialization' is not as prevalent for the past property felons or for those youths with a mixture of person and property felony backgrounds as it is for those with strictly person felony adjudications.

About 70-80% of the juveniles who have some type of person felony background and who were motioned on another type of person felony were certified to stand trial in adult court on the Instant Offense charges. However, only about 40-50% of the juveniles who had no priors or a misdemeanor only prior delinquency history but who were charged with some type of person felony on the Instant Offense were certified to stand trial as adults.

Seventy percent of those who had a property felony background and who were motioned for property felony charges were certified, whereas about 80% of those juveniles with a property felony background but whose current charges included a person felony were certified to stand trial as adults.





## **VI. COURT PROCESS**

This section will include information on the juvenile court process as it relates to the adult reference procedure. It will show how reference decisions differed by presiding Juvenile Court Judge, the average length of time needed for the reference process, and other issues related to the procedures set in place to handle this final juvenile court decision.

### **A. IMPACT OF THE JUDGE**

#### **Reference Decision Differences by Juvenile Court Judges**

Table 7 lists the names of judges who have heard 85% of all the first reference motions and the years of their tenure. The first row of this table presents the number and percentage of cases handled for each judge. Judges now follow a rotating 3 year schedule that will most likely allow each judge approximately 35 to 50 first motions to handle.<sup>32</sup> This table indicates the percentage of cases, under each judge, that were referred to adult court (the last row) or retained in juvenile court (the third row). Judge Oleisky referred 75% of the youths who came before him for a first reference motion to adult court, compared to a referral rate of 54% for Judge Bush.

Three caveats are necessary when reviewing this information. First, there is no correct rate of referring juveniles to adult court.<sup>33</sup> Factors affecting the rate go beyond the particular judge's predilection, such as, decisions by the County Attorney as to who should be motioned, plea negotiations involving the child's attorney, the current crime rate for young offenders, and placement opportunities, etc. As an example of this type of issue, only 46% of the cases handled by Judge Oleisky had a presumptive Instant Offense, compared to 74% of Judge Gomez's cases, 69% of Judge Nord's cases, and 77% of Judge Bush's cases. We already know that presumptive

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<sup>32</sup> During his last year in juvenile court (1993) Judge Bush handled another 23 motions that are not included here bringing his total cases to 49.

<sup>33</sup> In other cities the transfer rate ranges from 21% (Boston), 31% (Detroit), 41% (Newark) and 71% (Phoenix). See Fagan, Jeffrey. 1990. Social and Legal Policy Dimensions of Violent Juvenile Crime. *Criminal Justice and Behavior*, Vol.17, No. 1, (March) pp. 90-133.

offense cases often have younger offenders with less documented delinquency history and less treatment attempts, making the decision to send the offender to criminal court more difficult.

Second, the percentages of cases are quite small for Judge Gomez, Judge Nord, and particularly for Judge Bush. A few additional reference cases, all decided in the same direction, could drastically change a judge's referral rate. Please use caution in interpreting these results.

However, the point remains that there is a discrepancy in the rate of referral depending on which judge is presiding. For example, if only presumptive offense cases are reviewed, Judge Oleisky's referral rate remains at 76%, Judge Gomez referred 64% of the presumptive offenses before her, Judge Nord referred 79% of her presumptive cases, while Judge Bush's rate of referral for presumptive offense cases was 55%.

Third, in addition to the referral rate, the sentencing decision can create a very different picture of each judge. Often, juvenile court judges simply 'switch hats' once the reference decision has been made and remain as the trial judge for the adult case. The juvenile and his or her attorney can, of course, request a different judge. However, often they are the main proponents of keeping the juvenile court judge who is already familiar with the case. Section X on Sentencing and Dispositions will provide a breakdown of sentencing decision by judge (Table 26).

**Table 7**

***Juvenile Reference Study***  
***Reference Decisions on First Motions by Juvenile Court Judges***  
*Hennepin County, Minnesota*  
*Department of Community Corrections*

Prepared By: Office of Research and System Technology

	Judge Oleisky 1986-1990	Judge Nord 1990-1992	Judge Gomez 1990-1992	Judge Bush 1991-1992	Other Judges 1986-1992	Total
<b>Number of First Motions Heard</b>	179	35	38	26	49	327
<b>Row Percent</b>	55%	11%	12%	8%	15%	100%
<b>Number of Juvenile Decisions</b>	45	11	15	12	29	112 <sup>+</sup>
<b>Percent Retained as Juveniles</b>	25%	31%	39%	46%	59%	34%
<b>Number of Adult Decisions</b>	134	24	23	14	20	215
<b>Percent Referred as Adults</b>	75%	69%	61%	54%	41%	66%

Source: Hennepin County Juvenile Court files.

<sup>+</sup> Three cases were decided procedurally. Two juveniles failed to appear for their scheduled hearing and did not appear again until years later when they were adults. Another juvenile's court file stated that the reference motion was inappropriately filed, it was withdrawn and never refiled.

## **B. AVERAGE LENGTH OF TIME FOR THE REFERENCE PROCESS**

### **Length of the Reference Process**

This part of the analysis presents the average amount of time required by the system to process reference cases. These cases tend to be the lengthiest in the juvenile system. The process has been dissected into three separate elements: from filing of a reference motion by the County Attorney to the final reference decision, from the reference decision to an adjudication or conviction decision, from adjudication or conviction decision to disposition or sentencing decision. Finally, a total length of time is calculated for the entire process, from filing of the motion to sentencing or disposition.

To assess the impact of those few cases for which an extraordinary amount of time was necessary, an outlier analysis was performed. This allows identification and removal of cases that drastically affect the mean or average due to extreme values. A total of 25 cases were determined to be statistical outliers and were removed from the analysis. Nine of these 25 were cases where the reference decision was appealed to a higher court. In addition, 16 cases (6%) were dismissed at the adjudication or conviction decision and therefore had no sentencing date and are not included in the final segment. They were also removed from the overall average length of the reference process.

### **Length of Reference Process by Year**

Table 8 displays the three decision points involved in the reference process by year. On average, the reference decision is complete in about 2 months. Another 17 days are necessary for the hearing or trial to determine guilt or innocence, although this average has ranged from 13 or 14 days in the late 1980s to 27 days in 1992. Once the adjudication or conviction decision is complete, another 7 days are necessary to complete the sentencing or disposition decision. This average has ranged from 3 days in 1986 to 14 days in 1992.

None of the three decision segments exhibited differences that were statistically significant across years. The overall process, from filing of the motion intending to seek adult reference to the sentencing or disposition decision, however, is statistically different across the years of the study ( $p=.01$ ). The total overall average length of the reference process across all years is 80 days or slightly more than 2 1/2 months. This overall average differed from 62 days (about 2 months) in 1986 to 106 days (almost 3 1/2 months) in 1992.

**Table 8**

**Average Length of Reference Process in Days<sup>+</sup> by  
Year the Juvenile was First Motioned:  
(Number of Juveniles)  
Hennepin County, Minnesota  
Department of Community Corrections**

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
<b>From Reference Motion to Reference Decision</b>	58 days (49)	57 days (39)	68 days (58)	45 days (44)	62 days (52)	69 days (38)	64 days (30)	60 days (310)
<b>From Reference Decision to Adjudication/Conviction</b>	14 days (49)	13 days (39)	18 days (58)	12 days (44)	17 days (52)	20 days (38)	27 days (30)	17 days (310)
<b>From Adjudication/Conviction to Disposition/Sentence</b>	3 days (47)	4 days (37)	7 days (52)	4 days (41)	6 days (48)	8 days (36)	14 days (28)	7 days (289)
<b>Overall Average Length of Reference Process*</b>	62 days (47)	76 days (37)	91 days (52)	62 days (41)	79 days (48)	97 days (36)	106 days (28)	80 days (289)

Source: Hennepin County Juvenile Court files.

Reference Motion: ..... Date the motion for adult reference was filed.  
 Reference Decision: ..... Date the decision to retain or to refer was reached.  
 Adjudication/Conviction: ..... Date delinquency/guilt decision was reached  
 (determined by: 'admit', 'plead guilty', 'proven', 'not proven' or 'dismissed').  
 Disposition/Sentence: ..... Date the disposition/sentence was determined.  
 Overall Average Length: ..... From filing of reference motion to disposition/sentence.

+ Some cases were removed from this analysis so that a picture of the 'true average' could be drawn. For example, nine cases involved an appealed reference decision that would have greatly exaggerated the average length of time for the remaining cases. In addition, cases that were three standard deviations away from the mean were considered statistical outliers. Sixteen cases were identified using this method and were also removed from the averages given in this table. Additionally, 16 cases were dismissed at the adjudication or conviction decision point and were excluded from the final two rows of this table.

\*  $p = .01$  The overall difference in the average length of the reference process is statistically significant across years.

### **Length of Reference Process by Racial Background**

Table 9 shows that processing African Americans and other minority youth through the reference decision takes significantly more time than processing whites ( $p < .001$ ). The reference decision averages 44 days (slightly less than 1 1/2 months) for whites and 68 or 65 days for African Americans or other minority juveniles (a little more than 2 months for both groups).

There were also significant racial differences noted on the overall length of the reference process ( $p = .01$ ). However, this difference remains only for African Americans (90 days or 3 months) and whites (65 days or slightly over 2 months). Other minority youth fall between these two groups (78 days or 2 1/2 months) and are not significantly different from either whites or African Americans.

The difference exhibited in the length of time for each racial group is mainly a result of the first segment of the decision process, that is from the County Attorney filing the motion for adult reference to the Juvenile Court's reference decision. The next section of this report, Correctional Services, will provide details on steps Hennepin County takes to ensure a proper decision that affects the length of the reference process. These steps include court-ordered reference studies provided by the Juvenile Probation division and psychological evaluations by court psychologists. These extra services generally go hand in hand with a request for 'enlargement' of the window of time for the reference process. Usually, an extra 45 to 60 days are requested for these correctional services. Please refer to Chapter VII. C. Overview of Correctional Services for a full discussion of which groups of juveniles are most often provided with these additional services. The racial differences exhibited here are explained in detail in that section and are shown to be offense differences not racial differences.

**Table 9**

***Average Length of Reference Process in Days<sup>+</sup> by Racial Background  
(Number of Juveniles)***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Whites	African Americans	Other Minorities	Total
<b>From Reference Motion to Reference Decision*</b>	44 days (88)	68 days (170)	65 days (52)	60 days (310)
<b>From Decision to Adjudication/Conviction</b>	15 days (88)	19 days (170)	13 days (52)	17 days (310)
<b>From Adjudication/Conviction to Disposition/Sentence</b>	5 days (85)	8 days (156)	6 days (48)	7 days (289)
<b>Overall Average Length of Reference Process**</b>	65 days (85)	90 days (156)	78 days (48)	80 days (289)

Source: Hennepin County Juvenile Court files.

**Reference Motion:** ..... Date the motion for adult reference was filed.  
**Reference Decision:** ..... Date the decision to retain or to refer was reached.  
**Adjudication/Conviction:** ..... Date delinquency/guilt decision was reached  
(determined by: 'admit', 'plead guilty', 'proven', 'not proven', 'dismissed').  
**Disposition/Sentence:** ..... Date the disposition/sentence was determined.  
**Overall Average Length:** ..... From filing of reference motion to disposition/sentence.

+ Some cases were removed from this analysis so that a picture of the 'true average' could be drawn. For example, nine cases involved an appealed reference decision that would have greatly exaggerated the average length of time for the remaining cases. In addition, cases that were three standard deviations away from the mean were considered statistical outliers. Sixteen cases were identified using this method and were also removed from the averages given in this table. Additionally, 16 cases were dismissed at the adjudication or conviction decision point and were excluded from the final two rows of this table.

\*  $p < .001$  The statistical difference in the length of time between the filing of the reference motion and the reference decision is between whites when compared with African Americans and when compared with other minorities. The difference between African Americans and other minorities is not statistically significant.

\*\*  $p = .01$  The statistical difference is between whites compared with African Americans. The other two comparisons (whites with other minorities and African Americans compared with other minorities) are not significant.



### **Length of Reference Process by Racial Background and Reference Decision**

Table 10 shows that the differences between African Americans and whites in this study are centered within youths who ultimately are referred to adult court. African Americans who are referred average 74 days (slightly less than 2 1/2 months) while whites who are referred average 43 days (less than 1 1/2 months). This same difference between these racial groups is not found for those youths who are retained in the juvenile system. In fact, for whites, the average amount of time spent deciding whether to refer them or not is shorter for those who end up being referred (43 days) than those who are retained (45 days). This is opposite of the pattern shown for African Americans. More time is taken to decide which court will hear the case for African Americans who are referred (74 days) compared to those who are retained (57 days). Once again, the youths in the other minority group are distributed between the other two racial groups and the length of the their reference process is not significantly different from either of the other groups.

Table 10

**Average Length of Reference Process in Days<sup>+</sup> by Racial Background  
And Reference Decision  
(Number of Juveniles)**

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Research and Systems Technology

		Whites	African Americans	Other Minorities	Total
From Reference Motion to Reference Decision	Retained	45 days (25)	57 days (65)	63 days (19)	55 days (109)
	Referred*	43 days (63)	74 days (105)	66 days (33)	63 days (201)
From Reference Decision to Adjudication/Conviction Decision	Retained	12 days (25)	11 days (65)	4 days (19)	10 days (109)
	Referred	16 days (63)	24 days (105)	18 days (33)	21 days (201)
From Adjudication/Conviction Decision to Disposition/Sentence Decision	Retained	1 day (22)	8 days (56)	7 days (17)	6 days (95)
	Referred	7 days (63)	8 days (100)	6 days (31)	7 days (194)
Overall Average Length of Reference Process	Retained	62 days (22)	72 days (56)	61 days (17)	67 days (95)
	Referred**	66 days (63)	99 days (100)	88 days (31)	87 days (194)

Source: Hennepin County Juvenile Court files.

Reference Motion: ..... Date the motion for adult reference was filed.

Reference Decision: ..... Date the decision to retain or to refer was reached.

Adjudication/Conviction: ..... Date delinquency/guilt decision was reached  
(determined by: 'admit', 'plead guilty', 'proven', 'not proven', 'dismissed').

Disposition/Sentence: ..... Date the disposition/sentence was determined.

Overall Average Length: ..... From filing of reference motion to disposition/sentence.

+ Some cases were removed from this analysis so that a picture of the 'true average' could be drawn. For example, nine cases involved an appealed reference decision that would have greatly exaggerated the average length of time for the remaining cases. In addition, cases that were three standard deviations away from the mean were considered statistical outliers. Sixteen cases were identified using this method and were also removed from the averages given in this table. Additionally, 16 cases were dismissed at the adjudication or conviction decision point and were excluded from the final two rows of this table.

\*  $p < .003$  The differences between referred whites and referred African Americans for these two categories are statistically significant. No other differences are statistically significant.

\*\*  $p = .007$  The differences between referred whites and referred African Americans for these two categories are statistically significant. No other differences are statistically significant.

### **C. SPECIAL COURT CIRCUMSTANCES**

This section includes information on special dispositions, called dual jurisdictions. In addition, circumstances that portray rare events and which affect the length of the court process with regard to adult reference are also summarized, such as, cases that result in appeals and reversed decisions. Another rare event is a full hearing with witnesses for the defense and prosecution in an attempt to determine the certification decision. Finally, a summary of the basis for the reference motion and how it has changed over the study period will be addressed.

#### **Dual Jurisdictions**

Dual jurisdiction is a special disposition that couples an adult stayed sentence with a placement to a juvenile treatment or correctional program. It occurred only 19 times across the seven years as shown in Table 11. These 19 juveniles are considered certified but for various reasons are given a juvenile disposition. Sometimes the treatment options in the juvenile system are a better fit for the individual youth but the offense is serious enough to require a threat of an adult sentence.

**Table 11**

***Instances of Dual Jurisdiction By Year***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
<b>Dual Jurisdiction</b>	0	1 2%	2 3%	5 11%	4 7%	6 15%	1 3%	19 6%
<b>No Dual Jurisdiction</b>	53 100%	40 98%	59 97%	41 93%	50 93%	34 85%	34 97%	311 94%
<b>Total</b>	53	41	61	46	54	40	35	330

Source: Hennepin County Juvenile Court files.

**Basis for Filing the Reference Motion**

Prosecuting attorney's must file a reference motion with the court that explains their basis for attempting the motion (see Appendix C for a copy of the current form). Among the reasons that can be given are: the juvenile poses a threat to public safety, the juvenile is no longer treatable within the juvenile system, and the offense or offender meets the criteria for a *prima facie* case.<sup>34</sup> A *prima facie* case can be asserted if: the offense has certain characteristics (such as the more serious person felonies) or if the offender has a particular type of adjudication history and the offense is of a certain type.

Table 12 displays these three main reasons for bringing a motion for adult reference in Hennepin County by year. The options are not mutually exclusive and therefore many youths had multiple reasons for being motioned. Nearly all of the youths were assessed

<sup>34</sup> The legal definition of a *prima facie* case is defined in the FORWARD of this report.

by the County Attorney's Office to be a hazard to public safety and unamenable to treatment. This has remained constant over the seven years included in this study. The real change has been in the increase in *prima facie* cases. The use of this category has increased to over half (54%) of the juveniles being defined by the prosecuting attorney as legitimate *prima facie* cases.

**Table 12**

***Basis for Reference Motion\* by Year - First Motions Only  
-Multiple Response Table-***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

		1986	1987	1988	1989	1990	1991	1992	Total
<b>Public Safety</b>	<b>Count Column %</b>	49 94%	39 95%	54 92%	46 100%	51 98%	36 97%	34 97%	309 96%
<b>Unamenable to Treatment</b>	<b>Count Column %</b>	51 98%	40 98%	58 98%	45 98%	49 94%	34 92%	32 91%	309 96%
<b>Prima Facie</b>	<b>Count Column %</b>	1 2%	0	2 3%	11 24%	19 37%	17 46%	19 54%	69 21%
<b>Total</b>		<b>52</b>	<b>41</b>	<b>59</b>	<b>46</b>	<b>52</b>	<b>37</b>	<b>35</b>	<b>322</b>

Source: Hennepin County Juvenile Court files.

\* Information on the basis for the motion on eight juveniles was missing.

**Table 13**

***Basis for Adult Reference Motion\* by Year and Reference Decision  
-Multiple Response Table-***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Research and Systems Technology

		1986		1987		1988		1989		1990		1991		1992		Total	
		Retain	Refer	Retain	Refer	Retain	Refer	Retain	Refer	Retain	Refer	Retain	Refer	Retain	Refer	Retain	Refer
<b>Public Safety</b>	Count Column %	14 88%	35 97%	7 78%	32 100%	22 88%	32 94%	14 100%	32 100%	13 93%	38 100%	19 95%	17 100%	12 92%	22 100%	101 91%	208 99%
<b>Unamenable to Treatment</b>	Count Column %	15 94%	36 100%	9 100%	31 97%	24 96%	34 100%	13 93%	32 100%	13 93%	36 95%	19 95%	15 88%	11 85%	21 96%	104 94%	205 97%
<b>Prima Facie</b>	Count Column %	1 6%	0	0	0	0	2 6%	5 36%	6 19%	2 14%	17 45%	7 35%	10 59%	4 31%	15 68%	19 17%	50 24%
<b>Total</b>		16	36	9	32	25	34	14	32	14	38	20	17	13	22	111	211
<b>Row Percent</b>		14%	17%	8%	15%	23%	16%	13%	15%	13%	18%	18%	8%	12%	10%		

Source: Hennepin County Juvenile Court files.

\* Information on the basis for the motion on eight juveniles was missing.

### Basis for Reference Motion by Reference Decision

A quick look at Table 13 reveals that referred juveniles are nearly always deemed public safety risks and unamenable to treatment (close to 100%) but even those who are retained have very high percentages (nearly 90%) as well. Juveniles who were ultimately referred in the last 3 years of the study were more likely to have been motioned for *prima facie* reasons (45% in 1990, 59% in 1991, and 68% in 1992) than those who were kept in the juvenile system (14% in 1990, 35% in 1991, and 31% in 1992).

### Reference Decisions Taken to Court of Appeals

Only 9 reference decisions have been appealed over the seven years of the study, making it a rare event. With the exception of 1989 and 1990, which had no appealed decisions, these cases have been evenly spread across all years (see Table 14). Of the 9 appealed decisions, only 1 has been reversed.

**Table 14**

***Number of Reference Decisions Appealed and Reversed by  
Year the Juvenile was First Motioned***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
Reference Decisions Appealed	1 2%	2 5%	2 3%	0	0	1 3%	3 9%	9 3%
Total	53	41	61	46	54	40	35	330

	1986	1987	1988	1989	1990	1991	1992	Total
Reference Decisions Reversed	0	1	0	0	0	0	0	1

Source: Hennepin County Juvenile Court files.



In 1992, an unusual circumstance occurred where a referral decision was appealed by the defense, but prior to the appellate court taking action, new evidence was discovered. The original judge called for a new reference hearing and ultimately reversed his own decision, therefore making the appeal unnecessary.

### **Full Reference Hearings Held**

Another rare event is a reference hearing. Most reference decisions are settled at some point prior to a full hearing. Only 27 full reference hearings have been held over the seven year period as displayed in Table 15. There was no significant difference with regard to the reference decision when a reference hearing was held or not. That is, 63% of those juveniles who went through a full reference hearing were ultimately referred compared to 65% of those juveniles whose decision was reached prior to a hearing being referred.

**Table 15**

***Reference Hearings Held to Determine the Reference Decision by  
Year the Juvenile was First Motioned***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
<b>Reference Hearing Held</b>	3 6%	3 7%	8 13%	1 2%	3 6%	3 8%	6 17%	27 8%
<b>Reference Decision Agreed to Without a Hearing</b>	50 94%	38 93%	53 87%	45 98%	51 94%	37 92%	29 83%	303 92%
<b>Total</b>	53	41	61	46	54	40	35	330

Source: Hennepin County Juvenile Court files.



## ***VII. CORRECTIONAL SERVICES***

Two divisions within the Department of Community Corrections provide Juvenile Court with in-depth information on juveniles facing reference motions when requested: Juvenile Probation and Psychological Services. These divisions complete thorough reviews of the offender, his or her family background, education, and detailed delinquency background.

### **A. PROBATION DEPARTMENT**

#### **Probation Reference Studies Completed**

Juvenile Court judges have the right to ask the Juvenile Probation department to provide a detailed report, called a reference study, on juveniles who are being motioned for adult reference. This is not an automatic request, in fact, only 43% of the youths facing possible criminal court processing have reference studies requested. The final two years of the study saw these requests increase to about 50% of the motioned juveniles as Table 16 displays.

**Table 16**

***Number of Reference Studies Completed by  
Year the Juvenile was First Motioned  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
Reference Study Done	21 40%	18 44%	25 41%	16 35%	23 43%	20 50%	18 51%	141 43%
No Reference Study	32 60%	23 56%	36 59%	30 65%	31 57%	20 50%	17 49%	189 57%
Total	53	41	61	46	54	40	35	330

Source: Hennepin County Juvenile Court files.

### Reference Studies Completed by Reference Decision

The court requested reference studies for 34% of the juveniles who were ultimately retained, while 37% of those juveniles for whom the court did not request a study were retained. Requests for reference studies did not have an effect on whether or not a juvenile was referred (see Table 17).

**Table 17**

#### *Number of Reference Studies Completed by Reference Decision*

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Reference Studies Done	Not Done	TOTAL
Juvenile is Retained	46 34%	69 37%	115 35%
Juvenile is Referred	95 67%	120 64%	215 65%
Total	141 43%	189 57%	330

Source: Hennepin County Juvenile Court files.

### Reference Studies Completed by Racial Background

The largest group of youths for whom reference studies were requested and completed were African Americans (52%). The requests for studies done on whites (31%) and other minorities (33%) were significantly different as Table 18 portrays ( $p=.001$ ). Further investigation uncovered that when the Instant Offense charges are person felonies, the difference between the races disappears. Therefore, African Americans receive more reference studies because they are

charged with person felonies more often. When this fact is taken into account, the difference between the races no longer exists.

Reference studies take a great deal of time to complete and the court generally allows 30 to 60 days for completion of a requested reference study. This is one reason that the length of reference process for African Americans is longer than for the other two groups, they are receiving additional correctional services.

**Table 18**

***Number of Reference Studies Completed by Racial Background***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Whites	African Americans	Other Minorities	Total
Reference* Study Done	29 31%	94 52%	18 33%	141 43%
No Reference Study	64 69%	88 48%	37 67%	189 57%
Total	93	182	55	330

Source: Hennepin County Juvenile Court files.

\*  $p = .001$  The difference between racial groups is statistically significant.

### Probation Officer Recommendations on the Reference Decision

Part of the task involved in completing a reference study is a summation all of the information collected and a final recommendation to the court concerning whether the youth should be tried in juvenile or adult court. The court generally followed the recommendation provided by the probation officers. When the probation officer recommended that the juvenile be retained, 87% of the time the decision was to retain the youth (see Table 19). This agreement is even higher for those juveniles sent to adult court, 94% of the cases where the recommendation was referral actually were referred. This relationship is statistically significant ( $p < .0001$ ).

**Table 19**

***Reference Recommendations Made by Probation Officers<sup>+</sup> by Actual Reference Decision\****

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Recommends Retaining	Recommends Referring	Total
Juvenile is Retained in Juvenile Court	41 87%	5 6%	46 34%
Juvenile is Referred to Adult Court	6 13%	84 94%	90 66%
Total	47 35%	89 65%	136

Source: Hennepin County Juvenile Court files.

<sup>+</sup> There were 3 Reference Studies where a reference recommendation could not be determined.

\*  $p < .0001$  The relationship is statistically significant.

## B. PSYCHOLOGICAL SERVICES

### Psychological Evaluations Completed

A slightly higher number of youths were requested to undergo psychological evaluations compared to reference studies (153 versus 141), although the juveniles were generally the same group. In other words, nearly all of the youths for whom reference studies were requested also had psychological evaluations requested, but a few youths had only psychological evaluations completed. Table 20 shows that overall 46% of these motioned juveniles have had psychological evaluations requested and the percentage is a bit higher in the most current years (63% in 1991 and 57% in 1992).

**Table 20**

*Number of Psychological Evaluations Completed by  
Year the Juvenile was First Motioned  
Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total
<b>Psychological Evaluation Done</b>	23 43%	18 44%	25 41%	17 37%	25 46%	25 63%	20 57%	153 46%
<b>No Psychological Evaluation Done</b>	30 57%	23 56%	36 59%	29 63%	29 54%	15 37%	15 43%	177 54%
<b>Total</b>	53	41	61	46	54	40	35	330

Source: Hennepin County Juvenile Court files.

### **Psychological Examinations Completed by Reference Decision**

Table 21 displays the breakdown of psychological evaluations by reference decision. There were no significant differences in the reference decision based on who had psychological exams.

Thirty-seven percent of those who were examined were retained and 33% of those who were not examined by a court psychologist were retained.

**Table 21**

#### ***Number of Psychological Evaluations Completed by Reference Decision***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Psychological Evaluation is Completed	Not Done	Total
Juvenile is Retained	56 37%	59 33%	115 35%
Juvenile is Referred	97 63%	118 67%	215 65%
Total	153 46%	177 54%	330

Source: Hennepin County Juvenile Court files.

### **Psychological Examinations Completed by Racial Background**

As was found for probation services, judges requested psychological examinations to assist in their decisions for African Americans more often than for whites or other minorities ( $p=.002$ ).

Fifty-five percent of the African Americans had psychological exams compared with 34% of the whites and 38% of the other minorities (see Table 22). Again, it was found that this difference is a function of the type of crime this group is most often charged with (person felonies) and not



because of any other inherent characteristic of this group. This difference in services utilized by the court accounts for the difference in length of time in the reference process for African Americans that was noted above.

**Table 22**

***Number of Psychological Evaluations Completed by Racial Background***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Whites	African Americans	Other Minorities	Total
<b>Psychological* Evaluation Done</b>	32 34%	100 55%	21 38%	153 46%
<b>No Psychological Evaluation Done</b>	61 66%	82 45%	34 62%	177 54%
<b>Total</b>	<b>93</b>	<b>182</b>	<b>55</b>	<b>330</b>

Source: Hennepin County Juvenile Court files.

\*  $p = .002$  The difference between racial groups is statistically significant.

**Recommendation by Psychologists by Reference Decision**

Whether part of their purpose is to recommend a reference decision to the court is less certain to the members of Psychological Services. Indeed, for 34 of the 153 examinations (22%), the coders could not determine a reference recommendation (see Table 23). Eighty percent of the cases for which the psychologist recommended retaining the youth, the court agreed and the juvenile was kept in juvenile court. Ninety-four percent of the time the psychologist recommended transferring the youth to criminal court the reference decision was to refer jurisdiction. This was statistically significant ( $p < .001$ ). Of the youths recommended to adult

court by the probation staff, 63% were similarly recommended by the psychologists. Of the juveniles recommended to be retained in juvenile court by the probation staff, 77% were also recommended to be retained by the psychologists. The cases where there was non-agreement rested mainly with probation staff making a recommendation and the psychologists refraining from a recommendation conclusion.

**Table 23**

***Reference Recommendation Made by Psychologist<sup>+</sup> by Actual Reference Decision \****

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	Recommends Retaining	Recommends Referring	Total
Juvenile is Retained in Juvenile Court	43 80%	4 6%	47 39%
Juvenile is Referred to Adult Court	11 20%	61 94%	72 61%
Total	54 45%	65 55%	119

Source: Hennepin County Juvenile Court files.

<sup>+</sup> There were 34 Psychological Evaluations where no reference recommendation could be determined.

\*  $p < .001$  This relationship is statistically significant.

### **C. OVERVIEW OF CORRECTIONAL SERVICES**

African Americans are provided with significantly more correctional services than whites or other minorities, however upon further examination, this is only true because of the type of crime African Americans are most often charged with in this study. In general, those youths charged with a person Instant Offense, regardless of race, are provided more services by the Department

of Community Corrections. This is important in explaining the racial differences found in the length of the reference process where it was found that a significantly greater length of time was needed to process African Americans through to a reference decision than whites or other minorities. This fact can be accounted for by the additional services requested by the court for youths charged with a serious person offense who were most often African Americans. In addition, the court follows the recommendations made by the probation department and psychological services when full investigations are requested and completed. The percentage of agreement is between 80% and 94%.



## **VIII. MULTIVARIATE ANALYSIS**

### **A. STATISTICAL METHOD UTILIZED**

Logit regression was utilized in an attempt to model the determinants of the reference decision.<sup>35</sup> This type of statistical technique is one of many multivariate methods of analysis. The purpose behind multivariate analysis is to assess the unique contribution of each independent variable (examples of independent variables in this study are, level of prior delinquency history, age of juvenile, severity of Instant Offense, prior out-of-home placements, etc.) while holding all other independent variables constant. In addition, multivariate techniques provide information on the collective contribution of a set of independent variables in explaining the variation in a dependent variable (in our case, reference decision). Table 24 lists the significant and non-significant factors found in this research.

### **B. SIGNIFICANT VARIABLES IN PREDICTING THE REFERENCE DECISION**

Age at Instant Offense was the most critical variable in the equation for this analysis. The older the youth the greater the likelihood that the reference decision would end in criminal court. There are two different aspects to be considered concerning age at Instant Offense. One, age could be acting as a proxy for past delinquent activity, that is, the older the juvenile, the more extensive the past adjudication history. Second, age could be viewed as an indication of the length of time left in the juvenile system for treatment opportunities. The longer length of time available within juvenile jurisdiction, the more likely the youth will be found amenable to treatment with juvenile resources, provided that the needed treatment is available. In addition, younger offenders are generally assessed to be less responsible for their actions, making certification less likely. By including past adjudication history as an additional independent

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<sup>35</sup> Logit regression was deemed most appropriate since the dependent variable, reference decision, is dichotomous (has only two possible outcomes). In these cases, linear regression can lead to incorrect analysis of the effects of the independent variables upon the dependent variable. See Aldrich, John and Forrest Nelson. 1984. *Linear Probability, Logit and Probit Models*, Beverly Hills: Sage Publications.

variable, we can assess the independent contribution of past delinquency record and eliminate that interpretation of age at Instant Offense. The multivariate results indicate that even after prior felony adjudications were accounted for, among other independent variables, age still was the most important factor in sending youths to criminal court.

The second variable contributing to the decision to retain or refer a juvenile was who currently presides as Juvenile Court judge.<sup>36</sup> In Hennepin County, Judge Oleisky was the presiding judge from 1986 to 1990 and he handled 55% of the reference decision cases included in this study. The other judges who have subsequently taken over the presiding position in Juvenile Court did not have enough cases to enter their decisions as separate factors in the process. One way to handle this is to compare Judge Oleisky to all the other judges as a group. This makes practical sense as well, since Judge Oleisky's referral rate was higher than the other judges. If some of the other judges had a higher referral rate and some had lower referral rates, with Judge Oleisky in the middle range, this dichotomy would not have been reasonable. When this variable is added to the factors already determined to be important, it adds a significant amount of unique information. Therefore, the decisions Judge Oleisky made created a different effect on referring youths than the other judges as a group. He had a higher likelihood of referring juveniles even after the other offense specific variables (Instant Offense characteristics), and offender specific variables (age and delinquency history) had been taken into account.

Prior delinquency history was another variable of importance in predicting the reference decision. This variable differentiated youths with no prior adjudications, only a misdemeanor level history as well as juveniles with different level felony adjudication backgrounds.<sup>37</sup> Other

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<sup>36</sup> Rather than address who presides as Juvenile Court judge, it may be more accurate to address the judicial philosophy of the presiding Juvenile Court judge. Having no information about their varying philosophies for transferring juveniles to adult court, only decisions for cases in their courtroom are included. A future examination of various philosophies would help to predict future certification rates. See Chapter X, Table 26 for further differences in juvenile judges with regard to sentencing referred youths.

<sup>37</sup> 0 = No priors, 1 = Misdemeanor only, 2 = One felony, 3 = Two felonies, 4 = Three or more felonies.

possibilities were explored in constructing past delinquency activity. This construction produced stronger results than, for example, simply counting prior felony adjudications because those juveniles with a misdemeanor only backgrounds were distinguished from youths with no prior adjudications, thereby presenting a more accurate prior delinquency picture. Therefore, independent of age, the level of past delinquency involvement added significantly to predicting who would be referred.

Another variable that contributed to the reference decision was a combination of whether the Instant Offense was a person felony charge that included weapon use, a person felony with no weapon use or a non-person felony.<sup>38</sup> This indicator worked better in the logit model than either the variable indicating person felony - no person felony or the variable indicating weapon use - no weapon use separately.

In addition, the recommendations given by professional staff were included and found to be predictive. These professionals paint a picture of each of these youths, their backgrounds, their alleged crime, and the possibility of treating them in the juvenile system. These recommendations were made as a result of a court order to proceed with a full background investigation by a probation officer or a full psychological evaluation by a court psychologist or psychiatrist prior to the final reference decision. Both the probation officers and the psychologists give the court their suggestions as to the most appropriate decision for each youth given the totality of the circumstances.

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<sup>38</sup> There were only 4 youths who had a weapon involved in their non-person Instant Offense and they were coded with other non-person offenders.

**Table 24**

***Multivariate Analysis of Factors Predicting the Reference Decision***  
***-- Variables Listed in Approximate Order of Importance --***

*Hennepin County, Minnesota*  
*Department of Community Corrections*

Prepared By: The Office of Research and Systems Technology

**Significant Factors - Model # 1**

- Age at Instant Offense (14 to 17)
- Judge (Oleisky=1, Other=0)
- Number of Prior Adjudications (0 to 4)
- Probation Officer Recommendation (Dummy coded for both options, reference category was no recommendation)
- Number of Instant Offense Felony Charges (0 to 8)
- Person Felony Instant Offense with Weapon=2, Person Felony No Weapon=1, Non-Person=0
- Psychologist Recommendation for Referral (Dummy coded for both options, reference category was no recommendation)

**Significant Factors - Model # 2**

- Age at Instant Offense (14 to 17)
- Judge (Oleisky=1, Other=0)
- Number of Out-of-Home Placements (0 to 8)
- Probation Officer Recommendation (Dummy coded for both options, reference category was no recommendation)
- Number of Instant Offense Felony Charges (0 to 8)
- Person Felony Instant Offense with Weapon=2, Person Felony No Weapon=1, Non-Person=0
- Psychologist Recommendation for Referral (Dummy coded for both options, reference category was no recommendation)

**Factors Which Were Not Significant**

Age at first court appearance  
Age at first delinquency finding  
Number of Unique Program Placements (0 to 6 different programs)  
Whether Instant Offense was a Property Felony (1/0)  
Number of Misdemeanor Instant Offense Charges  
Past Person Felony (1/0- At least one past person felony adjudication)  
Past Property Felony (1/0- At least one past property felony adjudication)  
Extent of Victim Injury (0=not victim crime, 1=scared-no injury, 2=injury, 3=extreme injury, 4=killed)  
Living situation of juvenile (1=with two parents, 0=single parent, other situation)  
Number of Prior Arrest and Detentions  
Number of Prior Bench Warrants  
Whether Psychologist evaluation completed (1/0)  
Whether Probation Officer reference study completed (1/0)  
Victimization of juvenile (1=yes, 0=none documented)\*  
Problems in juvenile's home (1=yes, 0=none documented)\*  
Problems exhibited in juvenile's behavior (1=yes, 0=none documented)\*  
Race (dummy coded for each race, reference category was white)

\* See Chapter III. Section D. for further explanation of these variables.

Source: Hennepin County Juvenile Court files.



Recall from the previous chapter on Correctional Services that whether or not a reference study or a psychological evaluation is requested and completed is not related to who ultimately is referred to adult court. In other words, youths who have these additional correctional services are not more or less likely to be sent to adult court. They are different from juveniles who did not receive these services in other ways, however. For instance, youths receiving these services are more likely to be charged with a person felony Instant Offense, and those youths are more likely to be younger, and to have less significant past delinquency problems. Since these differences are already included as other independent variables in the equation, the inclusion of the professional's recommendations should only add to the equation the independent influence on the reference decision these assessments make.

These variables were dummy coded so that probation officer's recommendations, for instance, were entered into the equation as two separate dichotomous variables, one for an adult recommendation or not, one for a juvenile recommendation or not. The excluded reference category was no recommendation. The same procedure was used for the psychologist's recommendations.

The correlation between probation officer's and psychologist's recommendations was moderately high ( $r = .66$  for both agreement on adult and agreement on juvenile recommendations). Highly correlated independent variables can be a problem in multivariate analyses since the combined explanation can not be disentangled. Generally, multicollinearity (having two or more independent variables highly correlated with one another) is a problem if the correlation coefficients are .8 or above.<sup>39</sup> In addition, there is an issue of whether or not the recommendation given by probation officers and psychologists are indeed independent assessments or are influenced by each other's opinion. Interviews with key staff indicated that information concerning the particular juvenile and the specific case is shared between the

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<sup>39</sup> Chatterjee, Samprit and Bertram Price. 1977. *Regression Analysis by Example*. New York: Wiley Interscience.

probation and psychological services department. However, the staff are each asked by the juvenile court judge to give their own professional opinion. Due to the possibility of non-independent assessments, combining these professional's recommendations was explored. This exploration resulted in very similar results to keeping the assessments separate. The problem with this combination variable lies in the reference category that becomes both no recommendation and non-agreement of recommendation. It was decided that combining the recommendations of the probation officer and the psychologist was not the best solution, due to this multidimensional reference category. In addition, since the intercorrelations were not at a definite multicollinear level and the equation did not possess other multicollinear characteristics (i.e., instability and non-significant coefficients while the equation as a whole was significant), the separate variables were deemed most appropriate.

Finally, the number of felony charges included in the Instant Offense was significantly related to whether a juvenile is certified. This variable is an indication of the seriousness of the present charges, in terms of the number of charges, pending against a youth. It is simply a count of the **number** of charges currently pending against the youth regarding the Instant Offense and is separate from the **type** of charges pending.

As Table 24 lists there are two significant models. The second model enters the number of times a juvenile has been placed out-of-home for a delinquency reason prior to the Instant Offense, instead of the variable regarding past adjudications. When these variables are included in the model together, only the number of prior out-of-home delinquent placements is significant. In addition, these variables are highly correlated ( $r=.70$ ), indicating that they measure similar characteristics. Most likely the number of prior placements is acting as a proxy for prior delinquency activity and the two variables should not be entered at the same time. With that one replacement, the other variables remain the same and the order of importance remains similar as well.

### C. PREDICTIVE STRENGTH OF THE STATISTICAL MODELS

The strength of these models can be portrayed in a number of different ways. One method commonly used for logit regression is the percentage correctly classified. By using the variables listed for each model, this method of assessing the strength of the statistical model provides a percentage of accuracy. Both of these models correctly classified between 83% and 85% of the cases, respectively.<sup>40</sup> This means that the reference decision of 8 out of 10 juveniles would be correctly predicted by knowing the information included from the variables in these models. The question becomes, how much improvement is made in the accuracy to correctly predict who will be certified when these models are used? If no information was available about the individual youths and their backgrounds, the percentage of past referrals would direct our prediction attempt. The random accuracy we could expect in the absence of individual information is 56%.<sup>41</sup> The model accuracy of about 84% is a substantial improvement, correctly predicting 28% more youths (about 92 juveniles) by using the information available with the significant variables.

Another method of reviewing the strength of the model is to discuss the amount of variance ( $R^2$ ) explained by the variables in the equation. For logit regression, a pseudo  $R^2$  can be calculated that depicts the explained variance.<sup>42</sup> In theory, scientists are trying to explain 100% of a phenomenon, however in reality, social scientists often must be satisfied with far less explanatory power due to a number of factors such as, the complexity of social phenomena, measurement issues, and a lack of control of non-measured forces. Both of these models explain

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<sup>40</sup> In addition, the models do a better job of correctly predicting juveniles who were referred (92% - 93%) than they do for those juveniles who were retained in the juvenile system (67% - 70%).

<sup>41</sup> Loeber, R. and T. Dishion. 1983. Early Predictors of Male Delinquency: A Review, *Psychological Bulletin*, 94: pp. 68-99. (See Appendix D for the equations used to calculate the improvement over chance).

<sup>42</sup> Aldrich, John and Forrest Nelson. 1984. *Linear Probability, Logit and Probit Models*. Beverly Hills: Sage Publications. In addition, see: Demaris, Alfred. 1992. *Logit Modeling: Practical Applications*. Beverly Hills: Sage Publications

approximately 38% of the reference decision.<sup>43</sup> This is a substantial improvement to the 3% of explained variance found in research conducted earlier for all of Minnesota in 1986.<sup>44</sup> In the latter study, a one year snapshot of the entire state was taken. We have a bigger sample, over a longer time period, specific to a single jurisdiction, including more complete information on the offenders, the offenses, and the decisions. In addition, the current research restricts the reference decision to the first time a juvenile is motioned for adult reference. Better definition of the variable to be explained (the dependent variable) is crucial in increasing the predictive power.

#### D. VARIABLES NOT FOUND TO BE SIGNIFICANT

Equally important to the multivariate findings are those variables that are not significant. In particular, Instant Offense characteristics such as whether the charge was a property felony was not significant. This finding is different from some previous studies that found the preponderance of juveniles certified had an Instant Offense that was a property felony.<sup>45</sup> It may be that in other jurisdictions, certification is used more often for chronic offenders than it is in Hennepin County. Another variable that did not produce significant results was the number of misdemeanor charges on the Instant Offense, not a surprising finding given the seriousness of the felony charges necessary for filing of a motion. Additionally, whether a weapon was used was predictive in connection with person felonies (as noted above) but the extent of injury resulting from weapon use was not a significant variable.

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<sup>43</sup> Two separate pseudo  $R^2$  formulas were computed, the first one resulted in 36% variance explained and the second resulted in 40% variance explained for both models.

<sup>44</sup> Feld, Barry C. 1989. Bad Law Makes Hard Cases: Reflections on Teen-Aged Axe-Murderers, Judicial Activism, and Legislative Default, *Law and Inequality: A Journal of Theory and Practice*, Vol.8, No. 1, (November), pp. 1-101.

<sup>45</sup> Bortner, M.A. 1986. Traditional Rhetoric, Organizational Realities: Remand of Juveniles to Adult Court, *Crime and Delinquency*, Vol. 32, No. 1, (January), pp. 53-73. This finding also cited in Feld, Barry C. 1987. The Juvenile Court Meets the Principle of the Offense: Legislative Changes in Juvenile Waiver Statutes, *The Journal of Criminal Law and Criminology*, Vol. 78, No. 3, (Fall), pp. 471-533.

In terms of past history unique prior program placements, prior A & D orders, and prior bench warrants were also not significant factors. Classifying youths according to the type of past adjudication history (in terms of person or property) was also not important for deciding who was certified even though the number of past felonies was important.

Finally, there were a number of offender characteristics that were not significant. Neither age at first court appearance nor age at first finding of delinquency were important contributors to understanding who is referred and who is retained of this population of youths. Of particular interest was the finding that race was not a significant factor in the reference decision.<sup>46</sup> This finding is consistent with another multivariate analysis that reviewed the transfer decision in four different urban areas.<sup>47</sup> In Fagan et al., race did not have a direct effect on the reference decision, but the authors suggested this finding may have been due to the homogeneous offense categories used in their study. Their study concentrated on violent crimes only and did not analyze reference decisions on all offense types, as we have included in our research. Other research that includes fully identified offense information in addition to prior delinquency information and individual and family background indicators did not find race bias in multivariate models.<sup>48</sup>

Other factors not found to be significant in determining whether a juvenile is sent to adult court include **requests** for court services by juvenile court judges, such as reference studies and psychological evaluations. The composite variables relating to the youth's victimization, problems in the juvenile's home and problem behavior exhibited by the juvenile were not

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<sup>46</sup> Since this study had three categories of racial description, each of them were *dummy coded* and the code for African Americans and other minorities were entered into the equation using whites as the reference category.

<sup>47</sup> Fagan, Jeffrey, Martin Forst, and T. Scott Vivona. 1987. Racial Determinants of the Judicial Transfer Decision: Prosecuting Violent Youth in Criminal Court. *Crime and Delinquency*, Vol. 33, No. 2, (April) pp 259-286.

<sup>48</sup> Poulos, Tammy Meredith and Stan Orchowsky. 1994. Serious Juvenile Offenders: Predicting the Probability of Transfer to Criminal Court. *Crime and Delinquency*, Vol. 40, No. 1, (January), pp. 3-17.

significant in explaining the reference decision. Additionally, the living situation of these youths, whether they were from two parent homes (including one parent - one step parent) or not, did not add a significant amount of information. This final finding is in contrast to a recent study completed in New York that found this variable to be the most important in a logistic regression of transfer cases in that jurisdiction.<sup>49</sup>

### **E. HOW THIS STUDY IMPROVES ON PAST RESEARCH**

This analysis of the reference decision is an improvement to past research due to a number of aspects. First, the analysis utilizes a multivariate approach in an attempt to disaggregate the individual factors contributing to a decision to refer some youths to criminal court or retain others in juvenile court. Second, this research employed a multivariate method (logistic regression) that is specifically designed for the type of dependent variable of interest to this subject, that is, one having only two options. Third, the dependent variable has been more carefully defined in this study than previous work in this area, by restricting the analysis to the first reference motion. The factors affecting the second or third time a youth is motioned to adult court can be quite different as is the likelihood of referral (see Chapter XI, Table 28). Fourth, this research captured individual and family information at the point of the occurrence of the Instant Offense. Often certification studies in the past have completely ignored these aspects due to the difficulty of the data collection. Fifth, this study spent a great deal of time completing the prior delinquency picture for these motioned youths. Both out of county and out of state information were gathered on each of these juveniles in addition to full Hennepin County delinquency information. Sixth, this study included court process and community corrections services information both in the descriptive sections and in the multivariate analysis.

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<sup>49</sup> Singer, Simon I. 1993. The Automatic Waiver of Juveniles and Substantive Justice. *Crime and Delinquency*, Vol. 39, No. 2, (April), pp. 253-261.

The final improvement to prior research is related to what occurs after the reference decision has been made. The next three chapters discuss the adjudication or conviction decisions, the disposition or sentencing decisions, and finally the rate of recidivism for these youths. Studies of this population of juveniles facing the final step in their juvenile career rarely look past the sentencing point to what the future holds for this group of most serious offenders.





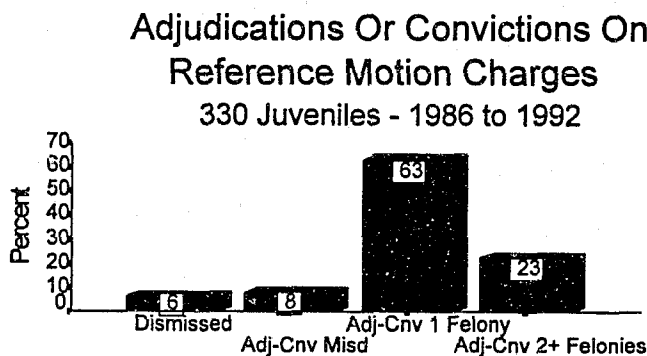
## IX. ADJUDICATION OR CONVICTION

Once the reference decision has been established, the adjudication or conviction decision still needs to be determined. There are two main interests in this section. First, what is the rate of dismissal? Second, what is the rate of reduction in adjudications / convictions from charges? With regard to these primary questions, we also wish to know if there are differences for those referred versus retained, for different racial groups or for different types of offense charges.

### A. CERTAINTY OF ADJUDICATION OR CONVICTION

#### Dismissal Rate

The rate of cases dismissed or unproved at this point in the process is very low, 6% (see Graph 26). This rate is about 14% for youths who were retained in the juvenile system and only 2% for those referred to adult court<sup>50</sup> (see Graph 27). For both retained and referred youths, there was a higher likelihood of dismissal if the original charges were only one felony count. The higher the number of original charges the more likely adjudication or conviction will occur at some level ( $p < .0001$ ).

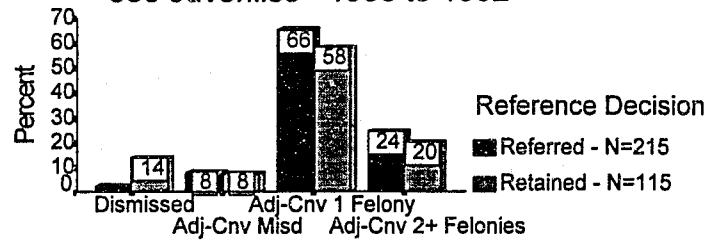


GRAPH 26

<sup>50</sup> Other research has found similar dismissal percentages for retained and referred juveniles. See, Fagen, Jeffrey. 1990. Social and Legal Policy Dimensions of Violent Juvenile Crime, in *Criminal Justice and Behavior*, Vol. 17, No. 1, (March) pp. 91-133.

### Adjudications Or Convictions By Reference Decision

330 Juveniles - 1986 to 1992



GRAPH 27

Four percent of the white juveniles had charges against them dismissed or unproved compared to 8% of the African Americans and 4% of the other minority youths. This difference was not statistically significant.

Only those who were motioned on property or person charges comprise a large enough group to discuss dismissal rates. Both of these two groups had about an 8% dismissal rate on these charges regardless of the reference decision. For those that were certified, the dismissal rate dropped to 2% for property felons and 4% for person felons. Youths retained in the juvenile system who had been charged with a property felony were dismissed at a 21% rate and person felons at a 17% rate. Clearly the cases that are referred to adult court have less problem establishing guilt or innocence.

#### **Certainty of Adjudication or Conviction by Reference Decision**

Overall only 8% of the cases were adjudicated or convicted at a misdemeanor level, 63% on one felony and 23% on 2 or more felonies. Graph 26 displays this information. In addition, Graph 27 displays this same information by reference decision. It shows that adult court has a higher conviction rate than the cases that remained in juvenile court ( $p < .001$ ).

## B. REDUCTION OF CHARGES

Even though youths who were originally charged with a higher number of offenses had lower dismissal rates, as was noted above, they also had a higher percentage of reduced adjudications or convictions. As Table 25 shows, those who were originally charged with 1 felony had a 10% likelihood of the charge being reduced before adjudication or conviction. Once the charges moved beyond 1 felony, the likelihood of the them being reduced increased to 78% for those charged with 2 felonies, 67% with three felonies and 47% with four or more felonies. Overall, 44% of reference motion cases resulted in adjudications or convictions at a lower level and number of offenses than originally charged.

Table 25

*Rate Of Reduction or Dismissals By Instant Offense Charges  
Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

Charged With On Instant Offense	Number of Cases	Adjudication or Conviction at Same Level	Adjudication or Conviction at Lower Level	Dismissed or Unproved
Misdemeanor (s)	9	8 89%	0	1 11%
One Felony	103	79 77%	10 10%	14 13%
Two Felonies	80	16 20%	62 78%	2 2%
Three Felonies	51	16 31%	34 67%	1 2%
Four or More Felonies	87	43 50%	41 47%	3 3%
TOTAL	330	162 50%	147 44%	21 6%

Source: Hennepin County Juvenile Court files

For those juveniles who were originally charged with a presumptive offense, 21% were ultimately adjudicated or convicted on a non-presumptive offense. For those that were referred to adult court the likelihood was less, only 19% were ultimately convicted of a non-presumptive

offense. Youths retained in juvenile court were more likely to have their presumptive charges reduced to non-presumptive adjudications (28%) than those referred to criminal court.

African Americans and other minority youths had a 19% likelihood of their original presumptive charges being reduced to non-presumptive adjudications or convictions. Whites had a much higher rate of reduction at 35%, although not a statistically significant difference.<sup>51</sup>

There were no statistical differences in the average number of felony charges across each of the racial groups on the Instant Offense (2.60 for whites, 2.91 for African Americans, and 2.91 for other minority youths). There were also no statistical differences in the average number of adjudication or conviction offenses by race (1.26 for whites, 1.18 for African Americans, and 1.29 for those in the other minority group). On the basis of these averages, there is about a 50% drop in the number of offenses adjudicated or convicted compared to originally charged.

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<sup>51</sup> This is most likely due to the small number of whites who were originally motioned on presumptive offenses, only 34% of 93 white youths. In contrast, 68% of 182 African Americans and 60% of 55 other minority juveniles were motioned on presumptive charges.

## ***X. DISPOSITION OR SENTENCE***

One of the major rationales for referring youths to criminal court is the determination that they are not treatable in the juvenile system and are in need of more punitive sanctions such as those received in criminal court. In Hennepin County, there were some professionals associated with the reference process who thought that offenders entering the adult system may spend less time incarcerated than motioned offenders kept in the juvenile system, whereas other professionals were not sure what form this relationship took. Research in other jurisdictions has reported conflicting results with regard to the severity of sentences for the certified population. An Arizona study found retained youths received harsher sentences than referred juveniles who were returned to their community very quickly after conviction.<sup>52</sup> Other research has found that the adult sentences were more severe than the juvenile dispositions.<sup>53</sup>

Two separate issues must be addressed to answer these questions for Hennepin County. First, what type of disposition is common for referred or retained youths? In other words, what percentage of youths are incarcerated in a correctional facility? Second, for those who are sent to a correctional facility, how does the length of commitment compare for both groups?

### **A. TYPE OF DISPOSITIONS OR SENTENCES**

#### **Juvenile Dispositions**

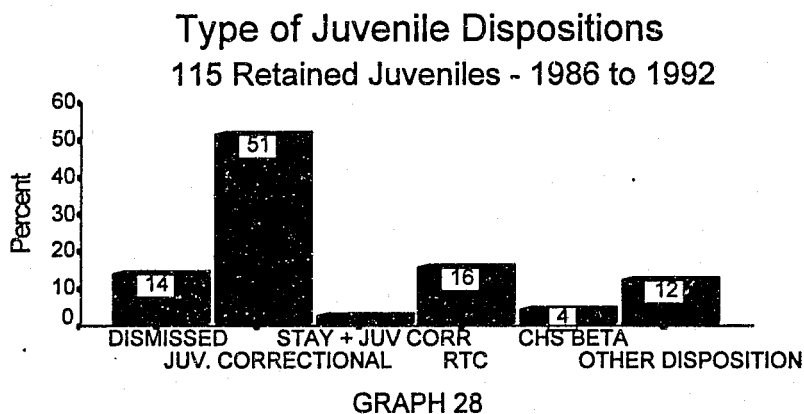
There were 115 youths who were retained in the juvenile system. The majority of them were sent to some sort of juvenile correctional facility (53%) as is shown in Graph 28. Fifty-one percent of them were sent to a long term correctional center such as County Home School-Alpha

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<sup>52</sup> Bortner, M. A. Traditional Rhetoric, Organizational Realities: Remand of Juveniles to Adult Court, in *Crime and Delinquency*, (January, 1986) Vol. 32, No. 1, pp. 53 - 73

<sup>53</sup> Rudman, Cary, Eliot Hartstone, Jeffrey Fagen, and Melinda Moore. 1986. Violent Youth in Adult Court: Process and Punishment, in *Crime and Delinquency*, (January) Vol. 32, No. 1, pp. 75 -96, and Houghtalin, Marilyn and G. Larry Mays. 1991. Criminal Dispositions of New Mexico Juveniles Transferred to Adult Court, in *Crime and Delinquency*, (July) Vol. 37, No. 3, pp. 393 - 407.

program, County Home School-Sex Offender program, Red Wing, Sauk Center, Glen Mills, Rebound, etc. Another 2% were sent to one of these facilities and in addition had a stay to another correctional institution included in their court disposition. Four percent received a disposition of County Home School-Beta program, a short term local program.<sup>54</sup> Sixteen percent were sent to a residential treatment center (RTC) which includes all in-patient treatment facilities and work camps or ranches. Finally, 12% received some other type of disposition than those already listed above. These included; a fine, a letter of apology, work squad, day treatment programs, a stay to a correctional facility, or no disposition at all. Nearly all of these juveniles received probation as a condition of their disposition.



### Comparison of Juvenile Dispositions by Racial Background

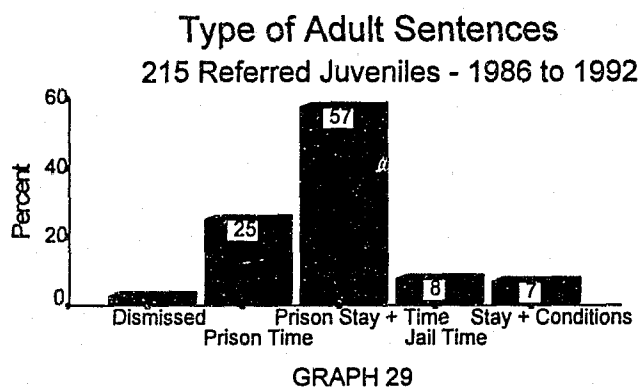
There were no statistically significant differences in the type of dispositions these retained juveniles received according to racial groups ( $p=.07$ ). Fifty-six percent of the whites were sent to correctional facilities, 59% of the African Americans and 42% of the other minorities.

### Adult Sentences

For those juveniles who were certified and convicted in adult court, 86% served some time incarcerated in a local or state correctional facility. Twenty-five percent of these were committed to prison, 53% were committed to the Adult Correctional Facility (ACF) where their stay is

<sup>54</sup> County Home School Beta program will not be considered a correctional commitment for these discussions.

mandated to be a year or less and in addition, a longer prison commitment was stayed, and finally, 8% were set to the ACF with no additional prison stay. Twelve percent of these youths received a stayed commitment and some other type of conditions including, probation, restitution, community service, random urinalysis, chemical dependency treatment or psychological treatment. Graph 29 displays this distribution.



Included on Graph 29 are juveniles who received a dual jurisdiction decision. These are juveniles who are, in essence, certified but who are given a stayed adult sentence and sent to a juvenile treatment center.<sup>55</sup> If the disposition was a prison stay and juvenile correctional facility, those 13 cases were coded together with 'Prison stay + Jail'. However, if the dual jurisdiction case was a prison stay and the juvenile was sentenced to a residential treatment center, those 5 cases were included with 'Stay + Conditions'.

### Comparison of Sentence or Disposition by Type of Instant Offense

For those youths who were convicted in adult court of a presumptive offense, 87% were incarcerated compared to 65% of retained juveniles who were adjudicated on a presumptive offense. The percentages were very similar for non-presumptive offenses, for those referred and convicted 88% were incarcerated and 61% of retained juveniles who were adjudicated delinquent

<sup>55</sup> Please refer to section V. Court Process: Table 11 for the number of dual jurisdictions that have occurred across the different years.

were sent to a correctional facility. For both presumptive and non presumptive crimes, juveniles in Hennepin County receive correctional incarceration more often when they are referred to adult court. Fagan (1990) reports a similar incarceration percentage for juveniles who are referred to criminal court (89%), but 84% of the juveniles who were retained in juvenile court in his study received a disposition of incarceration as well. His assessment was that these percentages (89% versus 84%) were different enough to warrant the statement, "Violent youth waived to and convicted in criminal court received more severe sanctions than youths who remained in juvenile court".<sup>56</sup>

### **Comparison of Adult Sentences by Racial Background**

A comparison of the type of sentences received by members of the different racial groups revealed no statistically significant differences ( $p=.08$ ). Fifteen percent of the whites received prison sentences, 32% of the African Americans and 23% of the other minority members also received prison sentences. The largest amount of each racial group received a stayed prison sentence and jail time: 62% of whites, 52% of African Americans and 66% of other minorities. When comparing only those who were convicted of a person felony Instant Offense, the percentages were even more similar between racial groups.

### **Comparison of Adult Sentences by Juvenile Court Judge**

Table 26 demonstrates that judges differ in severity of sentences once a youth is referred to adult court. In the Court Process section above, the judges' decisions were examined and differences were found in the rate that they referred juveniles to criminal court. Another piece of this puzzle is how they sentenced these youths. Recall Judge Oleisky had an average certification rate of about 75% but most of these cases were committed to a county jail (where the sentence is one year or less) with a prison commitment stayed. In comparison, Judge Bush and Judge Gomez

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<sup>56</sup> Fagan, Jeffrey. 1990. Social and Legal Policy Dimensions of Violent Juvenile Crime. *Criminal Justice and Behavior*, Vol. 17, No. 1, (March) pp. 93-133.



had a lower rate of referring youths but when they did refer juveniles they were more likely to send them to prison than to short term jail sentences.

**Table 26**

***Adult Sentences by Juvenile Court Judge Handling the Case***  
*(Years Associated with Each Judge Correspond to Years of Juvenile's First Motion)\**  
*Hennepin County, Minnesota*  
*Department of Community Corrections*

Prepared By: Research and Systems Technology

	Judge Oleisky 1986-1990	Judge Nord 1990-1992	Judge Gomez 1990-1992	Judge Bush 1991-1992	Other Judges 1986-1992	Total
<b>Prison Time</b>	20 16%	5 26%	12 50%	9 64%	8 33%	54 26%
<b>Prison Stay and Jail Time</b>	88 69%	12 63%	9 38%	4 29%	10 42%	123 59%
<b>Jail Time</b>	12 9%	0	0	1 7%	4 17%	17 8%
<b>Stay and Other Conditions</b>	8 6%	2 11%	3 12%	0	2 8%	15 7%
<b>Totals</b>	128 61%	19 9%	24 12%	14 7%	24 12%	209**

Source: Hennepin County Juvenile Court files.

\* For example, Judge Bush began his tenure as presiding Juvenile Court judge in 1992, but he handled some reference motion decisions on juveniles who were motioned at the end of 1991.

\*\* Five of the 215 cases were dismissed and therefore had no sentence. One other case was excluded from this table because the sentence was DeNovo and restitution and did not fit any of the above categories.

## **B. LENGTH OF SENTENCE OR DISPOSITION**

### **Definition of Sentence or Disposition Length**

Sentence or disposition length is defined in this study to be the length of time each offender was sentenced to spend in a court ordered placement as a result of the Instant Offense. Actual time spent in a correctional institution may be quite different from this amount, due to 'good time' or overcrowding in adult facilities and a myriad of reasons for juvenile facilities (e.g., escape, termination, assault against a staff member, non-compliance with treatment goals, etc.). Both length of time sentenced and actual time spent are difficult variables to collect since most of this information is either not automated or is automated within each particular institution not at a single site. However, length of placement ordered by the court was the least complicated for this study and provided the most complete information on the largest group of offenders.

Adult sentence length was gathered by queries of a Hennepin County court system called Subject in Process (SIP). As part of the entire set of information related to criminal offenses, the sentence ordered by the presiding District Court judge is included. This was coded on our data collection form for any adult related offense. The information concerning length of placement at juvenile facilities was coded from the juvenile court file or from the automated Hennepin County Juvenile Family Tracking System (JFTS). Any outside delinquency or criminal information on the Instant Offense specifically requested commitment length as length of time sentenced by the court.

### **Limitations due to availability of data**

Part of the difficulty in collecting this information is the lack of knowledge about length of stay in particular juvenile facilities. When Hennepin County Juvenile Court judges commit juveniles to an RTC, the length of time is determined by the individual program and subsequent assessments by probation officers on the juvenile's progress in the program. We were not able to

get information about the 18 juveniles who received a disposition to one of the many residential treatment centers.

Also not easily available was the length of time juveniles spent at the state facilities; Red Wing and Sauk Center. When a judge sentences a juvenile in Hennepin County to one of the state facilities, she/he commits them to the Commissioner of Corrections (COC). Length of time is established by the Commissioner or staff members at Red Wing or at Sauk Center. We were able to get the equivalent length of time for those 28 youths in our study who received a disposition of COC.<sup>57</sup> Juveniles sent to the County Home School are given a proposed length of commitment by the Hennepin County Juvenile Court judge that was obtainable through JFTS.

#### **Limitations in comparisons of adult and juvenile commitments**

It is difficult to compare lengths of commitment to a juvenile facility with an adult facility since the two justice systems have very different goals and therefore different rationales for assigning sentences and dispositions. The juvenile system is designed as a rehabilitative system and the dispositions that are handed down are indeterminate in length. That is, the dispositions are based on how well the juvenile is doing in the particular program. Many times upon entering a program, short term and long term goals<sup>58</sup> are established for each offender and determination of completion or success toward meeting these goals is the basis for completing the treatment program. Adult offenders are sentenced under determinate guidelines and are therefore given a set length of time but usually remain for only a portion of that time.

Generally, a range of time is imposed upon commitment to the state run juvenile correctional facilities (commitment to COC). This range is an approximation of the length of time necessary to complete goals and is partially based on the past adjudication history of the juvenile. The

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<sup>57</sup> Time was available for only 27 of these 28 juveniles because one file was not found.

<sup>58</sup> These include both personal goals and offense related goals.

upper most length of time is dependent on meeting treatment goals and maintaining behavior standards. The lower level of the range could be the length of time if all goals are met and the juvenile's behavior has been stellar. This estimate is most similar to an adult sentence being reduced for good behavior. Juveniles are more likely to serve the upper limit length of time, and this length is most comparable to the length of time adults are sentenced to by district court. The upper limit of this range is the commitment time used in this study for juveniles whose disposition included a commitment to the state correctional facilities.

One final caveat is necessary concerning the comparison of adult and juvenile commitment length. In the adult system, if an offender is in custody while the case is being decided, this amount of time is usually applied toward his/her sentence. This is referred to as jail credit days. For juveniles, this system of credit for days in detention is not utilized. From the section above entitled Court Process the length most juveniles are in custody during the reference process is about 2 months. The reader may want to add two months to the juvenile commitments when comparing to the adult commitments to get a better idea of how long each of these groups is incarcerated.

### **Comparison of Sentence Length versus Disposition Length**

The conflicting results reported in other studies were replicated in the Hennepin County study as well. For those juveniles who had been convicted or adjudicated on a presumptive offense, those referred were sentenced to longer commitments while the opposite was true for those found guilty or delinquent of non-presumptive offenses. Table 27 displays the median length of time.<sup>59</sup>

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<sup>59</sup> The median is less sensitive to extreme values than the average or mean. Since a few of these juvenile were sentenced to life in prison it was important to use a statistic that was less affected by these extreme values. Another method commonly used to handle this situation is simply to remove cases with extreme values or what is statistically referred to as outliers. Since the number of cases in these categories are small, this option was not chosen.

**Table 27**

***Median Number of Commitment Days Ordered by the Court  
- Comparison of Adult and Juvenile Length of Commitments -  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

Convicted or Adjudicated Offense	REFERRED YOUTHS		RETAINED YOUTHS		
	Cases	Median Days	Median Days	Cases	
PRESUMPTIVE	Prison	50	1459	266	23
	Jail *	33	365		
NON- PRESUMPTIVE	Prison	4	411	182	31
	Jail *	79	120 *		

\* Recall from Graph 29 adult incarceration options included jail time with a corresponding stayed prison commitment and a few individuals with only a commitment of jail time. Only the former is included here. This excludes 17 juveniles whose only sentence included a short jail stay and no stayed prison time.

A direct comparison of time is not possible due to the differences between the adult and juvenile system, one having correctional options of prison or jail and the other a single option of long term correctional facilities. However, for those found guilty of presumptive offenses, referred juveniles were sentenced to a median of 1459 days or about 4 years in prison while those sentenced to the ACF (jail) had a median of 1 year. For youths retained in the juvenile system the median number of days of incarceration ordered by the court was 266 days or almost 9 months. Both of the adult commitment options were of longer duration than those found in the juvenile system.

For non-presumptive convictions in adult court the majority of the commitments were to jail and were 120 days or about 4 months. Only four youths were sentenced to prison for a non-

presumptive conviction. Thirty-one juveniles were adjudicated for non-presumptive offenses and were incarcerated for a median of 182 days or 6 months. For less serious offenses, the juvenile court provides longer commitments than adult court.

## ***XI. RECIDIVISM***

Since total offense information for each motioned juvenile was collected, we are able to create an accurate portrayal of future delinquent or criminal behavior for this group of serious offenders.

Future offense information includes all offenses that occurred after the Instant Offense sentencing decision.<sup>60</sup> Other recidivism studies focus on rearrests as an indicator of recidivism.<sup>61</sup> This research used a more conservative definition of recidivism, actual adjudications or convictions.

Some of these offenses were handled completely in juvenile court, some resulted in further reference motions, and some were strictly handled in criminal court. Age was the factor that determined whether the offense was heard in juvenile or criminal court; if the youth was 18 when the crime was alleged to have occur, the offense was heard in criminal court. Finally, the criteria for further reference motions matches the criteria set forth for the first reference motion but, in addition, prior referral to and conviction in adult court is mandated (see Appendix C).

### **A. MULTIPLE REFERENCE MOTIONS**

Table 28 provides a look at the motioned juveniles by each year and classifies them into categories that describe the number of times they have been motioned within juvenile court. If the offense is serious and the juvenile is less than 18 when the offense is alleged to occur, a new reference motion will be filed. The top row gives the number of youths who were motioned one time (which we have already discussed in the Instant Offense section) and only one time. The certification rate for these juveniles is 64%. Recall that all motioned juveniles were certified at about 65% over all seven years.

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<sup>60</sup> Please refer to Chapter IV. Instant Offense for the definition of Instant Offense utilized in this research.

<sup>61</sup> Beck, Allen J. and Bernard E. Shipley. 1987. Recidivism of Young Parolees. *U.S. Department of Justice, Bureau of Justice Statistics: Special Report*, May, NCJ-104916.

Rows two through five provide a look at the number of youths who had multiple reference motions filed on them. Overall 12% of these youths had two reference motions filed on two separate behavioral incidents. Once the second reference motion is filed on a juvenile the average rate of certification increases to 81%. Three through five motions are filed on a small subset of these youths (6%, 3%, and 2%, respectively). The certification rate is 100% from the third motion forward.



**Table 28**

***Number of Total Reference Motions Filed on Juveniles by  
Year the Juvenile was First Motioned\****

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

	1986	1987	1988	1989	1990	1991	1992	Total	Percent Referred
<b>One Motion Only**</b>	<b>35</b> 66%	<b>28</b> 68%	<b>46</b> 75%	<b>30</b> 65%	<b>46</b> 85%	<b>37</b> 93%	<b>32</b> 91%	<b>254</b> 77%	<b>64%</b>
<b>Two Motions Filed***</b>	<b>10</b> 19%	<b>7</b> 17%	<b>8</b> 13%	<b>8</b> 17%	<b>3</b> 6%	<b>2</b> 5%	<b>3</b> 9%	<b>41</b> 12%	<b>81%</b>
<b>Three Motions Filed</b>	<b>5</b> 9%	<b>3</b> 7%	<b>2</b> 3%	<b>4</b> 9%	<b>4</b> 7%	<b>1</b> 3%	<b>0</b> 0	<b>19</b> 6%	<b>100%</b>
<b>Four Motions Filed</b>	<b>3</b> 6%	<b>2</b> 5%	<b>3</b> 5%	<b>2</b> 4%	<b>0</b> 0	<b>0</b> 0	<b>0</b> 0	<b>10</b> 3%	<b>100%</b>
<b>Five Motions Filed</b>	<b>0</b> 0	<b>1</b> 2%	<b>2</b> 3%	<b>2</b> 4%	<b>1</b> 2%	<b>0</b> 0	<b>0</b> 0	<b>6</b> 2%	<b>100%</b>
<b>Total Juveniles</b>	<b>53</b>	<b>41</b>	<b>61</b>	<b>46</b>	<b>54</b>	<b>40</b>	<b>35</b>	<b>330</b>	

Source: Hennepin County Juvenile Court files.

\* **First Motions** : Number of juveniles who had a motion for adult reference filed for the first time. Each juvenile appears only once in this table. In other words, if a juvenile had more than one motion filed, only the first one would be recorded, in the earliest year.

\*\* **One Motion only**: Juveniles with only a first motion filed on them.

\*\*\* **Two Motions Filed**: Juveniles with a first motion filed and a second motion filed which is based on a separate behavioral incident and which is unrelated dispositionally to the first motion.

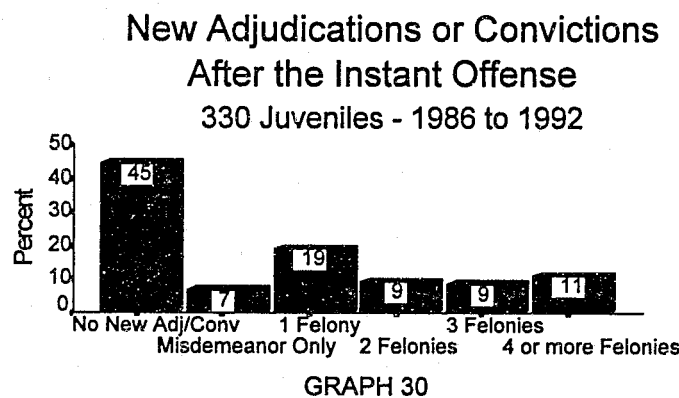
This table can also indicate the total number of reference motions filed on separate behavioral incidents per juvenile. The second through fifth row indicate the number of juveniles who have had 2 through 5 separate motions filed, therefore multiplying the number of youths in each row by the number of reference motions each row represents, will result in the total reference

motions. From 1986 through 1992, 463 reference motions were filed, of which, 330 were first motions.

Another view of this table is to calculate the number of youths who had more than one reference motion. Seventy-six juveniles (23%) have had additional serious offense charges that resulted in the County Attorney filing another motion for adult reference.

### B. NEW ADJUDICATIONS OR CONVICTIONS

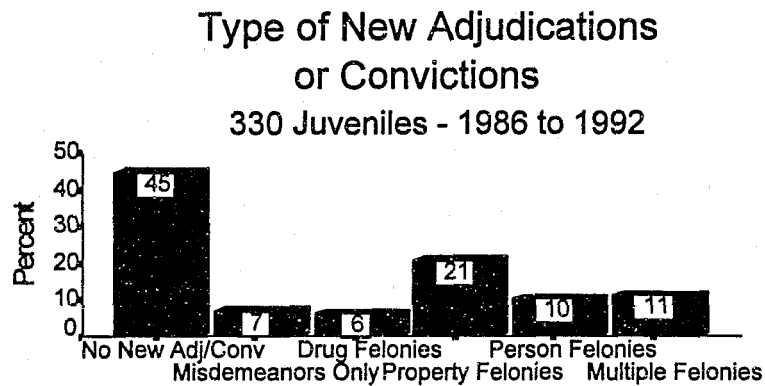
Fifty-five percent of these motioned juveniles were adjudicated or convicted of a new offense after their Instant Offense during the data collection time (up through the end of 1993). Only 7% of these youths with new offenses had misdemeanors only, the rest were felony adjudications or convictions.<sup>62</sup> Graph 30 displays this information. Twenty percent of these motioned juveniles go on to be adjudicated or convicted of 3 or more felonies.



Graph 31 breaks these new offenses by crime type. Six percent of the new cases were drug felony adjudications or convictions, 21% were property offenses and another 21% had at least

<sup>62</sup> Offenders were classified according to their most serious adjudication or conviction, therefore some of the youths in the felony categories most likely had misdemeanors as well. In addition, misdemeanor offenses may be understated since they were not systematically collected in the adult systems. For reasons stated in the introduction, data collection centered on felony convictions within the criminal courts.

one person felony. Of the last group, 11% were multiple felonies that included one person felony as well.



GRAPH 31

Table 29 displays the new offense information across years included in the study categorized by type of offense. The earlier years have much more stable and consistent recidivism rates (around 70%) than the more current years in the study (ranging from 46% to 17%). This table should be viewed with a number of caveats. First, the possible length of time for each juvenile to commit new offenses is not standardized. For example, youths first motioned in 1986 had seven years to commit crimes while those in 1992 may have had less than one year. Second, a correction for 'street time' has not been made. Since some of these juveniles were incarcerated for their Instant Offense, an examination of sentences and sentence length would remove some youths who did not have the opportunity to commit new crimes.

**Table 29**

***Number of Juveniles With New Felony Adjudications or Convictions by  
Year Juvenile Was First Motioned***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Office of Research and Systems Technology

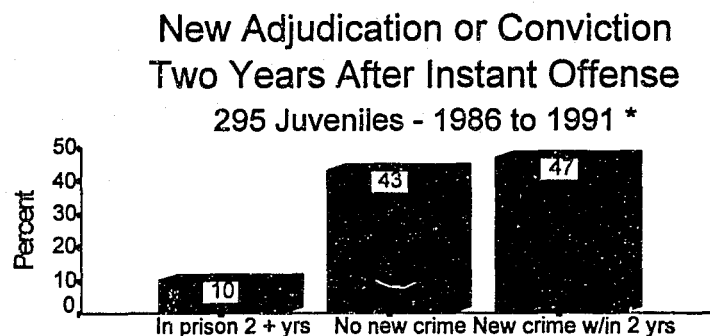
	1986	1987	1988	1989	1990	1991	1992	TOTAL
New Person Felony Adjudications or Convictions	19 36%	14 34%	12 20%	14 30%	5 9%	3 8%	4 11%	71 22%
New Property Felony Adjudications or Convictions	14 26%	11 27%	16 26%	10 22%	12 22%	44 10%	1 3%	68 21%
New Drug Felony Adjudications or Convictions	4 8%	2 5%	5 8%	6 13%	2 4%	2 5%	0	21 6%
New Misdemeanor Adjudications or Convictions	2 4%	2 5%	8 13%	1 2%	6 11%	3 8%	1 3%	23 7%
No New Crimes	14 26%	12 29%	20 33%	15 33%	29 54%	28 70%	29 83%	147 45%
Total	53	41	61	46	54	40	35	330

Source: Hennepin County Juvenile Court files.

**C. NEW OFFENSES WITHIN TWO YEARS 'STREET TIME'**

To address these issues, the next section of this study includes only those juveniles who had a full two years in which they could have committed a new offense and therefore excludes motioned juveniles from 1992 (35 individuals). Next, for each juvenile, a two year window following disposition or sentence date from the Instant Offense was calculated. This method standardizes the length of time available for all remaining juveniles. Any offense adjudicated or convicted during this time period is considered recidivism. Graph 32 displays the distribution of youths with new offenses (47%), those remaining crime free (43%) and those who did not have the opportunity to commit new crimes due to prison incarceration for the full two years or more

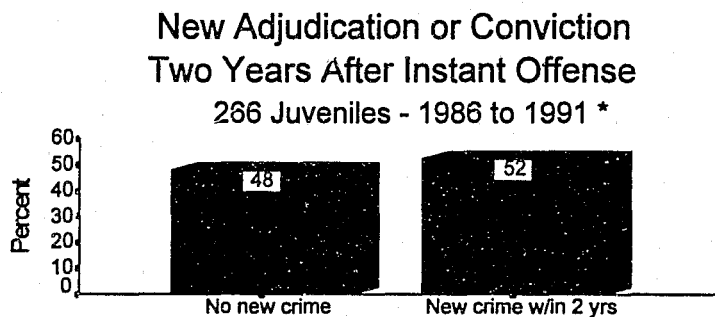
(10%). Graph 33 removes those who were unable to commit crimes due to incarceration and recalculates the percentage with new crimes after the Instant Offense (52%).



GRAPH 32

\* 1992 juveniles were removed to standardize the time

Using a conservative definition of recidivism, counting adjudications and / or convictions, over half of the juveniles who were free to commit more crime did so (52%). A national study completed in 1987 found a rearrest recidivism rate of 47% in the two years following prison incarceration for 17-22 years old.<sup>63</sup> A comparison of these two findings would typically find that convictions and adjudication rates would be lower than arrest rates. In addition, the national study included older youths who had previously served adult prison time, whereas our population included younger juveniles some who never entered the adult criminal justice system. For all of these reasons, one would expect that the recidivism rate of this study would be lower than the national survey.

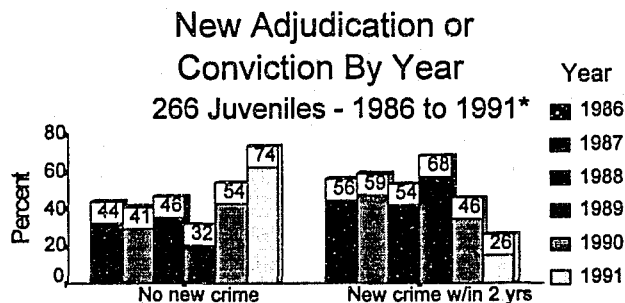


GRAPH 33

\* Removed: 35 1992 juveniles and 29 who were in prison 2+ years

<sup>63</sup> See Beck, Allen J. and Bernard E. Shipley, *Recidivism of Young Parolees*, *supra* note 40.

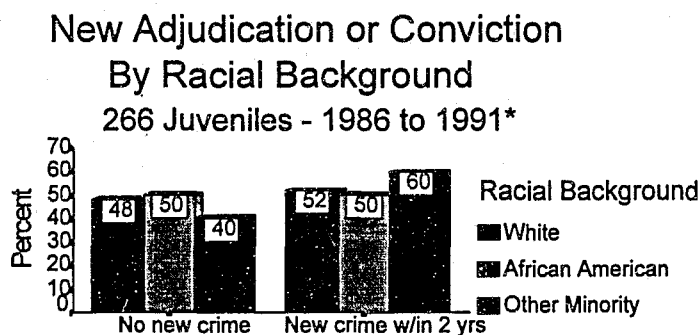
Graph 34 displays a distribution that is very similar to the one portrayed in Table 27 with the exception of a leveling of the earliest years of the study. Standardizing the time frame reduced the recidivism rate for those years to 50-60% instead of averaging around 70% as reported earlier. The more recent years, 1990 and 1991 were virtually unchanged with the standardization.



GRAPH 34

\* Removed: 1992 juveniles and those in prison 2+ years

As Graph 35 demonstrates there are no significant differences in recidivism rates between members of different racial groups within a two year window following the Instant Offense. Fifty percent of the African Americans recidivate, 52% of the whites and 60% of the other minority group.

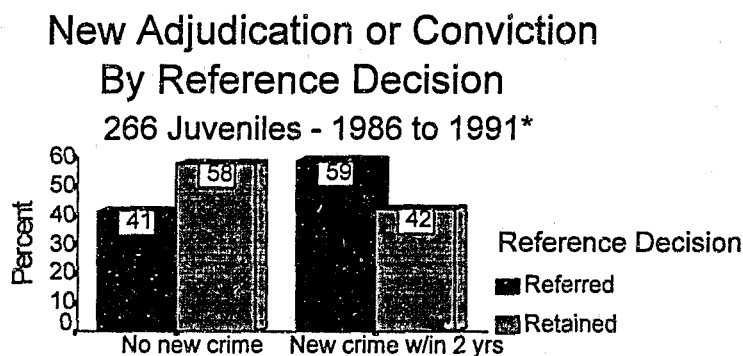


GRAPH 35

\* Removed: 35 1992 juveniles and 29 who were in prison 2+ years

Youths who were certified have a higher recidivism rate than those who were retained in the juvenile system as shown in Graph 36. Nearly 60% of the referred juveniles were adjudicated or convicted of another crime while only 42% of those who were kept within the juvenile court.

There are various possible interpretations of this result. On the one hand we could interpret this to mean that the justice system has done a good job of choosing the juveniles to be certified, since they are obviously the most prolific offenders. On the other hand, if certification is meant to be a deterrent, by subjecting juveniles who have not desisted in their delinquent behavior to the more severe punishment of the adult system, it may not be working. This finding brings into question the policy implications of using certification as a deterrent to further crime. There are reasons, other than deterrence, that the court may find for certifying a juvenile, such as having no other alternative to treating the youth in the juvenile system or not enough time to treat the offender within juvenile jurisdiction. Further work is necessary on disentangling the determinants of additional crime after the reference decision is complete.



GRAPH 36

\*Removed: 35 1992 juveniles and 29 who were in prison 2+ years





## ***XII. OVERVIEW OF MOTIONED JUVENILES***

This study examines the young offenders who faced the possibility of being prematurely transferred to adult court. There were 330 juveniles in Hennepin County between 1986 and 1992 for whom motions for adult reference were filed. This research analyzed the juvenile's prior delinquency record, prior court contact, family and individual characteristics, and Instant Offense charges to determine the significant factors that contribute to the reference decision. Additionally, these juveniles, regardless of the reference decision, were followed through adjudication or conviction to disposition or sentencing in order to ascertain a comparison of the juvenile court decisions to the adult court decisions with regard to type of sanction and length of sanction. Finally, future criminal activity was collected on all youths in this study to determine rates of recidivism for this population of juveniles commonly thought of as the most serious offenders.

### **A. AGE AT INSTANT OFFENSE**

Motions for adult reference are filed on youths who have been charged with very serious offenses and / or who have significant delinquency histories. Most of these juveniles (60%) were 17 years old and an additional 30% were 16 years old. Very few offenders were under 16, 3% were 14 years old and 7% were 15 years old when the motion for adult reference was filed. The older the juvenile, the more likely he or she will be referred to adult court. Only 10% of the juveniles who were 14 years old were certified, compared to 29% of those that were 15, 61% of those who were 16, and 74% of those who were 17 years old. In multivariate analyses, the age at Instant Offense is the most important factor in the reference decision. When prior delinquency is also included in the analyses, age at Instant Offense can be viewed as the length of time left for treatment in the juvenile system. Older youths have less treatment time and are transferred to adult court more readily.

## **B. EXAMINATION OF MOTIONED JUVENILES BY RACIAL BACKGROUND**

Minority youths are disproportionately motioned for adult reference. Fifty-five percent of all juveniles motioned are African Americans and another 17% are some other type of minority youth, while only 28% of the motioned juveniles are white youth. The population percentages for these groups in Hennepin County are: 81% white juveniles, 9% African American youth and 10% other minorities.<sup>64</sup> This study cannot shed light on why the motioned percentages show such discrepancy to the population percentages. To answer that question, a comparison group would be necessary of juveniles who had never had a motion for adult reference filed.

Perhaps a more appropriate comparison, and one that is available, is the percentage of youths arrested for serious offenses in Hennepin County. Since all potential reference motion offenses begin with an arrest, these percentages should be closer to the levels found in this study. Juveniles arrested for Crime Index<sup>65</sup> offenses during the years included in this study average at 55% whites, 32% African Americans, and 12% other minorities.<sup>66</sup> Although these percentages are much closer to the percentage of youths motioned for certification, they remain quite divergent. There could be a number of reasons for this difference. Not all Crime Index arrests are referred to court and not all those referred to court have motions for adult reference filed. In addition, comparing arrest percentages tells us nothing about prior delinquency history, which is quite substantial for the motioned population, and the Crime Index offenses include youths 10-

<sup>64</sup> 1990 U.S. Census, PUMS files. Information courtesy of Office of Planning and Development.

<sup>65</sup> Hennepin County Crime Report, 1993. Office of Planning and Development. Crime Index/Part I Crime is defined as: "The crimes of murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson...". The comparison should be relatively close between the type of offenses for which a reference motion is filed and Crime Index offenses.

<sup>66</sup> These percentages have remained relatively stable for other minorities but have decreased for whites (57% in 1986 and 49% in 1993 (1992 data by race is not available) ), and increased for African Americans (29% in 1986 and 39% in 1993).

17, whereas, juveniles must be 14 or older for a motion to be filed for adult reference. Although it is clear these percentages are not exactly comparable, they are associated enough to expect a more similar finding.

It should also be pointed out that the arrest percentages are quite different for whites and minorities when compared to the population percentages. Arrest represent the beginning of the justice system whereas a motion for adult reference can be the final decision of the juvenile system. There is research that suggests evidence of an ever increasing cumulative effect of early racial bias within the juvenile justice system.<sup>67</sup> The direction of the percentages, starting with the proportion of the juvenile population in each minority group and moving to arrest percentages and finally to the percentages of juveniles motioned for certification, are in the direction that supports this idea. However, further research is needed to determine if that phenomenon is present in this jurisdiction.<sup>68</sup>

### **Prior Court Involvement by Racial Background**

Once a motion is filed, however, the juveniles in different racial categories look very similar. Table 37 displays various court indicators prior to the Instant Offense charge for each racial group. The statistical difference noted on average age at first court appearance is between white youth and other minorities. African Americans are not statistically different from whites or other minorities. There are no differences in average age at first finding of delinquency, no differences in the percentage of each group with a

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<sup>67</sup> Bishop, Donna M. and Charles E. Frazier. 1988. The Influence of Race in Juvenile Justice Processing, *Journal of Research in Crime and Delinquency*, Vol. 25, No. 3, (August), pp. 242-263.

<sup>68</sup> The idea would be to collect information on juveniles who have committed serious felony offenses but for whom no motion for adult reference was filed and compare both legal (e.g., prior delinquency record, seriousness of Instant Offense, etc.) and extralegal factors (e.g., race, gender, etc.). If after controlling for legal factors, extralegal factors remain significant, it would indicate that those extralegal factors are significant in determining who was motioned for adult reference.

felony history and no differences in the average number of past felony adjudications. The racial groups seem to differ in the type of crime they have been adjudicated on in the past. African Americans and other minorities more often had a person felony history than whites, whereas whites and other minorities were more likely to have past property felonies than African Americans. Prior treatment opportunities were not different for whites and African Americans but were different between African Americans and other minority youth.

**Table 37**

***Court History of Motioned Juveniles by Racial Background***

***-- Prior to Instant Offense --***

***Hennepin County, Minnesota***

***Department of Community Corrections***

**Prepared By: Research and Systems Technology**

<b>RACIAL BACKGROUND OF MOTIONED JUVENILES</b>	<b>Average Age at First Court Appear- ance</b>	<b>Average Age at First Delin- quency Finding</b>	<b>Percent with Felony Adjud- ication Past</b>	<b>Average Number of Past Felony Adjud- ications or Convic- tions</b>	<b>Percent with Past Person Felonies</b>	<b>Percent with Past Property Felonies</b>	<b>Average Number of Prior Delin- quency Related Out-of- Home Place- ments</b>
<b>Whites (N=93)</b>	<b>13.33</b>	<b>14.11</b>	<b>67 %</b>	<b>1.97</b>	<b>15 %</b>	<b>50 %</b>	<b>3.17</b>
<b>African Americans (N=182)</b>	<b>12.75</b>	<b>14.22</b>	<b>68 %</b>	<b>1.52</b>	<b>34 %</b>	<b>27 %</b>	<b>2.48</b>
<b>Other Minorities (N=55)</b>	<b>12.18</b>	<b>14.20</b>	<b>71 %</b>	<b>2.04</b>	<b>31 %</b>	<b>40 %</b>	<b>3.37</b>
<b>Significance Level</b>	<b>p=.03</b>	<b>N. S.</b>	<b>N. S.</b>	<b>N. S.</b>	<b>p=.004</b>	<b>p&lt;.001</b>	<b>p=.04</b>

Source: Hennepin County Juvenile Court Files

### **Instant Offense Characteristics by Racial Background**

Table 38 lists different indicators related to the Instant Offense. Besides the specialization in the type of crime between the races, there are very little differences in Instant Offense characteristics. A similar number of felony charges were filed against each racial group, a similar percentage was referred to adult court, a similar percentage was adjudicated or convicted on a similar number of offenses. As in the previous table, crime specialization is apparent on the Instant Offense charge and the Instant Offense adjudication or conviction as well. Bishop and Frazier (1988) in their study of over 50,000 juveniles followed through case processing found that for the most serious offenses there was little racial disparity in the adjudication decision. However, for less serious threats to public safety, such as minor offenses, decisions of adjudication were more discretionary and racial disparity did exist.<sup>69</sup>

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<sup>69</sup> Bishop, *Influence of Race*, *supra* note 52.

**Table 38**

***Court History of Motioned Juveniles by Racial Background***

***- -Related to Instant Offense - -***

*Hennepin County, Minnesota*

*Department of Community Corrections*

Prepared By: Research and Systems Technology

<b>RACIAL BACK- GROUND OF MOTIONED JUVENILES</b>	<b>Average Number of Felony Instant Offense Charges</b>	<b>Percent with Person Felony Instant Offense Charges</b>	<b>Percent with Property Felony Instant Offense Charges</b>	<b>Percent Referred to Adult Court</b>	<b>Percent Adjud- icated or Convicted on Instant Offense</b>	<b>Average Number of Instant Offense Felony Adjudi- cations or Convic- ions</b>	<b>Percent with Person Felony Adjudi- cations or Convic- ions</b>	<b>Percent with Property Felony Adjudi- cations or Convic- ions</b>
<b>Whites (N=93)</b>	2.60	43 %	44 %	71 %	96 %	1.26	37 %	42 %
<b>African Americans (N=182)</b>	2.91	74 %	13 %	63 %	92 %	1.18	60 %	13 %
<b>Other Minorities (N=55)</b>	2.91	62 %	33 %	64 %	96 %	1.29	51 %	35 %
<b>Significance Level</b>	N. S.	p<.0001	p<.0001	N. S.	N. S.	N. S.	p=.001	p<.0001

Source: Hennepin County Juvenile Court files

**New Crime by Racial Background**

The recidivism rate is nearly identical for the different racial groups as Table 39 displays.

There were no significant differences in the percentage of juveniles in each group who were adjudicated or convicted of a new felony after the completion of the Instant Offense.

There were also no significant differences in the average number of new felonies for which each racial group was adjudicated or convicted. Additionally, there were no significant differences in the percentage of new person felonies or new property felonies

between the different racial groups, although the specialization that appeared in past crimes remained in new crimes.

**Table 39**

***Recidivism of Motioned Juveniles by Racial Background  
266 Juveniles With Two Years Street Time***

***- - New Adjudications or Convictions - -***

***Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

<b>RACIAL BACKGROUND OF MOTIONED JUVENILES WITH TIME AVAILABLE WITHIN 2 YRS TO COMMIT NEW CRIMES</b>	<b>Percent with New Adjudications or Convictions Within 2 Yrs (Misdemeanors and Felonies)</b>	<b>Percent with New Felony Adjudications or Convictions Within 2 Yrs</b>	<b>Average Number of New Felony Adjudications or Convictions Within 2 Yrs</b>	<b>Percent with New Person Felony Adjudications or Convictions Within 2 Yrs</b>	<b>Percent with New Property Felony Adjudications or Convictions Within 2 Yrs</b>
<b>Whites (N=85)</b>	<b>52 %</b>	<b>45 %</b>	<b>.93</b>	<b>9 %</b>	<b>36 %</b>
<b>African Americans (N=134)</b>	<b>50 %</b>	<b>43 %</b>	<b>.82</b>	<b>16 %</b>	<b>16 %</b>
<b>Other Minorities (N=47)</b>	<b>60 %</b>	<b>47 %</b>	<b>.57</b>	<b>11 %</b>	<b>36 %</b>
<b>Significance Level</b>	<b>N.S.</b>	<b>N. S.</b>	<b>N.S.</b>	<b>N. S.</b>	<b>N.S.</b>

Source: Hennepin County Juvenile Court Files

## **C. EXAMINATION OF MOTIONED JUVENILES BY ADJUDICATION HISTORY**

### **Prior to the Instant Offense**

By categorizing these juveniles according to their level and number of felony adjudications history, we see significant differences on nearly every variable. Table 40 has the motioned population broken into five categories ranging from no prior adjudications to three or more felony adjudications in the past. With regard to prior treatment opportunities, clearly the juveniles with the largest delinquency history have been to significantly more out-of-home placements and unique programs. These same juveniles have earlier first court contact and earlier first delinquency findings.

### **Related to the Instant Offense**

Of those youths with the least prior delinquency background (no priors or misdemeanor only), nearly seventy percent of each group had been charged with an Instant Offense (see Table 40). Seventy-eight percent of those with one felony in their background had a reference motion filed on person felony charges and those with more significant prior delinquencies had a lower percentage of youths who were motioned for person felonies. Of those with two past felonies, 60% were motioned on person felony charges and of those with three or more past felony adjudications, only 46% had motions for adult reference filed on charges that are considered person felonies. This follows the anecdotal knowledge of more serious prior history requiring less serious Instant Offenses. This same pattern shows when reviewing of the column on the percentage of juveniles who charged with a property Instant Offense. Very small percentages of youths were charged with a property Instant Offense and limited delinquency history. However, as the past adjudications grew, so did the percentages of youths motioned on property offenses.



There were no significant differences in the number of charges filed against juveniles by their adjudication history. In addition, there were no significant differences regarding the number of felony adjudications or convictions on the Instant Offense by past history. The certification rate increased from 51% for those who had no prior adjudications to nearly 75% for those juveniles who already had a history of 3 or more felony adjudications prior to the Instant Offense.

### **Recidivism by Past Adjudication<sup>70</sup>**

Clearly, the juveniles who were most active prior to their Instant Offense were also most active after the Instant Offense was settled as Table 40 shows. Of those with 3 or more past adjudications prior to the Instant Offense, 41% had additional reference motions filed and 71% were adjudicated or convicted of a new felony offense. Those at the other end of the spectrum with regard to prior adjudications, having no past adjudications, present a very different picture. Only 6% of those with no priors had additional reference motions filed and 16% had additional adjudications or convictions after the Instant Offense. Each of the categories between these two extremes fit in a linear and continually more serious pattern. Those with the highest past delinquency involvement continue to be heavily involved in the criminal and juvenile justice systems.

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<sup>70</sup> Since the variables prior to or related to the Instant Offense were reported on all possible juveniles (330), the recidivism information was presented in the same manner. If the juveniles who did not have two years of 'street time' (due to lack of time or lengthy incarceration) were excluded and recidivism was defined as felonies within 2 years of the juvenile's Instant Offense, the percentages and trends for new felony crimes were very similar to those reported in Table 40.

**Table 40**

***Examination of Motioned Juveniles by Adjudication History***

*Hennepin County, Minnesota*

*Department of Community Corrections*

Prepared By: Research and Systems Technology

ADJUDICATION HISTORY	Prior to Instant Offense				Related to Instant Offense				New Crimes		
	Average # of Out-of-Home Placement	Average # of Different Programs	Average Age at First Ct Contact	Average Age at First Delinquency	Percent Person Felony on IO	Percent Property Felony on IO	Average # of Fel. Charges on IO	Average # of Fel. Adj/Conv on IO	Percent Referred to Adult Ct	Percent With Another Motion	Percent With New Felony Adj/Conv.
No Prior Adjudications N=51	0	0	15.47	0	69%	10%	2.84	1.20	51%	6%	16%
Prior Misdemeanor Adjudication Only N=54	.76	.70	12.80	14.39	72%	13%	3.56	1.15	54%	13%	30%
One Past Felony Adjudication N=71	1.68	1.47	13.14	14.64	78%	14%	3.07	1.39	66%	18%	45%
Two Past Felony Adjudications N=65	3.59	2.45	12.31	13.67	60%	32%	2.51	1.15	72%	25%	63%
Three or More Past Felony Adjudications N=89	4.64	3.10	11.43	13.24	46%	44%	2.39	1.19	74%	41%	71%
Statistical Significance	p<.001	p<.001	p<.001	p<.001	p<.001	p<.001	N.S.	N.S.	p<.02	p<.001	p<.001

Source: Hennepin County Juvenile Court files

## **D. EXAMINATION OF MOTIONED JUVENILES BY TYPE OF INSTANT OFFENSE CHARGE**

### **Prior to the Instant Offense**

Instant Offense property offenders averaged nearly four out-of-home placements prior to being motioned for adult reference. In comparison, those youths charged with a person felony averaged half (1.94) as many delinquency related court placements (see Table 41). The same pattern was evident for unique program placements. These juveniles also differed according to the average number of problems that were documented in their home life. Person offenders had a higher average number of family problems (1.46), compared to property offenders (1.26) and particularly compared to those who were in the other offense category (.74).

Property offenders had a first delinquency finding at an earlier age than person felons and also had a higher number of past felony adjudications than the other two groups. All of these differences were statistically significant (see Table 41).

### **Related to the Instant Offense**

Offenders who are charged with a person Instant Offense generally have more charges involved in their reference motion (average of 3.22) compared to property offenders (2.58) and other offenders (1.18). The percentage referred to adult court is very similar for the property offenders and the person offenders (66% and 69%, respectively) but for other type of offenders the rate is quite a bit lower (44%).

### **Recidivism by Type of Instant Offense<sup>71</sup>**

Juveniles who were charged with a property Instant Offense not only had a more significant past delinquency history but they continued to be more active after the Instant

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<sup>71</sup> Recidivism information is reported on the entire population since the rest of the table includes all motioned juveniles. A comparison of recidivism for only those with 2 years of 'street time' and which included only 2 years for adjudications or convictions to occur did not present a different picture in terms of the pattern or extent of new crimes.

Offense was settled. Seventy-two percent of these offenders had a new felony adjudication or conviction after the Instant Offense. In comparison, youths motioned on person offenses recidivated at 40% and juveniles charged with some other type of Instant Offense had a recidivism rate of 44%. This is a statistically significant difference ( $p < .0001$ ).

Classifying the type of felonies these juveniles committed exhibited some interesting results (see Table 41). There were no differences in the likelihood of committing a new person felony among the three different groups of juveniles, those who were motioned on person offenses, those motioned on property offenses and those who were charged with some other type of offense. The percentage ranged from 15% likelihood to 23% likelihood. Juveniles motioned on property offenses had a much higher likelihood of committing new property felonies (46%) compared to juveniles who were motioned on person felonies (12%) or juveniles who were motioned on other type of offenses (10%). Finally, the group with the highest percentage of new drug felonies were the juveniles who were motioned on other charges (18%), whereas a very small percentage of either of the other motioned groups was adjudicated or convicted on new drug felonies.

**Table 41**

***Examination of Motioned Juveniles by Type of Instant Offense Charged***

*Hennepin County, Minnesota  
Department of Community Corrections*

Prepared By: Research and Systems Technology

TYPE OF INSTANT OFFENSE CHARGE	Prior to the Instant Offense					Instant Offense		New Crimes			
	Average # of Out- of-Home Placements	Average # of Dif- ferent Programs	Average # of Prob- lems in Home	Average Age at First Del- quency	Average # Past Fel. Ad- judications	Average # of Fel. Charges on IO	Percent Referred to Adult Ct	Percent w/ New Felony Adj/Conv	Percent w/ New Person Felonies	Percent w/ New Property Felonies	Percent w/ New Drug Felonies
<b>Person Felony Charges N=209</b>	1.94	1.45	1.42	14.37	1.45	3.22	69%	40%	22%	12%	6%
<b>Property Felony Charges N=82</b>	3.82	2.63	1.26	13.73	2.67	2.58	66%	72%	23%	46%	2%
<b>Other Charges N=39</b>	2.08	1.49	.74	14.26	1.31	1.18	44%	44%	15%	10%	18%
<b>Statistical Significance</b>	p<.0001	p<.0001	p=.02	p=.02	p<.0001	p<.001	p<.009	p<.0001	N.S.	p<.0001	p=.02

Source: Hennepin County Juvenile Court files

## **E. EXAMINATION OF MOTIONED OFFENDERS BY A COMBINATION OF HISTORY AND INSTANT OFFENSE SEVERITY**

The anecdotal information gained through interviews with professionals who deal with these motioned juveniles and their particular cases hinted at a bi-modal distribution of youths. On the one hand there are a group of juveniles who are alleged to have committed very serious person felonies and yet have a limited delinquency history. On the other hand is a group of juveniles who are mainly repeat property offenders for whom the juvenile system does not seem to have any further resources. Tables 42 and 43 were created in an attempt to capture these two diverse groupings of juveniles and to answer some of the questions that have been raised thus far. For example, why were there no significant differences in the percentage of juveniles who are referred to adult court by severity of the Instant Offense (using the typology presumptive versus non-presumptive)? Why, if African Americans are allegedly committing significantly more serious offenses are there no differences in the rate of referral according to race? These questions and more can be answered by Tables 42 and 43.

### **Prior to Instant Offense and Related to Instant Offense**

Table 42 presents various court indicators prior to the Instant Offense and other indicators related to service level during the reference process. The first column shows the separation of these youths according to whether they were charged with a presumptive offense and by categorizing their delinquency history into large or small. A large delinquency history was characterized by having 2 or more felony adjudications prior to a reference motion being filed on the Instant Offense. This decision was determined based on two different reasons: 1) youths with two or more felonies had a higher than average rate of referral to adult court,<sup>72</sup> and 2) approximately half of the population had two or more past felony adjudications (47%).

It is clear from this breakdown of the motioned juveniles, that certification in Hennepin County is utilized to handle the two groups of youths the professionals had identified. The

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<sup>72</sup> The average rate of referral across all years was about 65% and those with two or more past felony adjudications were certified at a rate higher than 70%.

largest percentage of the juveniles is the group with a presumptive Instant Offense and minimal adjudication history (38%). The next biggest group are those youths with a non-presumptive Instant Offense and a large adjudication history (28%). It is understandable that juveniles who are charged with a presumptive Instant Offense and who are determined to have a large adjudication history would also be included in motions for adult reference. The fact that there is such a small percentage among these youths (18%) indicates that first motions are usually filed on juveniles with similar profiles at an earlier stage.

The categorization in Table 42 also reveals some interesting differences on the qualitative indicators related to the juvenile's family and home life. The files reporting the most victimizations belong to juveniles who were charged with presumptive offenses (mainly offenses of a violent or aggressive nature) and who had a large history of delinquency adjudications. The statistically significant differences are between the most serious category, presumptive and large history, compared with the least serious, non-presumptive and little history. The other categories did not reveal significant differences. The same was true of the indicator 'problems in the home'. The statistical difference noted on this variable lies between presumptive - large history and non-presumptive-little history.

The youths with the largest adjudication history have the highest averages on 'exhibited problems' regardless of whether their Instant Offense was presumptive or not. Those with non-presumptive Instant Offenses-large history are significantly different from those classified as having little adjudication history regardless of their Instant Offense. There were also significant differences between youths charged with a presumptive Instant Offense and who have a large adjudication history compared with those at the other extreme, non-presumptive Instant Offense and little history.

There are three columns in Table 42 that display the percentages of each category composed of the different racial groups. Clearly, the majority of both presumptive categories are

composed of African Americans (67% for those with a large history and 66% for those with little history). Whites and other minority members are a small percentage of these two presumptive categories. Whites are more represented in the non-presumptive categories, comprising 38% of those with large adjudication histories and 54% of those with little history.



Table 42

***Examination of Motioned Juveniles by  
Combining Type of Instant Offense Charges and Past Adjudication History  
-- Prior to and Related to Instant Offense --  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Office of Research and Systems Technology

<b>COMBINING INSTANT OFFENSE CHARGE and ADJUDICATION HISTORY</b>	<b>Average # of Out-of- Home Placements</b>	<b>Average # Victimi- zation to Child</b>	<b>Average # Problems in the Home</b>	<b>Average # Problems Exhibited in Child</b>	<b>Percent White Motioned Juveniles</b>	<b>Percent African American Motioned Juveniles</b>	<b>Percent Other Minority Motioned Juveniles</b>	<b>Percent w/ Reference Study Completed</b>	<b>Percent w/ Psycholo- gical Eval Completed</b>	<b>Percent Referred to Adult Court</b>
<b>Presumptive Charges and Large History N=61</b>	3.48	1.03	1.84	1.36	13%	67%	20%	61%	59%	75%
<b>Presumptive Charges and Little History N=122</b>	.91	.60	1.25	.90	17%	66%	17%	60%	70%	63%
<b>Non-Presumptive Charges and Large History N=93</b>	4.61	.84	1.35	1.57	38%	42%	20%	16%	18%	72%
<b>Non-Presumptive Charges and Little History N=54</b>	.91	.39	.70	.59	54%	41%	6%	30%	28%	46%
<b>Statistical Significance</b>	p<.001	p=.01	p<.001	p<.001	p<.001			p<.001	p<.001	p<.001

In addition, it is apparent that the majority of the youths receiving correctional services, such as reference studies and psychological evaluations, to aid in the reference decision are those in the presumptive categories. The smallest group receiving correctional services are those who have a lengthy history and who are charged with a non-presumptive Instant Offense, 16% receiving reference studies and 18% receiving psychological evaluations. Since most of the services are rendered with youths charged with presumptive offenses and the majority of these youths are African American, it is clear why section VI revealed a significant relationship between race and services. Recall that this relationship disappears when type of Instant Offense is controlled.

Finally, the categorization in Table 42 helps to explain the lack of relationship between presumptive versus non-presumptive charges and the reference decision. About three-quarters of the youths with large adjudication histories are referred to adult court regardless of whether the charge is presumptive (75%) or non-presumptive (72%). In contrast, only 63% of those who are charged with a presumptive offense who have little delinquency history are referred and only 46% of those with non-presumptive charges who have little history are referred. Adjudication history is more important as an individual indicator of certification than the type of Instant Offense that is brought against a juvenile.

#### **Recidivism after the Instant Offense**

There is quite a range in the rate at which these youths continue to be involved in delinquent or criminal activity as is documented in Table 43: from 29% for those with a presumptive Instant Offense and little adjudication history as the lowest recidivism rate, to 79% of those juveniles who were motioned for a non-presumptive offense and who are characterized as having a large delinquency history. Once again, those with the largest

history prior to the Instant Offense, regardless of the type of Instant Offense charges, have the highest recidivism rates. These differences are statistically significant ( $p < .001$ ).

Not only are there more juveniles in these two categories (those with the largest adjudication history) that continue to be involved in delinquent or criminal activity but they have a higher average number of new felony adjudications or convictions as well. They also are more often adjudicated or convicted on new person felonies than those youths who are categorized as having little adjudication history ( $p = .01$ ). The group with the most new property felonies are those youths who were motioned on a non-presumptive offense and who had a large adjudication history to prior to being motioned (47%).

**Table 43**

***Recidivism of Motioned Juveniles by  
Combining Type of Instant Offense Charges and Past Adjudication History  
Hennepin County, Minnesota  
Department of Community Corrections***

Prepared By: Research and Systems Technology

<b>COMBINING INSTANT OFFENSE CHARGE AND ADJUDICATION HISTORY</b>	<b>Percent w/ New Felony Adjud/Conv</b>	<b>Average # of New Felony Adjud/Conv</b>	<b>Percent w/ New Person Felony Adjud/Conv</b>	<b>Percent w/ New Property Felony Adjud/Conv</b>
<b>Presumptive Charges and Large History N=61</b>	51%	1.23	33%	15%
<b>Presumptive Charges and Little History N=122</b>	29%	.59	15%	7%
<b>Non-Presumptive Charges and Large History N=93</b>	79%	2.31	27%	47%
<b>Non-Presumptive Charges and Little History N=54</b>	39%	.83	15%	13%
<b>Statistical Significance</b>	p<.001	p<.001	p=.01	p=.001

Source: Hennepin County Juvenile Court files

## F. OVERVIEW SUMMARY

This research collected pertinent information on all juveniles who had a motion for adult reference filed for the first time between 1986 and 1992. The desire to gain information on the background of these serious juvenile offenders led this research attempt. A large percentage lived with only one parent, they were predominantly minority, with significant juvenile delinquency records, who had been placed out of their home many times prior to the motion for adult reference. Future research is needed to determine why the minority percentage of this group of youths is so disproportionate to arrest rates for serious offenses.

Moreover, the level of correctional service required and completed for this group of youths was documented. The average amount of time needed to reach a reference decision has increased over the study period to about 3 1/2 months from approximately 2 months. This could be due to an increase in the last few years of *prima facie* cases that are more complex, tend have a higher percentage of juveniles with limited delinquency history and tend to have correctional services requested more often. It was also found that the reference process took significantly longer for African Americans but this was an indirect association resulting from African Americans being charged with person offense more often. The direct association was between those being charged with a person Instant Offense requiring a longer period of time to reach a reference decision due, again, to the increase in correctional services being requested. Reference studies completed by the Juvenile Probation division have increased from 40% in 1986 to 51% in 1992 while psychological evaluations completed by Psychological Services has increased from 43% of all reference cases in 1986 to 57% in 1992.

In addition, this study was able to determine the most critical factors leading to the decision to refer some of these youths. These variables included age at Instant Offense,

the judge making the decision, whether the Instant Offense was a person felony with a weapon, the adjudication history of the juvenile and finally, the reference recommendations provided by court services. Of particular interest was the finding that race was not a significant factor in determining the reference decision result. So, although the juveniles facing certification are disproportionately minority, those that are motioned are similar to each other and are treated similarly at this final stage of the juvenile justice process.

Another interest of this research was to document the future criminality of this group of youths. Each of these juveniles was followed up through the end of 1993. The recidivism rate was quite high, even after standardizing the length of time available to commit new crime. The recidivism rate for new adjudications or convictions for these juveniles (52%) was higher than a national research study (47%) that defined recidivism in a more liberal sense, as new arrests. Those with the largest delinquency history tended to continue to be the most active offenders. In addition, there were no significant differences by racial group in new convictions or adjudications after the reference motion. However, there were differences in new convictions or adjudications by whether a juvenile was certified or not. Those juveniles who were certified were more likely to have been convicted or adjudicated on a new offense after the reference motion than those juveniles who were not certified.

## ***APPENDICES***





**Appendix A**  
**Data Collection Form**



# DATA COLLECTION FORM

## JUVENILE REFERENCE STUDY

Coder \_\_\_\_\_

Date Completed \_\_\_\_\_

Year of instant offense \_\_\_\_\_

Certified on Instant Offense? ☐ Yes ☐ No

Previous cert. motion elsewhere? ☐ Yes ☐ No

Previously certified elsewhere? ☐ Yes ☐ No

### Offender Information - at point of Instant Offense

Name: \_\_\_\_\_

JFTS: \_\_\_\_\_

Sex: ☐ male ☐ female

SIP#: \_\_\_\_\_

Date of birth: \_\_\_\_\_

On or prior parole? ☐ yes ☐ no ☐ unknown

Race/Ethnic group:(use Table 7) \_\_\_\_\_

On or prior probation? ☐ yes ☐ no ☐ unknown

Adopted? ☐ yes ☐ no ☐ unknown

Employed? ☐ yes ☐ no ☐ unknown

How much working?

Date first court appearance: \_\_\_\_\_

☐ ft ☐ pt ☐ unknown ☐ other \_\_\_\_\_

Prior court involvement: \_\_\_\_\_

Education: last grade passed/completed \_\_\_\_\_

Date first finding of delinquency: \_\_\_\_\_

Total # of trancies: \_\_\_\_\_

Gang member? ☐ yes ☐ no ☐ unknown

Status offs prior to IO: \_\_\_\_\_ After IO: \_\_\_\_\_

Reported by? ☐ police ☐ p o ☐ attorney

A & Ds prior to IO: \_\_\_\_\_ After IO: \_\_\_\_\_

☐ self ☐ other \_\_\_\_\_

Warrants prior to IO: \_\_\_\_\_ After IO: \_\_\_\_\_

Date first noted: \_\_\_\_\_

### Family History - at point of Instant Offense

Living situation: (use Table 5) \_\_\_\_\_

Is father involved with family? ☐ very ☐ somewhat  
☐ not at all ☐ unknown

Residence: (use Table 48) \_\_\_\_\_

Zipcode of residence: \_\_\_\_\_ Number of siblings: \_\_\_\_\_

Moved fm in MN to HC ☐ yes ☐ no ☐ unknown

Moved fm other state to HC ☐ yes ☐ no ☐ unknown

From Where? \_\_\_\_\_ Date: \_\_\_\_\_

From Where? \_\_\_\_\_ Date: \_\_\_\_\_

Mother working? ☐ yes ☐ no ☐ unknown

Father working: ☐ yes ☐ no ☐ unknown

How much is she working?

How much is he working?

☐ ft ☐ pt ☐ unknown ☐ other \_\_\_\_\_

☐ ft ☐ pt ☐ unknown ☐ other \_\_\_\_\_

Mother in CJ system? ☐ yes ☐ no ☐ unknown

Father in CJ system? ☐ yes ☐ no ☐ unknown

In what way? \_\_\_\_\_

In what way? \_\_\_\_\_

#### Family Mental Health Problems

#### Family Drug/Alcohol Problems

Juv's past problems? ☐ yes ☐ no ☐ unknown

Juv's past problems ☐ yes ☐ no ☐ unknown

Mother's problems? ☐ yes ☐ no ☐ unknown

Juv's problem after IO ☐ yes ☐ no ☐ unknown

Father's problem? ☐ yes ☐ no ☐ unknown

Mother's problem: ☐ yes ☐ no ☐ unknown

# of past non-delinquent psych evals: \_\_\_\_\_

Father's problem: ☐ yes ☐ no ☐ unknown

# of cd evals due to d/a abuse: \_\_\_\_\_

#### Victimization of the juvenile

Abuse noted in files

Neglect? ☐ yes ☐ no ☐ unknown

physical abuse? ☐ yes ☐ no ☐ unknown

Child Prctn involved? ☐ yes ☐ no ☐ unknown

sexual abuse? ☐ yes ☐ no ☐ unknown

Child Prctn involved? ☐ yes ☐ no ☐ unknown

# of O-of-H placements: (non-delinquent) \_\_\_\_\_

Anything else concerning family, social history? (include any significant life events)

**INSTANT OFFENSE**  
**Offense that led to FIRST reference motion**

*(Maintain order of charges from court files - Use MOC codes)*

Reference #	SIP Case No.	SIP Fapp Date	Adjudication Date	Sentencing Date	
Petition Charge	Offense Date	Level	Counts	Adjudication Charge	Hrg Response
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Multiple reference motions? ( ) yes ( ) no ( ) unk

**Custody Status:**

( ) detained ( ) bail set \$ \_\_\_\_\_ /posted? Y / N Organic problems? ( ) yes ( ) no ( ) unknown

( ) released w/o bail - conditions? Y / N What type of problems?

Date Begins: \_\_\_\_\_

Date Ends: \_\_\_\_\_

MH probs indicated: ( ) yes ( ) no ( ) unknown

What type of problems?

**Weapon use:**

( ) none ( ) threat ( ) injure ( ) kill

Number of psych evals done for ref hearing: \_\_\_\_\_

Competency an issue? ( ) yes ( ) no ( ) unknown

**Weapon type:**

( ) blunt inst. ( ) knife ( ) firearm ( ) unknown

AD/ADD/ADHD? ( ) yes ( ) no ( ) unknown

**Drug/alcohol involved:**

( ) none ( ) unknown  
 ( ) alcohol (level: \_\_\_\_\_) ( ) drug (type: \_\_\_\_\_)

**IQ Test given:** \_\_\_\_\_

VIQ / CQ: \_\_\_\_\_ PIQ / AQ: \_\_\_\_\_

FSIQ/ Estimated IQ: \_\_\_\_\_

WRAT Reading Level: \_\_\_\_\_

WRAT Spelling Level: \_\_\_\_\_

WRAT Arithmetic Level: \_\_\_\_\_

Total # of co-defendants: \_\_\_\_\_

Number of adult co-defendants: \_\_\_\_\_

**Victim Information: # of victims:** \_\_\_\_\_

Age	Sex	Race	Relationship to Offender	Extent of Injury
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Judge at trial: \_\_\_\_\_

Dual Jurisdiction? ( ) yes ( ) no ( ) unknown

**Juvenile dispositions - Sentence and length:**

\_\_\_\_\_

**Criminal Court dispositions - Sentence and length:**

\_\_\_\_\_

**Other details concerning the alleged crime:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Juvenile Reference Process

Date of motion for reference filed by CA?

Date: \_\_\_\_\_

Basis for motion: ☐ public safety ☐ unamenable to treatment  
☐ prior reference ☐ prima facie: (# \_\_\_\_\_)

County attorney filing reference motion: \_\_\_\_\_

Judicial officer hearing reference motion: \_\_\_\_\_

Custody status:

☐ detained ☐ bail set \$ \_\_\_\_\_ /posted? Y / N  
☐ released w/o bail - conditions? Y / N

Date begins: \_\_\_\_\_

Date ends: \_\_\_\_\_

Was enlargement granted? ☐ yes ☐ no ☐ unknown

How long: ☐ 30 days ☐ 60 days ☐ 90 days ☐ other \_\_\_\_\_

Date: \_\_\_\_\_

Probation Officer completing reference study: \_\_\_\_\_

Date done: \_\_\_\_\_

Circle factors recommending transfer: a b c d e f g h i j k

Recommendation of PO in reference study: ☐ no recommendation

# of pages of reference study: \_\_\_\_\_

☐ adult ☐ juvenile ☐ dual jurisdiction ☐ other \_\_\_\_\_

Psychologist/Psychiatrist: \_\_\_\_\_

Date done: \_\_\_\_\_

Circle factors recommending transfer: a b c d e f g h i j k

Recommendation of Psychologist: ☐ no recommendation

# of pages of psychological study: \_\_\_\_\_

☐ adult ☐ juvenile ☐ dual jurisdiction ☐ other \_\_\_\_\_

Was reference hearing held? ☐ yes ☐ no ☐ unknown

Dates: \_\_\_\_\_ to \_\_\_\_\_

Judge presiding at reference hearing: \_\_\_\_\_

County attorney handling reference hearing: \_\_\_\_\_

Lawyer for the child? \_\_\_\_\_

Reference Disposition: ☐ withdrawn ☐ waived  
☐ denied ☐ granted ☐ other \_\_\_\_\_

Date: \_\_\_\_\_

Basis for granting transfer:

☐ public safety ☐ unamenable to treatment  
☐ prior reference ☐ prima facie: (# \_\_\_\_\_)

Was juvenile deemed unamenable to treatment due to age? ☐ yes ☐ no ☐ unknown

Was reference decision appealed? ☐ yes ☐ no ☐ unknown

Date: \_\_\_\_\_

Was reference decision reversed? ☐ yes ☐ no ☐ unknown

Date: \_\_\_\_\_

Other information important to the reference process \_\_\_\_\_

**OTHER CRIMINAL OFFENSES** (Do NOT include the INSTANT OFFENSE; begin with EARLIEST):

## OFFENSE # 1

[illegible]

**Dispositional outcome/sentence and length:**

Ref motion filed on this? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
 Basis for motion: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)  
 Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
 Reference study done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
 Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
 Psychological eval done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
 Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
 Reference disposition: \_\_\_\_\_ Date: \_\_\_\_\_  
                   ☐ withdrawn   ☐ waived   ☐ denied   ☐ granted   ☐ other \_\_\_\_\_  
 Basis for granting: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)

**OFFENSE # 2**

Reference No.	SIP Case No.	SIP Fapp Date		Adjudication Date		Sentencing Date
Petition Charge	Offense Date	Level	Counts	Adjudication Charge	Level	Hearing Response

**Dispositional outcome/sentence and length:**

Ref motion filed on this? ( ) yes ( ) no ( ) unknown Date: \_\_\_\_\_  
 Basis for motion: ( ) public safety ( ) unamenable/treatment ( ) prior reference ( ) prima facie (# \_\_\_\_\_)  
 Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
 Reference study done? ( ) yes ( ) no ( ) unknown Date: \_\_\_\_\_  
 Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
 Psychological eval done? ( ) yes ( ) no ( ) unknown Date: \_\_\_\_\_  
 Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
 Reference disposition: Date: \_\_\_\_\_  
 ( ) withdrawn ( ) waived ( ) denied ( ) granted ( ) other \_\_\_\_\_  
 Basis for granting: ( ) public safety ( ) unamenable/treatment ( ) prior reference ( ) prima facie (# \_\_\_\_\_)

**OFFENSE # 3**

Reference No.	SIP Case No.	SIP Fapp Date	Adjudication Date	Sentencing Date
Petition Charge	Offense Date	Level	Counts	Adjudication Charge Level Hearing Response

Dispositional outcome/sentence and length:

Ref motion filed on this? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Basis for motion: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)  
Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
Reference study done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
Psychological eval done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
Reference disposition: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ withdrawn ☐ waived ☐ denied ☐ granted ☐ other \_\_\_\_\_  
Basis for granting: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)

**OFFENSE # 4**

Reference No.	SIP Case No.	SIP Fapp Date	Adjudication Date	Sentencing Date
Petition Charge	Offense Date	Level	Counts	Adjudication Charge Level Hearing Response

Dispositional outcome/sentence and length:

Ref motion filed on this? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Basis for motion: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)  
Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
Reference study done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
Psychological eval done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or Unk  
Reference disposition: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ withdrawn ☐ waived ☐ denied ☐ granted ☐ other \_\_\_\_\_  
Basis for granting: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)

**OFFENSE #**

Reference No.	SIP Case No.	SIP Fapp Date	Adjudication Date	Sentencing Date	
Petition Charge	Offense Date	Level	Counts	Adjudication Charge Level	Hearing Response

Dispositional outcome/sentence and length:

Ref motion filed on this? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Basis for motion: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)  
Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
Reference study done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or \_\_\_\_\_  
Psychological eval done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or \_\_\_\_\_  
Reference disposition: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ withdrawn ☐ waived ☐ denied ☐ granted ☐ other \_\_\_\_\_  
Basis for granting: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)

**OFFENSE #**

Reference No.	SIP Case No.	SIP Fapp Date	Adjudication Date	Sentencing Date	
Petition Charge	Offense Date	Level	Counts	Adjudication Charge Level	Hearing Response

Dispositional outcome/sentence and length:

Ref motion filed on this? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Basis for motion: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)  
Judge for ref hrg: \_\_\_\_\_ County Attorney: \_\_\_\_\_ Attorney for child: \_\_\_\_\_  
Reference study done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Probation Officer: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or I \_\_\_\_\_  
Psychological eval done? ☐ yes ☐ no ☐ unknown Date: \_\_\_\_\_  
Psychologist/Psychiatrist: \_\_\_\_\_ Recommendation: Adult / Juvenile / Dual / None or I \_\_\_\_\_  
Reference disposition: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ withdrawn ☐ waived ☐ denied ☐ granted ☐ other \_\_\_\_\_  
Basis for granting: ☐ public safety ☐ unamenable/treatment ☐ prior reference ☐ prima facie (# \_\_\_\_\_)



**Appendix B**  
**Examples of Open-Ended Responses**



## **Examples of Victimization of the Motioned Juvenile - Graph 11**

### **Sexual Abuse of Juvenile**

sexually abused by foster mother  
sexually abused by stepbrother  
sexually abused by aunt  
sexually abused 3-4 times  
sexually abused while on the run by a truckdriver  
sexually abused at least 5 times  
sexually abused by Scout Leader at age 9  
raped by his father and uncle  
sexually abused by brother  
sexually abused and raped by mother, grandfather, friends of grandfather, and  
extended family members  
suspected sexual abused by brother  
sexually abused by father  
sexually abused by mother  
officials suspect sexual abuse of juvenile, but juvenile denies it  
psychologists suspects sexual abused but not substantiated  
sexually assaulted by unknown male at age 6  
alleged sexual abuse at age 8 by older cousins (sodomy)  
was sexually abused by stepsister  
sexually molested by an employee of placement in California at 10  
alleged sex abuse by staff at COC (Red Wing)

### **Physical Abuse to Juvenile**

physical abuse by dad  
mother's boyfriend abused the kids  
step dad forced hand in fresh dog feces and then through his hair as  
punishment  
stepfather very abusive  
stepfather smeared feces on his head when young to humiliate him  
child says abused by parents, everyone else says he is pathological liar  
been hospitalized many times for fractures  
juvenile previous abuse problems  
severe physical abuse as a child  
physically abused by boyfriend  
physically abused by father  
step dad very involved with child but also physically abusive  
physical abuse by stepdad  
stepfather put gun to child's head  
first home in grandmother's house described as chaotic and violent  
grandparents very abusive  
almost shot by grandmother  
his step dad tried to strangle him at age 8 while under negative reaction to

illegal drugs  
removed from home at one time (1980) for suspected abuse  
older brother teased, beat up, and tortured child - would tie him up in  
basement and leave him there for hours listening to him scream  
mother is physically abusive - sexual abuse suspected  
removed from home at one time (1980) for suspected abuse

#### **Verbal/Emotional Abuse of Juvenile**

verbal abuse by father  
verbal abuse by step father  
mother verbally abusive to child  
extreme punishments noted - grounded alone in bedroom for two weeks with  
no human contact

#### **Dependency Neglect Issues**

dependency/neglect issues - 55 court activity in 6 years all related to dep/neg  
dependency issues noted  
all kids (7) placed out of home  
all 4 children placed out of home for 4 years  
removed from parental home  
parents filed CHIPS petition to be relieved of their parental duties  
county took over jurisdiction of child  
ward of the state  
child protection involved with family (unknown reason)  
parental rights terminated when respondent was 4 years old  
two brothers (one a twin to respondent) who are disabled due to parental  
neglect  
one half brother mentally retarded due to father beating up his girlfriend while  
she was pregnant  
on an active Child Protection neglect case with her own child  
when petition filed by parents to terminate their rights is denied, they simply  
move out of state and leave respondent behind  
parents moved out of state while respondent was in placement

## Examples of Problems in the Juvenile's Home or Life - Graph 12

### Tramatic Losses

sibling deceased 1 year earlier  
little sister run over by bus while he was suppose to be watching her  
respondent present when uncle was shot/killed  
cousin killed self - respondent found body  
father died when he was young  
both parents drunk night of IO - juvenile killed father  
father committed suicide 2 years before IO (clinically depressed)  
stepfather suicide - repondent found him  
mother dead  
father dead  
all siblings died in a house fire  
step father killed in car accident  
close family member died when he was young  
unresolved guilt and grief about mother's death  
unresolved guilt and grief about father's death  
was being raised by grandfather who then died  
grandmother died in bed with respondent  
respondent's uncle killed respondent's stepgrandfather, allegedly in retaliation  
for abuse to respondent's grandmother  
brother killed by a friend  
stepmother dead  
one of his best friends was killed in a gang-related shooting in 1991 or 1992  
was present when Tysel Nelson was killed  
had a pet (horse) he was very attached to - it died  
was present when father died of heart attack; called ambulance for father  
father was murdered in 1987

### Tramatic Event

stopped going to school because clothes so bad  
mom in and out of hospital - due to pregnancy  
mom numerous health problems due to diabetes  
biological dad left him to drown in lake (saved by a witness) led to his parents  
divorce  
fell asleep while babysitting his brothers and sisters - they set house on fire  
and it was totally destroyed  
family home burned to ground while parents away on vacation  
after biological father dies in a fire, mom marries biological father's brother  
(respondent's uncle)  
mother remarried to father's best friend  
biological father kidnapped child from mom (threatened with gun) to prevent  
mom from placing kid pursuant to psychological evaluation

recommendations  
hit by car in 1989 - 50 days in hospital; pin in leg  
father didn't believe respondent was his child - made them have blood test  
father refuses paternity  
bonded with baby brother like she was the mother - then he was removed  
from the home by court  
passenger in van that was involved in drive by shooting where his friend was  
killed

### **Absent Parents**

child in shelter from 6 years old to 10 years because mom left  
hasn't seen father since he was 5  
doesn't see father  
father not involved with child  
mother abandoned him last couple of years  
mother gone alot - kids given to various relatives  
mother left for CA when 6 - didn't come back until respondent was 13  
raised himself basically  
been taking care of himself since age 12  
been in Minnesota for several months (age 15) on his own - mom in  
California, dad in Chicago  
mother told him 2 different men are his father  
doesn't know father but has seen him around  
never knew his father  
no contact with biological mom  
abandoned at 18 months  
father not involved in his life - named new son same as juvenile  
placed with grandmother at one time (by court non-delinquency)  
lived with grandmother  
mother left when he was 3  
mom left when she was 5  
mom left when he was 11  
mom left when 6 years old  
raised by various relatives  
relatives helped to raise respondent  
grandmother blind (lives with her)  
lives with 9 extended family members (7 are kids)  
father in and out of home  
lived with aunt since 4 years old  
lives with aunt  
lived with aunt for period of time  
adopted by aunt  
father abandoned kids in North Dakota once  
continuous out-of-home placements from 9 or 10 years old on  
continuous out-of-home placements since age 8

dad abandoned family when he was 1 year old  
mom and dad left him with a brother who was 20 yrs old  
has lived on the street for a couple of years  
father rejected respondent - told him he has a new family  
mother married at least three times  
mother married seven times  
father does not live in the home, but is over often, drinking with mother

### **Non Responsible Parenting**

mom a prostitute (pimped her 2 daughters)  
mom alleged prostitute  
mother is ' ' of disciples gang (in prison for the murder of ' ' )  
had to find own clothes and food  
mother brought home a man and had sex with him in child's bed while child was there  
born when mom was only 13 - thinks of her as a sister  
father uses prostitutes - brings them home  
4 different fathers of the 8 children  
4 different fathers of 5 children  
all 4 kids have different fathers  
father is respondent's drinking buddy  
father supplied drugs and alcohol  
allowed respondent to drink alcohol in home  
parents only provide for the primary needs of kids  
family does not communicate at all  
child found alone in roach infested apartment-had set fire to 2 mattresses-told stories to St Joes staff about killing his friends with knives and fire  
mother uncooperative with school and court system  
parents refused to become involved in family counseling  
family hostility toward outside intervention  
at age 11 he and siblings found alone in apartment with no heat or food, huddled together under blanket  
co-respondent was father in drug operation (making and selling); child had \$46,000 on him when arrested  
aunt not a good influence - allowed him to do whatever he wanted when he stayed with her  
respondent asked mother to take part in Big Brother organization - she ignored his request  
role reversal - respondent was parenting figure to alcoholic mother and his younger siblings  
mother's parenting skills reported as inconsistent  
truancy may be due to having to stay home to take care of younger siblings - mom not there  
mother allegedly blew marijuana smoke into childrens mouths to make them sleepy

**Physical Spousal Abuse at Home**

- spousal abuse
- father killed mother - serving time at Stillwater
- biological father physically abused mother
- father stabbed mother during domestic dispute - hospitalized

**Economic Problems**

- on AFDC
- lack of family structure/sub-standard home conditions

**Unstable Residence - Moving Alot**

- migratory family (6 states in 10 years)
- family moved 4 times in 1 year
- family moves frequently
- in six different places in 7 years
- moved frequently back and forth between IL and MN
- multiple absents in attempt to return to Chicago

**Juvenile Lives with Other Family Member**

- grandmother raised him
- raised by grandmother first 11 years
- lived on and off with grandmother
- lives with sister
- lived with grandparents when mom lost job
- considers his grandparents to be his parents
- feels grandparents major part of his parenting

**Parents in Custody Dispute**

- plays parents against one another
- conflict regarding child between mother, natural father, and stepfather
- custody dispute between parents
- parents divorced, father remarried right away
- custody (physical) split equally between parents homes
- shortly after adoption (at age 4), adoptive parents divorced
- parents not married - lots of conflict between them

**Family Mental Health Problems**

- mother mentally ill
- mother hospitalized for mental health
- mother committed to Anoka State Hospital in 1984 for manic depression long history mental illness
- brother mentally ill
- brother attempted suicide
- sibling(s) have mental health issues



strong family history of mental illness  
mom attempted suicide, juvenile intervened  
stepfather manic-depressive-on Lithium  
mother is unstable mentally  
father had mental health problems  
respondent described father as insane in 1983 psychological evaluation  
adoptive sister hospitalized for same mental health problems as respondent has

### **Family Criminality**

psych eval says both parents were incarcerated which is why respondent lives  
with grandmother  
mother went to prison - respondent placed with relatives  
brother in prison for robbery and murder  
brother killed during commission of crime  
sibling(s) in juvenile system also  
step dad in prison for kidnapping and sexual assault  
step dad in prison for murder  
step dad in and out of prison  
5 siblings of the 10 in court system  
one strong male in his life (maternal uncle) in prison for murder  
entire extended family dysfunctional - child with mother and uncle (2 separate  
occasions) when they were arrested for burglary - related crimes  
extended family involved in court system  
most offenses were committed with all or some of respondent's four brothers  
offenses (some) committed with cousin  
instant offense committed with brother  
mother has juvenile record  
father has juvenile record  
biological mother was at Sauk Center COC when respondent was born - put  
him up for adoption  
entire family, including parents, have history of non-appearance for court  
matters

### **Family Drug Problems**

father has severe cocaine problem, in and out of treatment then finally listed  
as deceased  
father abused drugs  
father chronic alcoholic with wet brain syndrome  
mother heavy drug user  
mother alcoholic  
mother on heroin  
mom severe alcoholic  
mother's boyfriend heavy drug abuser  
step dad heavy drug abuser

grandparents both use/abuse alcohol (calls them mom and dad-they raised him)  
whole family abuser of drugs/alcohol  
sister very involved with drugs/alcohol  
brother very involved with drugs/alcohol  
3rd (maybe 4th) generation alcoholic - both sides  
extensive history of chemical dependency  
cocaine sales made out of juvenile home - grandma, mom aunt all involved  
entire family has been involved in court system for drugs  
mother reports transporting drugs into St Cloud Prison  
mother had child be delivery person for her drug sales  
sold crack cocaine starting around age 12, to support himself - refused to supply his addict mother without payment  
respondent's brothers started him using drugs at age 5  
mother drank heavily while pregnant with respondent

**Mother/Father/Incapacitated/Illness**

father is paralyzed  
mom has Charcot-Marie-Tooth syndrome - confined to wheelchair  
sister is physically challenged - scoliosis, bone deformities  
mom had severe stroke when respondent 12 years old  
mother has medical problems

**Sex Abuse in Family (Juvenile not the victim)**

sister sexually abused at 5 or 6 by a step father  
other siblings sexually abused by family members

**Organic Problems**

juvenile has fetal alcohol syndrome  
juvenile has extremely high levels of mercury

## **Examples of Problems Exhibited in the Juvenile's Behavior or Life - Graph 13**

### **Child Drug Problems**

extensive drug use, THC, LSD, alcohol  
attributes his criminal activity to drugs, started drinking heavily at 12 also  
LSD and pot  
admitted to hospital at 8 - behavior problems, drinking, sniffing glue  
inhalent abuser by age 12  
alcohol abuser by age 12  
at least 12 admissions to Detox by age 15  
unpetitioned DWI - handled in traffic court  
parents put him into 5 CD treatment programs - he was unsuccessful in all of  
them  
all but one offense committed while respondent was intoxicated

### **Fire Starter**

fire starting (dad says only one incident) and sadism to animals self-reported

### **Juvenile's Violent/Aggressive Behavior - Resistance to Authority**

child assaulted mother  
described as extremely dangerous, violent, resistance to authority  
assaultive, aggressive behavior in every placement  
assaulted correction staff  
juvenile describes himself as very quiet and very dangerous  
threatening, hostile, intimidating, resists authority - won't accept  
consequences  
described as a very angry young man  
had to be placed in secure unit at CHS numerous times  
history of sadistic assault (second ref. motion dismissed cause mother wouldnt  
press charges - he badly battered his 8 year old brother)  
mother scared of respondent - locks her bedroom door at night  
mother told police she sleeps with hammer under pillow due to fear of  
respondent  
problems with all authority figures, particularly females

### **Juvenile's Mental Health Problems**

drug overdoes a couple of months prior to IO (possible attempted suicide)  
juvenile previous mental health problems  
respondent is deceased (possible suicide)  
respondent killed self  
suicide attempts during 2 of 7 stays in 20/20 (Detox)  
asked stepfather to take a gun and shoot him  
history of self-mutilation  
has hallucinations in which dead father and aunt come and talk to him

tore up a teddy bear and smeared red jam over it: left it for his mother to find  
(at age 15)  
admitted to Golden Valley Health Center in 4/82 for suicidal ideation and  
conduct disorder - discharged after running twice in one month and  
failure to cooperate with program  
still sucking thumb at age 14 - Lets NE HS teacher hold him (for comfort) -  
apparently starved for affection  
allegedly into Satanism  
claims to speak to the Devil  
unexplained episodes of falling asleep in middle of school  
mother found suicide notes in his room in late 89 early 90  
admits to sexual fantasies and daydreams about rats and stuff eating him away  
has daydreams about killing people - would like to be like Jeffrey Dahmer  
(serial killer) - thinks he'll be dead or in jail when older

#### **Physical Anomalies - Including Health, Weight and Skin Problems**

obese  
juvenile on medications in 1984  
respondent has skin ailment - caused loss of all but one small patch of hair -  
got nickname ' ' '  
has hair growth problems and skin disease from childhood  
bone disease - got tumors on bones until approximately age 5  
at approximately age 13, developed prominent breasts - required surgical  
removal of breast tissue - emotionally traumatizing to respondent

#### **Severe Interpersonal Problems with Parents/Siblings**

not a good relationship with mother - violent  
felt mom didn't care about him - found mentor in gangs  
very bad relationship with sister  
doesn't get along with stepfather  
issues with step-siblings  
threatened to kill stepfather  
respondent feels father only sued for (and got) custody to avoid child support  
payments  
family disowned respondent after he committed Instant Offense  
jealous of non-adopted siblings

#### **School Problems**

frequently absent from school, many delinquency problems  
numerous school suspensions due to behavior - suspended 9 times in one  
school year  
went to Harrison (Level 5) school  
level 5 EBD school placement  
chronic truant - but never brought to court's attention  
in special school (Groves Learning Center) - dyslexic

dropped out of school at age 16  
suspended from elementary school for fighting and stealing  
8 suspensions in 6th grade (1988)  
numerous references of serious disciplinary problems at home and school,  
inattentive, etc.  
repeated 3rd grade - class clown disruptive

#### **Juvenile as Sexual Predator and/or Inappropriate**

juvenile sexually abused foster mother's daughter  
described as obnoxious and sexually inappropriate  
may have been 3-4 children that he abused  
when 12 sexually abused a 9 year old girl  
anally raped his 2 year old sister numerous times  
was involved in sexual misconduct with 4 yr old in 1982 - it was dropped  
removed from home because allegedly sexually assaulted 4 year old sister, not  
prosecuted, therapy  
respondent been threatening to girls at school several times  
juvenile was involved in another sexual misconduct that was not charged  
had pre-pubescent same - sex experience  
spent 2 years in Sex Offender treatment - committed IO (sex crime) shortly  
after release  
respondent states he very well might rape someone someday by sneaking into  
a house  
correctional staff says respondent may commit sexual violent crime - he has  
hoards of sexual paraphernalia

#### **Social Isolate**

picked on by his peers  
respondent has attachment-bonding problems

#### **Child on Medication**

medical history of being on Ritalin  
medical history of lithium/for depression  
overdosed on lithium in past

#### **Racial Identity Problems**

racially mixed heritage a problem  
only bi-racial person in his family  
has issues with being bi-racial - wants either to be Hispanic, or White

#### **Runaway/Escape**

chronic runner  
several escape attempts while in placement

**Mental Functioning/Competency**

been described as slow

juvenile has very limited abilities

per school psychological in 1990, has profound learning disability which

affects ability to understand and retain spoken guidelines and rules

had 8 psych evals after the Instant Offense which included competency issues,

deemed competent and sent to prison

## **Appendix C**

### **County Attorney Adult Reference Motion Form**





STATE OF MINNESOTA

DISTRICT COURT-JUVENILE DIVISION

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the Matter of the Welfare of )

<> )

Respondent )

**MOTION FOR  
ADULT REFERENCE**

File #<>

Ref. #<>

TO: <>, THE ABOVE-NAMED RESPONDENT.

Pursuant to Minnesota Statute §260.125 and Rule 32.01 of the Minnesota Rules of Procedure for Juvenile Courts, the undersigned moves the Court for its order referring to the District Court-Criminal Division for prosecution of the following offense(s): <>, as alleged in a Petition filed with the Court on <>, 19<>.

The grounds supporting this motion are:

\_\_\_\_\_ The above-named Respondent is not suitable to treatment under the provisions of laws relating to Juvenile Courts;

\_\_\_\_\_ The public safety is not served by handling the Respondent under the provisions of laws relating to Juvenile Court;

\_\_\_\_\_ The Respondent is 16 years of age and a prima facie case exists that the public safety is not served or that the defendant is not suitable for treatment under the following paragraphs of M.S. 260.125, Subd. 3:

\_\_\_\_\_;

\_\_\_\_\_ The above-named Respondent has been previously referred for prosecution on a felony charge or charges and convicted for that offense or offenses or a lesser included offense which is a felony.

First appearance on this Motion has been set for \_\_\_\_\_  
at \_\_\_\_\_ before the Honorable \_\_\_\_\_.

Dated: September 8, 1994

MICHAEL O. FREEMAN  
HENNEPIN COUNTY ATTORNEY

\_\_\_\_\_  
<atty name>, #<>  
Assistant County Attorney  
C2200 Government Center  
300 South 6th Street  
Minneapolis, Minnesota 55487  
(612) 348-<>



## **Appendix D**

### **Calculations for Model Improvement Over Chance**



# CALCULATIONS FOR MODEL IMPROVEMENT OVER CHANCE\*

## MODEL # 1

		Observed		
		Referred	Retained	
Predicted	Referred	197 Valid Positives	38 False Positives	235
	Retained	18 False Negatives	77 Valid Negatives	95
		215	115	330

Base rate = referral rate over the 7 years =  $215/330 = 65\%$

Selection ratio = number of youths predicted to be referred by the model =  $235/330 = 71\%$

To calculate random accuracy =  $215/330 \times 235/330 = .46$  (random correct values (RCV) for valid positives)

$115/330 \times 95/330 = .10$  (random correct values (RCV) for valid negatives)

RCV valid positives + RCV valid negatives = random accuracy  
 $(.46 + .10) = .56$

To calculate observed accuracy = model valid positives + model valid negatives  
 $197 + 77 = 274/330 = .83$

Improvement Over Chance = Observed Accuracy - Random Accuracy  
 $.83 - .56 = .27 \times 100 = 27\%$

\* From: R. Loeber and T. Dishion. 1983. Early Predictors of Male Delinquency: A Review, *Psychological Bulletin*, Vol. 94, No. 1, pp. 68-99.

## MODEL # 2

		Observed		
		Referred	Retained	
Predicted	Referred	199 Valid Positives	34 False Positives	233
	Retained	16 False Negatives	81 Valid Negatives	97
		215	115	330

Base rate = referral rate over the 7 years =  $215/330 = 65\%$

Selection ratio = number of youths predicted to be referred by the model =  $233/330 = 71\%$

To calculate random accuracy =  $215/330 \times 233/330 = .46$  (random correct values (RCV) for valid positives)

$115/330 \times 97/330 = .10$  (random correct values (RCV) for valid negatives)

RCV valid positives + RCV valid negatives = random accuracy  
 $(.46 + .10) = .56$

To calculate observed accuracy = model valid positives + model valid negatives  
 $197 + 77 = 280/330 = .85$

Improvement Over Chance = Observed Accuracy - Random Accuracy  
 $.85 - .56 = .29 \times 100 = 29\%$