

THE VIOLENT AND HARDCORE JUVENILE OFFENDER  
IN HENNEPIN COUNTY

A REPORT PREPARED BY:

CHILDREN AND YOUTH IN CRISIS PROJECT  
A JOINT EFFORT OF THE  
HENNEPIN COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
AND  
COMMUNITY HEALTH AND WELFARE COUNCIL

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## TABLE OF CONTENTS

PREFACE . . . . .	i
I. INTRODUCTION . . . . .	1
II. CHARACTERISTICS OF VIOLENT AND HARDCORE JUVENILE OFFENDERS . . . . .	4
III. PROGRAM AVAILABILITY AND NEEDS . . . . .	17
IV. ISSUES: COURT AND CORRECTIONAL THEORIES AND PRACTICES . . . . .	27
V. CONCLUSIONS AND RECOMMENDATIONS . . . . .	49
APPENDIX A . . . . .	62
APPENDIX B . . . . .	86
REFERENCES . . . . .	87
GLOSSARY . . . . .	92

LIST OF TABLES

TABLE 1: ETHNIC GROUP . . . . .	6
TABLE 2: AGE . . . . .	7
TABLE 3: MINNEAPOLIS NEIGHBORHOOD . . . . .	8
TABLE 4: PLACE OF RESIDENCE . . . . .	9
TABLE 5: NUMER OF REFERRALS AND ADMITS . . . . .	10
TABLE 6: OFFENSE HISTORY . . . . .	11
TABLE 7: OUTCOME HISTORY OF SELECTED DISPOSITIONS . . . . .	13
TABLE 8: SUMMARY OF CASEFILES . . . . .	15

PREFACE

## PREFACE

This is the fifth in a series of working papers for the Children and Youth in Crisis Project. These papers, in conjunction with the testimony by experts and the personal observations of task force members, are intended to provide the basis for thoughtful analysis of issues and the formulation of policy recommendations.

The CYIC Project was initiated in response to a widespread feeling among youth service professionals and others that the present system of out-of-home residential care is not meeting Hennepin County's needs. The study is of major proportions, encompassing nearly all of the out-of-home residential care system and its major component parts.

Other reports written as a part of this project include:

- Hennepin County Out-of-Home Residential Care System for Children and Youth in Crisis: A Preliminary Report
- Hennepin County's Emergency Services System, Part I: Emergency Shelter Care.
- Hennepin County's Emergency Services System, Part II: Detention Care.
- Hennepin County's Status Offenders.
- Foster Care for Hennepin County Youth: Foster Homes, Group Homes and Residential Treatment Centers.

## PREFACE

The contributions of many people have been very important to this study of the violent and hardcore juvenile offender. The Children and Youth in Crisis Task Force is especially indebted to the following people for their time and the information and insight they gave.

Honorable Lindsay G. Arthur, Judge of Juvenile Court  
Hennepin County

Kenneth Young, Director, Hennepin County Department  
of Court Services

James Bergum, Director, Juvenile Probation, Department  
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William Holden, Superintendant, Hennepin County Home  
School

Don Arneson, Captain, Juvenile Division, Minneapolis  
Police Department

Patricia Belois, Assistant Public Defender, Juvenile  
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John Trojohn, Assistant County Attorney, Juvenile  
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I. INTRODUCTION

## I. INTRODUCTION

Since 1972, juveniles (who comprise one-third of the County population) have accounted for more than 60% of all arrests for major person and major property crimes. Hennepin County Court Services Department statistics reveal that the absolute number of juveniles involved in violent crime has continually increased since 1970. Concurrently, crimes of violence have increased, particularly aggravated assault, by 700%, and robbery by 459%.

This trend has alarmed the public and greatly taxed the capacity and capabilities of the juvenile justice system. It has fostered considerable discussion and debate regarding the numbers and characteristics of these youth, the efficacy of present facilities and rehabilitation approaches, and the appropriate legal and correctional response.

At the present time, there is no physically secure juvenile facility within the state of Minnesota. Those youth for whom secure confinement is deemed necessary must be certified as an adult to be placed in one of two state operated maximum secure institutions: St. Cloud State Reformatory for Men and the Shakopee Correctional Institution for Women.

This situation has raised three principle questions, which to a great extent, defined the scope of this study:

- Should all juveniles involved in serious crime be certified as adults in order to receive secure confinement?
- Is there a need for a secure facility within the juvenile justice system?



## INTRODUCTION

- Should new juvenile system dispositions (sentencing) and treatment practices be applied to the juvenile involved in serious crime?

In examining these questions, this report presents an analysis of the characteristics of the violent and hardcore juvenile offender in Hennepin County. The report surveys present correctional theories, practices and findings. Finally, the report offers for critical consideration, possible answers.

### TARGET GROUP

The target population of this report is limited to those youth who reside in Hennepin County and who have committed major person crimes (the violent) and/or who have repeatedly committed major property crimes (the hardcore).

Major person crimes include murder, forcible rape, aggravated assault and robbery. Major property crimes include burglary, theft and auto theft.

### SOURCES OF INFORMATION

Information and supporting data for this study were obtained from several sources including:

- A review of current correctional research and literature.
- Site visits and interviews with staff at community correctional programs and correctional institutions.

## INTRODUCTION

- Interviews with personnel from Hennepin County Juvenile Court, the Hennepin County Department of Court Services, the Hennepin County Public Defender's Office, the Hennepin County Attorney's Office, the Minnesota Department of Corrections, and the University of Minnesota.
- A survey of juvenile records maintained by the Juvenile Court and the various police departments.

II. CHARACTERISTICS OF VIOLENT AND  
HARDCORE JUVENILE OFFENDERS

## II. CHARACTERISTICS OF VIOLENT AND HARDCORE JUVENILE OFFENDERS

Violent and hardcore juvenile offenders have a dramatic record of chronic, anti-social behavior in the community, home, and school. They are predominantly male, disproportionately from minority groups, and live for the most part in the poorer areas of the inner city.

Their precise numbers are difficult to establish due to the lack of consensus among professionals as to the definition of "violent and hardcore" and differences among criminal justice agencies in data collection procedures. There is general agreement, however, that these youth are numerically a minority among all juvenile offenders, yet are responsible for the majority of all serious crimes committed.

Particularly relevant to any discussion of violent and hardcore youth are findings from Marvin Wolfgang's study of delinquency in a birth cohort of boys born in 1945 who lived in Philadelphia. From the entire cohort of nearly 10,000 boys, 35% were classified as delinquent in that they had one contact with police prior to their eighteenth birthday. Only 6.3% of the boys were classified as chronic offenders in that they had committed more than five offenses.

This small proportion of the cohort was responsible for 52% of all delinquent acts committed by the entire group, including 52% of all major person offenses and 62% of all major property offenses. In addition, the study found that nearly 30% of the non-white boys, but only 10% of the white boys, fell into this chronic offender category.<sup>1</sup> Similar findings have been made with regard to Hennepin County youth.

## CHARACTERISTICS

The Children and Youth in Crisis (CYIC) Project analyzed data on youth who were "active" with Hennepin County juvenile justice system in 1974. This totaled 6,607 youth, of whom 246 or 3.7% were subsequently identified as a "risk-pool" of hardcore and violent offenders based on the following criteria:

- The youth had two or more arraignment hearings for major person offenses; and/or,
- The youth had three or more arraignment hearings for major property offenses.\*

Certain demographic characteristics and criminal histories of these "risk-pool" youth were then compared with those of the entire sample.

### DEMOGRAPHIC PROFILE

The violent and hardcore (VHC) youth present a very different demographic profile than that of the total delinquent population.

As shown in Table 1, ninety-five percent of the VHC youth are male as compared to slightly more than seventy percent of the total delinquent population. Additionally, there is a disproportionately high number of minority youth in the VHC category. While minorities comprise only 3.3% of the county's total population, 34.5% of the VHC youth are black, 8.5% are Native American, and 2.1% of other ethnic descent.

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\*The arraignment hearing was used as the point at which to collect data in that it did not reflect possible subsequent plea bargaining.

CHARACTERISTICS

TABLE 1: ETHNIC GROUP

<u>VIOLENT AND HARDCORE JUVENILES</u>							
	<u>Male</u>		<u>Female</u>		<u>Total</u>		
	f	%	f	%	f	%	
White	128	55.0	6	46.2	134	54.5	
Black	78	33.5	7	53.8	85	34.5	
Indian	21	9.0	0	--	21	8.5	
Other	5	2.1	0	--	5	2.1	
Unknown	1	.4	0	--	1	.4	
TOTAL	233	100.0	13	100.0	246	100.0	

  

<u>ALL JUVENILES</u>							
	<u>Male</u>		<u>Female</u>		<u>Total</u>		
	f	%	f	%	f	%	
White	3,722	79.4	1,415	73.6	5,137	77.8	
Black	531	11.3	240	12.5	771	11.7	
Indian	301	6.4	195	10.1	496	7.5	
Other	47	1.0	21	1.1	68	1.0	
Unknown	84	1.8	51	2.7	135	2.0	
TOTAL	4,685	100.0	1,922	100.0	6,607	100.0	

## CHARACTERISTICS

The discrepancy between the racial composition of an offender population and that of the nation as a whole is continually evidenced in criminal justice statistics. Several recent studies have attempted to determine whether black and Native American youth are more delinquency prone than white youth, but the results have been considered ambiguous. Williams and Gold (1972) found that blacks were slightly more seriously delinquent but not more frequently so.<sup>2</sup> Yet, the differences were considered too small to account for the disproportionate representation of minorities in the criminal justice system.

According to the National Assessment of Juvenile Corrections studies, there is considerable evidence to suggest that blacks are dealt with more severely than whites during parts of the juvenile justice process and that such inequity increases as these youth penetrate further into the system.

Table 2 notes that the VHC tend to be older youth. Sixty-six percent are 16 to 18 years of age versus 58.8% of the total sample. A disturbing finding, with respect to age, is that nearly 10% of the VHC youth are 13 years old or less.

AGE	VIOLENT AND HARDCORE		ALL JUVENILES	
	f	%	f	%
≤13 years	24	9.9	764	11.7
14	23	9.5	782	12.0
15	35	14.5	1,148	17.5
16	63	26.1	1,422	21.7
17	56	23.1	1,482	22.6
18	41	16.9	948	14.5
No Data	--	--	61	--
TOTAL	246	100.0	6,607	100.0

## CHARACTERISTICS

Table 3 and 4 present the residences of the youth. The majority (83.0%) of the VHC youth live in Minneapolis in comparison to only half (56.5%) of the total juvenile delinquent sample. Furthermore, the residences for 50% of the VHC youth are in the Near North and Powderhorn communities within Minneapolis. These two communities typically represent the deteriorating inner city in which concentrations of poor housing, closed businesses, vacant buildings, and high levels of unemployment, poverty and crime are evident.

TABLE 3: MINNEAPOLIS NEIGHBORHOOD

NEIGHBORHOOD	VIOLENT AND HARDCORE		ALL JUVENILES	
	f	%	f	%
Calhoun	14	5.6	182	2.7
Camden	15	6.0	271	4.1
Central	2	.8	120	1.8
Longfellow	11	4.4	272	4.1
Near North	67	27.2	940	14.2
Nokomis	8	3.2	241	3.6
Northeast	20	8.1	379	5.7
Powderhorn	57	23.1	935	14.1
Southeast	7	2.8	296	4.4
University	3	1.2	95	1.4
Suburban and Other	42	17.0	2,876	43.5
TOTAL	246	100.0	6,607	100.0



## CHARACTERISTICS

TABLE 4: PLACE OF RESIDENCE

RESIDENCE	VIOLENT AND HARDCORE		ALL JUVENILES	
	f	%	f	%
Suburb	38	15.4	2,380	36.0
Minneapolis	204	83.0	3,731	56.5
Out-of-County	4	1.6	496	7.5
TOTAL	246	100.0	6,607	100.0

### CRIMINAL HISTORY

It has been said that most persons arrested for a serious crime have been arrested before. Indeed, the research by Wolfgang noted that once a juvenile had been arrested three times, the chances of his being rearrested were over 70%.<sup>3</sup>

That the violent and hardcore youth from the CYIC sample have a chronic record of contact with the juvenile justice system is evidenced in Table 5, which shows the number of times these youth have been admitted to the Juvenile Detention Center and/or referred to Juvenile Court Intake:

- More than 60% of the VHC youth have been admitted to the Center on two or more occasions, with nearly 24% being admitted 7 to 25 times. More than 60% have been referred to Court Intake four or more times.
- In comparison, only 25% of the entire sample have been admitted to the Center two or more times, and only 18% have four or more referrals to Court Intake.

CHARACTERISTICS

TABLE 5: NUMBER OF REFERRALS AND ADMITS

NUMBER OF REFERRALS AND ADMITS	VIOLENT AND HARDCORE		ALL JUVENILES	
<u>REFERRALS TO COURT INTAKE</u>				
	f	%	f	%
None	0	.0	0	.0
1	21	8.5	2,839	43.0
2	27	11.0	1,618	24.5
3	50	20.3	969	14.7
4	48	19.5	558	8.4
5	31	12.6	288	4.4
6	27	11.0	156	2.4
7	16	6.5	90	1.4
8 or more	26	10.6	89	1.2
TOTAL	246	100.0	6,607	100.0
<u>JUVENILE DETENTION CENTER ADMITS</u>				
	f	%	f	%
None	62	25.2	3,886	58.8
1	33	13.4	1,026	15.5
2	25	10.2	539	8.2
3	28	11.4	308	4.7
4	17	6.9	210	3.2
5	15	6.1	155	2.3
6	8	3.3	111	1.7
7 or more	58	23.5	369	5.6
TOTAL	246	100.0	6,607	100.0

In a review of the offense histories of the VHC youth, it was found that the majority are repetitive major property offenders. As is shown in Table 6, slightly more than 70% of these have had court hearings for

# CHARACTERISTICS

three or more major property offenses, and more than 80% of the youth have had at least one court hearing for a major property crime. In addition, 36% of these youth have had at least one, and primarily two hearing for a major person offense.

TABLE 6: OFFENSE HISTORY

OFFENSE	VIOLENT AND HARDCORE		ALL JUVENILES	
	f	%	f	%
<u>MAJOR PERSON OFFENSES</u>				
None	156	63.4	6,281	95.1
1	15	6.1	251	3.8
2 or more	75	30.5	75	1.1
TOTAL	246	100.0	6,607	100.0
<u>MAJOR PROPERTY OFFENSES</u>				
None	46	18.7	5,072	76.8
1	11	4.5	1,025	15.5
2	13	5.3	334	5.1
3 or more	176	71.5	176	2.6
TOTAL	246	100.0	6,607	100.0
<u>MINOR PERSON OFFENSES</u>				
None	185	75.2	5,959	90.2
1	33	13.4	471	7.1
2 or more	28	11.4	177	2.7
TOTAL	246	100.0	6,607	100.0
<u>MINOR PROPERTY OFFENSES</u>				
None	141	57.3	5,438	82.3
1	68	27.6	851	12.9
2	25	10.2	229	3.5
3 or more	12	4.9	89	1.3
TOTAL	246	100.0	6,607	100.0

## CHARACTERISTICS

### DISPOSITION

Probation, commitment to either the Hennepin County Home School or the State Department of Corrections were the three most common dispositions the violent and hardcore youth received. As shown in Table 7:

- More than 80% of these youth were placed on probation at least once; 30% had been on probation from four to ten times.
- Thirty percent were sent to the County Home School, of whom almost half were placed there two or more times.
- Nearly 16% of the youth had been committed at least once to the state juvenile institutions.
- Thirteen percent were placed in either a residential treatment center, group home, or foster home on at least one occasion.

The most surprising statistic to the researchers was the continued use of probation for the VHC youth. This may reflect the numerous minor offenses committed by these youth or a dissatisfaction by the Juvenile Court with existing correctional institution programs.

CHARACTERISTICS

TABLE 7: OUTCOME HISTORY OF SELECTED DISPOSITIONS					
OUTCOME	VIOLENT AND HARDCORE		ALL JUVENILES		
	f	%	f	%	
<u>REFERRAL TO STAND TRIAL AS AN ADULT</u>					
None	243	98.8	6,591	99.8	
1	2	.8	15	.2	
2	1	.4	1	.0	
TOTAL	246	100.0	6,607	100.0	
<u>REFERRAL TO THE DEPARTMENT OF YOUTH CORRECTIONS</u>					
None	207	84.1	6,359	96.2	
1	37	15.0	231	3.5	
2	2	.9	17	.3	
TOTAL	246	100.0	6,607	100.0	
<u>REFERRAL TO THE COUNTY HOME SCHOOL</u>					
None	172	69.9	6,108	91.1	
1	44	17.9	286	4.3	
2	14	5.7	162	2.5	
3 or more	16	6.5	141	2.1	
TOTAL	246	100.0	6,607	100.0	
<u>PROBATION</u>					
None	46	18.7	4,075	61.7	
1	53	21.5	982	14.9	
2	51	20.7	677	10.2	
3	26	10.6	383	5.8	
4	22	8.9	215	3.3	
5	25	10.2	140	2.1	
6	10	4.1	64	1.0	
7 or more	13	5.3	71	1.0	
TOTAL	246	100.0	6,607	100.0	
<u>REFERRAL TO A RESIDENTIAL TREATMENT CENTER</u>					
No	228	92.7	6,292	95.2	
Yes	18	7.3	315	4.8	
TOTAL	246	100.0	6,607	100.0	
<u>REFERRAL TO A TREATMENT GROUP HOME</u>					
No	232	94.3	6,341	96.0	
Yes	14	5.7	266	4.0	
TOTAL	246	100.0	6,607	100.0	

## CHARACTERISTICS

### CASE HISTORIES

For a more complete picture of the violent and hardcore juvenile offender, the CYIC Project reviewed the casefiles of 19 youth for whom requests for certification as an adult were made in 1974. As seen in Table 8:

- Nearly 90% of these youth were male and lived in Minneapolis.
- Fifty-eight percent of the youth were white; 37% were black; and 5% Indian.
- The 19 youth had a combined total of 385 contacts with police departments; an average of 20 per youth with a high of 53 and a low of 5.
- Fourteen of these youth were responsible for 49 major person offenses; an average of 3.5 offenses per youth with a high of 15 and a low of 1.
- Fifteen of the youth were involved in 97 major property offenses; an average of 6.4 per youth with a high of 24 and a low of 2.
- The 19 youth had been placed in a total of 126 treatment programs which ranged from probation to institutionalization. The average number of placements prior to certification hearings was 7.
- Forty-two percent of the youth had serious chemical dependency problems.

## CHARACTERISTICS

- While 60% of the youth tested out as having either average or above average intelligence, 63% had educational disabilities.

TABLE 8: SUMMARY OF CASEFILES

DEMOGRAPHIC CHARACTERISTICS	f	%
SEX:		
Male	17	89.5
Female	2	10.5
RACE:		
White	11	57.9
Black	7	36.8
Indian	1	5.3
RESIDENCE:		
Minneapolis	17	89.5
Suburban	2	10.5

Average number of police contacts: 20

Average number of major person offenses: 3.5

Average number of major property offenses: 6.4

Average number of treatment program placements: 7

Number youth -- chemically dependent: 8 (42%)

Number youth -- educational disability: 12 (63%)

Youth's Intelligence:

Number above average: 6 (32%)

Number average: 7 (37%)

Number below average: 6 (32%)

Number youth certified as adult: 8 (42%)

## CHARACTERISTICS

A synopsis of each of the casefiles is found in Appendix A to this report. A review of these synopses will further reveal that these youth largely come from what are considered to be poor and/or "malfunctioning" families, and that the youth have extensive records of truancy, violations of probation and parole, and "running" from institutions in which they have been placed.

### SUMMARY

The VHC youth have significantly different socio-economic characteristics than the majority of the delinquent population. These youth are predominantly male and tend to be both older and poorer. Particularly disturbing is the disproportionate number of minority youth found in the violent and hardcore category. Many of the VHC youth are chemically dependent and a majority have severe educational disabilities; i.e. they are unable to read or write at a level commensurate with their peers.

The VHC youth are numerically a minority among all juvenile delinquents. Yet, the repetitive and severe nature of their offenses, despite exposure to various rehabilitation programs, challenges the wisdom of current juvenile justice system efforts.



III. PROGRAM AVAILABILITY AND NEEDS

### III. PROGRAM AVAILABILITY AND NEEDS

Violent and hardcore youth have returned only recently to the attention of the public, the media, and government throughout the country. During the past decade, monies for treatment have been expended primarily on programs aimed at the prevention of delinquent activity and diversion of youth from the juvenile justice system (primarily status offenders). As a result, there exist few programs designed specifically for violent and hardcore youth. To compound the problem, evaluative research with regard to causation and successful rehabilitation is notably lacking.

Despite these problems, professionals have made the following assumptions about needed programming: violent and hardcore delinquents require the use of dispositional alternatives aimed primarily at control and removal of the youth from his community. Rehabilitative efforts must be considered and used. However, the most immediate problem to be solved is protection of society, as well as protection of the youth from himself and the community. Efforts to treat such youth in an open, community setting are believed to be largely ineffective and, at time, dangerous.

The validity of these assumptions will be discussed later in this report. They are presented now in that they have been used by court and correctional officials as a guide in assessing present program availability.

## PROGRAM AVAILABILITY AND NEEDS

### JUVENILE PROGRAMS IN MINNESOTA AND HENNEPIN COUNTY

Within the Minnesota juvenile correctional system, no institution is considered sufficiently secure nor programmatically designed to meet the needs of the violent and hardcore juvenile offender. The following section reviews capabilities of existing facilities.

#### Minnesota State Training School at Red Wing

The Red Wing institution opened in 1891. As a minimum security institution for juvenile offenders between the ages of 12 and 18, it has a maximum capacity of 217 residents, with a staff size of 162. The facility has been co-educational since August, 1973, when as a result of the decentralization plan, the program was designated as the treatment resource for the Minnesota's eastern tier of counties (except Hennepin, Ramsey, and Anoka). Metropolitan area youth may be transferred to Red Wing; however, the decision is an administrative one.

During 1974, the Red Wing School received 205 new court commitments (145 males and 60 females). The average length of stay was seven months. The fundamental treatment approach, Positive Peer Culture, has been viewed as somewhat successful. However, with no physical security existing nor economically possible, it can only handle children who have self-restraint or are controllable via group pressure, thus excluding violent and hardcore offenders. The average annual cost per client is \$12,052.<sup>4</sup>

#### Minnesota Home School at Sauk Centre

The Sauk Centre School was opened in 1911 and is presently an open, non-secure institution for juveniles (12 to 18 years old) from the western tier of Minnesota counties. During fiscal year 1974, the Minnesota Home School received 161 new court commitments (128 males and 33 females).

## PROGRAM AVAILABILITY AND NEEDS

The treatment provides group therapy, individual counseling, and recreation skill building. Other than not using confrontation groups in its treatment approach, Sauk Centre is very similar to the Red Wing School, and is deemed equally inappropriate for violent and hardcore youth. The average annual cost per client is \$13,607.

### The County Home School at Glen Lake (Hennepin County)

Glen Lake is a primary residential treatment resource for Hennepin County Juvenile Court. It was built and is operated entirely with County tax dollars. A professional and support staff of 70 provides counseling for residents on a one-to-one and group basis, as well as for families of youth committed to the facility. The educational needs of residents are met through regular school programs, work-study, and remedial and accelerated classes and vocational training.

The program is primarily designed for short-term (four to six months) residential treatment for youth involved primarily in persistent minor property offenses or who have persistent problems in accepting authority. The program is designed as a non-secure facility because it is believed that to provide full security for part or all of it would so greatly change its character as to greatly lessen its usefulness for its present mission.

In 1974, 276 juveniles were committed to the County Home School as compared to 286 in 1973. This decrease continues a trend of decreasing commitments from a high of 665 in 1969. The school is presently operating at only 60% of its capacity primarily as a result of a recent rapid expansion and use by the Juvenile Court of privately-operated treatment group homes in the community. However, as these community programs approach saturation, the unused space at Glen Lake may again be needed.

## PROGRAM AVAILABILITY AND NEEDS

### Totem Town

Totem Town is Ramsey County's equivalent to Glen Lake and is considered to be equally inappropriate for the violent and hardcore youth.

### Hennepin County Juvenile Detention Center

The Hennepin County Juvenile Detention Center is designed as a short-term detention center for youth awaiting court hearings or dispositional placement. The Hennepin County Juvenile Court has noted that to convert the center to a long-term treatment program with maximum security could be done at little additional capital operating expense; however, there would then no longer be a place to detain the nearly 3,000 youth served annually by the facility. To convert only a portion of the facility to serve as a maximum security program is not believed feasible in that it would create serious problems in program scheduling as well as create friction between the two distinctly different types of children who would be using the facility.

### Woodview

Woodview is Ramsey County's equivalent to the Juvenile Detention Center. It will be vacated shortly in that Ramsey is building a new detention center to be located in downtown St. Paul.

### Juvenile Community Correctional Programs

There are two programs in Hennepin County which are being used by the Juvenile Court as alternatives to institutional care for primarily "aggressive, assaultive" juvenile offenders.

## PROGRAM AVAILABILITY AND NEEDS

Harambe Community Group Home serves black males, ages 13 to 18 who are considered to be highly sophisticated, hardcore delinquents. The program provides various forms of counseling, employment and education. Behavioral modification is an integral part of the treatment. The Home has a capacity for ten juveniles who stay an average of six months. During Harambe's first two years, it served approximately 38 boys, of whom only six committed offenses after the Harambe placement and were "institutionalized".

Operation De Novo's Juvenile Program is a non-residential "in-community guidance and counseling program for high risk juvenile delinquents." It is considered to be a "tough" program, holding the youth, his family, and the agencies dealing with the youth accountable for their actions. Operation De Novo has served approximately 150 youth during the last three years, and claims a 6% recidivism rate. The average length of stay is 90 days. One interesting aspect of the program is that the youth must live at home, unless absolutely impossible.

Neither of these programs provide physical security, and therefore consider themselves unable to serve youth who are "unrestrainable and present a threat to the community".

Though not designed specifically for juvenile offenders, group homes are relatively frequent dispositions for delinquent (including violent and hardcore) youth. Due to their relatively unstructured and open environment a question is raised as to whether these dispositions are appropriate and effective.

A National Assessment Juvenile Corrections Study (Time Out, 1976) issued findings that group homes handled a broad spectrum of delinquent youth, including those with serious offense histories, and were able to do so without special procedures for surveillance and discipline and without any

## PROGRAM AVAILABILITY AND NEEDS

marked rise in concern about misconduct or maintenance of order. As a result of these findings, the study recommended that the juvenile justice system need not rely on institutional care, but can "safely do less" for many serious offenders.

Though exact comparisons are not possible, the CYIC Project's study of foster care residential care produced significantly different findings. The study discovered that group homes, more than any other out-of-home resource, serve the largest number of youth who have committed "serious anti-social" acts, are chemically dependent, or have multiple behavioral problems. However, the group homes have significant problems handling these youth with treatment outcomes usually deemed unsuccessful.

Of all youth in-out-of-home care, the study reported that youth in group homes have the greatest likelihood (66.5%) of being re-placed in another facility. Group homes also have the highest expulsion rate: 45% of their youth were discontinued because of absenting, incorrigibility or adjustment problems. Finally, group homes were seen by the caseworkers as having the least successful outcome with all or most goals being met only 44% of the time.

### ADULT PROGRAMS IN MINNESOTA AND HENNEPIN COUNTY

Through a process commonly known as certification, the juvenile courts in Minnesota may order a youth 14 years of age or older to be transferred to the regular (adult) criminal court and tried under the ordinary rules of the adult criminal law. If the youth is found guilty in criminal court, he may then be placed in an adult correctional institution.

## PROGRAM AVAILABILITY AND NEEDS

The criteria used in deciding whether to certify a youth as an adult leave a great deal to the discretion of the juvenile court judge. Fundamentally, the issue rests on both the youth's chances of rehabilitation within the juvenile justice system and the necessity to protect the safety of the public.

Certification is generally considered to be drastic action and in Hennepin County is seldom allowed by the juvenile court. In 1974, for example, there were 25 requests for certification, of which only 12 were approved.

Two adult correction institutions are available for juveniles convicted in criminal court.

### St. Cloud State Reformatory for Men

The State Reformatory for Men at St. Cloud opened in 1889, and has a capacity for 750 men, with an average daily population of 474. In fiscal year 1973-74, the average annual cost per client was \$9,526. There are approximately 275 staff members. The Reformatory serves young adult males, 18-26 years of age, and offers a variety of treatment plans/services on a contractual basis. Recent data from the Minnesota Department of Corrections notes that approximately half of the certified juveniles released from the Reformatory return to a state institution within two years.

### Minnesota Correctional Institution for Women in Shakopee

The Minnesota Correctional Institution for Women in Shakopee opened in 1920, and is the state's only correctional institution for female offenders with felony convictions. Shakopee has a capacity of 60, with an average daily population of 50. In fiscal year 1973-74, the average



## PROGRAM AVAILABILITY AND NEEDS

annual cost per resident was \$13,677. There are 50 staff members. Besides secure custody, the institution provides a variety of treatment and rehabilitation services including psychological and psychiatric services, group therapy, educational and recreational programs and health care.

### Adult Community Correctional Programs

There are several of these programs within Hennepin County providing varying treatment modes and client capacities. Though none of the programs provide either medium or maximum security, certified youth have on occasion been placed in such facilities. The results of such placement have been generally negative; however, the numbers (2) are too few to draw any valid conclusions.

### NATIONAL PROGRAMS

A survey of 23 states throughout the country revealed that only six states have programs designed for violent and hardcore youth. One state was in the process of developing a program (Texas); four states were considering the development of such programs (Missouri, Maryland, Washington, and Kansas); the remaining twelve had no plans.

Of those states which did have specific programs (Rhode Island, Georgia, Virginia, Colorado, Florida and California), none had rigorous evaluation findings to support their efforts.<sup>7</sup>

## PROGRAM AVAILABILITY AND NEEDS

One of the more celebrated juvenile correctional systems in the country is that of Massachusetts. From 1969 to 1972, all juvenile institutions were closed down and former "inmates" were returned to their homes or placed in foster homes, group homes, and residential treatment centers. Total deinstitutionalization occurred with the exception of 40 to 50 youth who were considered to be extremely assaultive and were housed in one remaining secure facility.

While this experiment is still being evaluated, plans announced recently may threaten the entire effort. The Massachusetts Department of Youth Services has decided to "clamp down on what is considered a small percentage of hardcore delinquents by opening new regional detention centers."<sup>8</sup> A new commissioner has estimated that the number of youth in lockups could nearly double. He noted that unless he improves security in the youth service system, "a public and political backlash could cause repeal of reforms started by previous administrators."<sup>9</sup>

The state agency presently incarcerates 70 to 80 youth in detention centers. New 10- to 20-bed facilities will raise the juvenile inmate count to 130. The commissioner noted that "the hardcore offenders are dangerously close to defining the policy for the rest of the juveniles in less secure programs."<sup>10</sup> What type of special programming, if any, will be provided for these youth is uncertain at this time.

Contacts with the Law Enforcement Assistance Administration (LEAA) and the National Council on Crime and Delinquency (NCCD), as well as with a variety of other resource centers, only further proved the paucity of programming and research available with respect to violent and hardcore youth. While both LEAA and NCCD have recently begun studies in this area, their findings will not be available for quite some time.

## PROGRAM AVAILABILITY AND NEEDS

In general, Minnesota is considered to be a leader in innovative juvenile correctional programming. Therefore, there is little that other states are doing which Minnesota has not already reviewed or tried.

*MINNESOTA*

### SUMMARY

As noted previously, professionals have assumed that violent and hardcore juvenile offenders require a disposition which will remove them from the community and provide a degree of security. This assumption appears to be valid, based on an analysis of the behavior of the violent and hardcore youth in non-secure institutions and community correctional programs, and the information collected on the ability and/or willingness of these facilities to handle these youth. The only exceptions in Hennepin County appear to be Harambe Group Home and Operation de Novo; yet even these programs restrict their admissions to those youth who are not in need of secure confinement.

Lacking a secure capability within the juvenile correctional system, youth must presently be certified as adults in order to be placed in one of two state-operated, adult, maximum secure institutions. While the appropriateness of such action will be discussed in later sections of the report, the effectiveness of these facilities appears limited in light of the recidivism rate (54%) within two years of release among certified youth.

IV. ISSUES: COURT AND  
CORRECTIONAL THEORIES AND PRACTICES

#### IV. ISSUES: COURT AND CORRECTIONAL THEORIES AND PRACTICES

There are several questions, or issues, which it was believed should be studied during the course of the CYIC Project on violent and hardcore juvenile offenders. These issues primarily concern present juvenile court and correctional theories and practices. For example, what causes juvenile delinquency and can it be predicted; are present rehabilitation efforts effective; should youth have the right to refuse treatment?

This section summarizes the extensive literature (national and international) regarding these issues which the CYIC Project reviewed.

##### CAUSES AND PREDICTION OF DELINQUENCY

###### Causes

There are a variety of theories as to the cause of crime and delinquency. However, none has been universally accepted. For example, it was once believed that individuals engaged in criminal activities due to biological and psychological defects. Objective studies revealed, however, that the great bulk of offenders were as physically and mentally "normal" as the rest of society. 11

## ISSUES

It was then suggested that the causes of delinquency could be found in socio-economic inequality, racism, and criminogenic value systems. This theory concentrated particularly on the "working class youth" and for that very reason was found wanting. The theory clearly did not explain why many such youth never became delinquent and failed to account for middle class delinquency.

It is true that offenders are usually male, and young, and that non-whites have a higher incidence of criminal activity than whites. Major criminal offenders come from the lower socio-economic class more frequently than would be expected by chance alone.<sup>12</sup> Also, evidence suggests that offenders, more often than non-offenders, come from broken homes, have limited geographical mobility and are plagued by vocational and educational disabilities. However, "the differences ... are not very large and the characteristics are crude; and we lack clear-cut proof that any of these differentiating characteristics are the causes of crime rather than the accompaniments of criminal behavior."<sup>13</sup>

A more recent theory suggests that the subtleties of social interaction are the roots of delinquency. Often called the "labeling theory", it argues that deviance, i.e. delinquency, is a quality imposed upon an individual by more powerful others and is a consequence of societal reaction to certain behavior.<sup>14</sup> While previous theories have concentrated on the individual, this approach concentrates on what is believed to be the delinquency promoting features of the juvenile justice system and other social institutions.

Though the "labeling theory" has broadened the perspective of sociologists as to causes of criminal behavior, it too has been criticized for its own narrowness in that it ignores "the motive or intentions" of the offender as well as broader economic and political factors.

No single theory can adequately explain the complex phenomenon of delinquency. Each suggests possible influential factors, but far more research must be done before the causes of criminal behavior are to be fully understood.

## ISSUES

### Prediction

Many of the theories and practices of the criminal justice system (prevention, apprehension, sentencing, imprisoning, and release) have been based on the belief that future criminal behavior by an individual can be predicted through diagnosis of his problems and his response to treatments applied.<sup>15</sup>

This belief is inherent in the term "predelinquent" which assumes that one can spot such individuals before they get into serious difficulty and prevent further anti-social behavior. It is evident, as well, in pre-sentence reports which frequently include propositions about a convicted person's likely "dangerousness".

Prediction is also basic to the theory of parole which assumes that a relationship exists between an inmate's response to institutionalization and its treatment programs and his behavior after release. Prediction is, at times, a crucial element in the decision to certify juveniles as adults. Several orders state that certification is necessary because it has been determined (i.e. predicted) that the child cannot be safely released from treatment prior to expiration of Juvenile Court jurisdiction on the child's twenty-first birthday.

Unfortunately, the belief that one can predict criminal behavior is erroneous and potentially dangerous. Two well-known efforts at identifying predelinquency were the Cambridge-Somerville Youth Study and the New York City Youth Board Study, both of which employed modified versions of the prediction scales developed by the Gluecks. The result of the Cambridge study illustrates the greatest failing and danger of prediction efforts -- the tendency to overpredict delinquency. "Whereas approximately three-fifths of all cases had been considered predelinquent, less than one-third actually became involved with the law."<sup>16</sup>

## ISSUES

While the New York study claimed up to 85% accuracy in predicting eventual delinquency, critics questioned the validity of many of the procedures employed. Even if the New York claims were correct, 15% of the children would be inaccurately identified and labeled as future delinquents, a status which would easily lead to discrimination by teachers and others. "Such treatment is likely to increase the child's sense of social alienation and, thereby, increase the probability of his becoming delinquent or of developing other forms of psychological mal-adjustment."<sup>17</sup>

Although efforts in predicting criminal behavior among individuals not yet involved in the criminal justice system have been seriously questioned, it has alternatively been proposed that prediction efforts would be more accurate when applied to convicted (and usually incarcerated) offenders. Once again, however, the evidence is not supportive. Two very recent studies reached the following conclusions: Predictions of avoidance of conviction after release are no more likely to be accurate on the date of release than early in the prison term.<sup>18</sup>

Norval Morris, in his book The Future of Imprisonment, noted that after thirty years of research there are possibly only three changes in the life of a prisoner that correlate with the individual's avoidance of future criminal conduct upon release: "... the availability of a family or other supportive social group for him to join on release; the availability of a reasonably supportive job; and the process and duration of aging itself. All three are largely extrinsic to the treatment aspects of prison programs."<sup>19</sup>

One area which seems particularly relevant to this report is the prediction of dangerousness. "There is a seductive appeal to drawing a distinction between the dangerous and the non-dangerous, and confining



## ISSUES

imprisonment to the former. It would be such a neat trick if we could perform it ..."<sup>20</sup> However, a barrier is that the concept of dangerousness has not been explicitly defined. Brodsky, in his study of psychologists in the criminal justice system, points out the problems faced by mental health professionals when asked to evaluate the dangerousness of an offender:

- There seems to be no such behavior entity as dangerousness, that mental health professionals (or others) can define, apart from social contexts or attitudes.
- There is limited knowledge about base rates of certain types of dangerousness, such as battery, in the general population. When a professional judgment is made about such behavior for a specific event, the likelihood of occurrence for any population is needed for comparative purposes.
- The statistical prediction of any rare event, such as an aggressive threat to safety, is a difficult burden for any professional to assume.
- In making these kinds of judgments, an estimate has to be made of the acceptable fail rate.<sup>21</sup>

By judging almost everyone as dangerous and keeping them in institutions, it is possible to have a zero rate of commission. By designating very few as dangerous, a much higher risk and fail rate will accrue. The predictor, and indirectly society, must determine an acceptable risk rate.

## ISSUES

Nevertheless, dangerousness is a broadly accepted indicator for the use of imprisonment; supported by two national commissions, the American Law Institute, the American Bar Association, and the National Council on Crime and Delinquency, as well as among many criminal justice professionals. Unfortunately, while there may be social and political reasons for this support,<sup>22</sup> the fact remains that dangerousness cannot be predicted with great accuracy. In a famous decision (1966 *Baxstrom V. Herald*), by the United States Supreme Court, the Court ruled that proper judicial procedures had not been followed in the civil commitment of a J. Baxstrom to a New York Department of Corrections security hospital upon completion of his prison sentence. As a result, 969 convicted criminals who had been judged as "dangerous" in psychiatric and psychological examinations, were released or transferred to civil hospitals. In follow-up studies, only seven of the 969 patients released became potentially harmful or difficult enough to warrant subsequent placement in a security hospital.<sup>23</sup> Once again, the danger of over-prediction was blatantly evidenced.

Researchers within and outside the criminal justice system are calling for a moratorium on dangerousness predictions "made without consideration of statistical base rates, specification of target behavior, and determinations of acceptable fail rates."<sup>24</sup> Just as more research is needed to better understand and define the causes of criminal behavior, so is more research needed before behavior can be predicted with acceptable accuracy. Such factors as the expectations promoted by the persons' environment, effects of degree of distress, the setting in which the person will be, and finer differentiation among types of people considered likely to commit specific offenses,<sup>25</sup> must be considered in prediction methods.

## ISSUES

### REHABILITATION EFFORTS -- DOES ANYTHING WORK?

"Evidence supporting the efficacy of correctional treatment is slight, inconsistent, and of questionable reliability,"<sup>26</sup> wrote Walter C. Baily in 1966, after examining 100 treatment studies, half of which claimed positive results. A few years later in 1969, Leslie Wilkins, upon concluding a similar study, stated, "The major achievement of research in the field of social psychology and treatment has been negative and has resulted in the undermining of nearly all the current mythology regarding the effectiveness of treatment in any form."<sup>27</sup>

More recently, a study initiated by the New York State Governor's Committee on Criminal Offenders, and published by Robert Martinson and others concluded: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have no appreciable effect on recidivism."<sup>28</sup> This study, by far the most complete of any done to date, reviewed over 200 treatment programs for adult and juvenile offenders which were in print between 1945 and 1967, and which satisfied various tests of methodological adequacy.

The following brief review of various treatments applied in institutional and community settings may better explain the pessimism shared with regard to their effectiveness.

#### Individual Counseling

Various studies conducted both abroad and in America regarding the success of such techniques as individual psychotherapy, individual counseling, and social casework have had generally discouraging results.

## ISSUES

Several studies regarding the application of individual psychotherapy to young male offenders reported that such special treatment was ineffective in reducing both institutional violation rates and recidivism.<sup>29</sup>

In another study, boys were classified as either "amenable" or "non-amenable" to treatment. Among the "amenables," those who were treated did better than those who were not. However, among the "non-amenable," those who were treated actually did worse than those who had received no treatment at all.<sup>30</sup>

Studies in Britain and Denmark regarding the effectiveness of specialized counseling and social casework techniques reported only marginal success with short-term male offenders and no success among higher risk groups, even when counseling was combined with such additional aid as job placement, financial support, union membership and insurance.<sup>31</sup>

Finally, a study in California of the State's Intensive Treatment Program had such discouraging results that it moved the state to de-emphasize its individual counseling efforts in corrections institutions.<sup>32</sup>

### Group Counseling

Group counseling does not appear to be successful with the type of offender this report is addressing (the violent and hardcore) in terms of reducing recidivism. In one study, which compared the effects of self-government group psychotherapy and authoritarian individual counseling upon young, "psychopathic" males, it was found that those treated with group therapy actually committed twice as many offenses after treatment than those receiving individual treatment.<sup>33</sup>

## ISSUES

### Milieu Therapy

Milieu Therapy programs are designed to make every element of the individual's environment a part of his treatment; e.g., by reducing the distinction between staff and inmates; by creating an atmosphere of support rather than authority and regimentation; and, by enlisting peer influences in the formation of constructive values. Milieu therapy programs vary in the degree to which they apply these methods.

Studies of the effects of milieu therapy on youth under the age of 16 have generally shown that while the programs had some short-term positive results, these wore off with time.<sup>34</sup>

In New Jersey, the Highfields' program has provided a major milieu therapy model. Its apparent success led to its adoption in institutions throughout the country. Essentially, boys were assigned for a relatively short time to the unrestrictive, supportive environment of Highfield. A basic component of the treatment was the guided group interaction (GGI) technique. When compared to boys sent to a reformatory, the Highfield's experiment revealed several shortcomings. The boys did not have lower recidivism rates than the reformatory group at 24 to 60 month intervals. Moreover, the two populations were not fully comparable in that they differed according to risk level and status at admission; that is, boys sent to Highfield were younger than those at the reformatory, had completed schooling, and were first-time offenders. It was also revealed that the two groups were handled by two different agencies, which seems to have had an effect on parole revocation decisions. More of the Highfield's boys, under the supervision of the probation unit, were discharged early from supervision, and thus removed from any risk of parole revocation, than the reformatory boys who were under the authority of the parole agency.<sup>35</sup>

## ISSUES

The Pinehills program, in Provo, Utah, was modeled after the Highfield's experiment, with some differences. First the program was more community-oriented than the Highfield one; that is, boys spent only part of the day at the center, while living and working in the community. Second, the technique of guided group interaction (GGI) was the core of the program, whereby an effort was made to develop peer support for law abiding values and marshal group pressures as a deterrent to lapsing back into delinquency. Third, the Provo Program was limited to "habitual" offenders who were made aware that, for them, the only other alternative was a state training school. Despite preliminary indications of success, a complete evaluation of this program in 1966 found that it had not produced significant results in terms of reducing recidivism.<sup>36</sup>

Studies of the effects of milieu therapy on youth 16 years and older are no more encouraging. In general, the results have ranged from no improvement to doing as well as regularly institutionalized populations.<sup>37</sup>

### Chemotherapy (Use of Drugs in Treatment)

A major report on the use of tranquilizers for institutionalized youth showed only a slight improvement in subsequent behavior, with even that disappearing after a year.<sup>38</sup>

The use of behavior modifying drugs (amphetamines, tranquilizers, and anti-depressants) may have short-term effectiveness in terms of keeping control of an inmate population, but little is known of their long-range effects. Essentially, the use of drugs as a major approach to treatment is considered a poor, perhaps even dangerous, substitute for innovative programming and administration.

## ISSUES

### Institutional Sentencing, and Security

"Mixed results and lack of comparable populations have plagued attempts to study the effects of sentence length and degree of security,<sup>39</sup> according to studies reviewed by Martinson and others.

With regard to type of security, one study concluded that a "less restrictive custody grading system" in American federal prisons for both youth and adults was positively correlated to success on parole. Not surprising, perhaps, since those confined to restrictive custody are generally the poorer parole risks.<sup>40</sup> However, another study conducted in Britain on boys (up to 16 years old) suggests that total confinement was more effective than a "less restrictive" regime of partial physical custody."<sup>41</sup>

The effect of sentence length seems to vary considerably by type of offenders. Two studies on "hardcore" recidivists found that shortening the sentence length caused no improvements in the recidivism rate.<sup>42</sup> One study divided the offenders into three categories and found that the "pro-social" offenders had low recidivism regardless of sentence length; "anti-social" offenders had less recidivism with shorter sentences; while "manipulative" offenders did better if given long sentences.<sup>43</sup> However, two studies done in Great Britain suggested that though long sentences worked better for adult repeat offenders, they did not for juveniles.<sup>44</sup>

### Skill Development

Most correctional facilities provide special skill development and education programs for the inmates. The results of studies to evaluate the effectiveness of such programs in reducing recidivism rates

## ISSUES

of young male offenders is discouraging. In general, these studies concluded that males who received skill development services did no better upon release in terms of recidivism than those males who did not take the special training.<sup>45</sup> Unfortunately, the studies do not allow one to know whether the failure can be ascribed to the program itself or to the conditions under which it was administered. Several of the research designs had major flaws thereby making accurate interpretation of results difficult. However, there is very little empirical evidence to support the belief that these programs produce better results.<sup>46</sup>

### Behavior Modification

Behavior modification is based on the assumption that there is a functional relationship between anti-social behavior and the environment in which it occurs. Therefore, the way to change anti-social behavior is to change the environment in such a way that "bad" behavior is weakened through non-rewarding consequences, while "good" behavior is strengthened through rewarding consequences.

Behavior modification techniques have been applied increasingly in the correctional system during the past ten years. Their use has been both championed and derided. This treatment modality, perhaps more than any other, has given rise to obvious social, ethical, and legal questions regarding the extent to which a "system" may intervene in the life of an individual.

Operant conditioning techniques, which use "reinforcers" such as points, marks, and privileges to help promote desired behavior, are generally considered successful in institutions and have not been viewed as a very controversial form of intervention.



## ISSUES

Other suggested techniques, however, such as "aversion therapy" or "electronic monitoring and control" have raised serious concerns. These techniques may employ repeated, and sometimes painful, punishments as a response to behavior, thereby conditioning the individual to avoid committing the undesirable act. One psychiatrist described these techniques as not just punishment, but in their extreme, "highly refined forms of torture."<sup>47</sup>

Yet, some behavior modification techniques are thought to be effective. Empirical evidence does support the fact that certain overt behaviors can be modified. Preliminary results have been positive for programs for delinquents and adults within institutions in Arizona, Kansas, Washington, D.C., and Alabama.<sup>48</sup> According to authorities, attitudes and voluntary work patterns among the inmates improved, while behavior problems decreased. Jessica Mitford's review of these programs, however, is not as encouraging. According to the inmates and some of the professionals involved, the process used to achieve these results was dehumanizing and, for some, psychologically and physically dangerous.<sup>49</sup>

Many questions remain, however, as to what constitutes behavior modification and when is it appropriately applied. John D. Burchard, who has been involved in the development of certain behavior modification programs, has noted several issues which plague the effectiveness of these techniques: (1) not enough systematic empirical analysis of the effects of specific behavioral modification techniques has been done, (2) it is unknown what negative side effects associated with behavior change there may be, particularly with regard to aversive control, (3) behavior modification controls behavior often through an artificial contingency; for example, giving a child tokens for displaying good table manners may result in good table manners. But, how is the switch made to natural controls?<sup>50</sup>

## ISSUES

This last point is, perhaps, the most crucial. Behavior modification can be quite successful in a controlled environment, such as an institution. Once an individual leaves the institution, the contingencies of reinforcement, (rewards and punishment) are likely to be the same as they were before the individual entered the institution. There is little in the theory or techniques of behavior modification which support the fact that when behavior is changed, it will remain so in a different physical and social environment.

### Inadequate Treatment Evaluation

Researchers have suggested several possibilities as to why most treatment programs have been found to be ineffective.

First, many of the evaluation studies of rehabilitation efforts have been poorly designed and implemented. For example, studies allowed extraneous factors to intrude upon the measurement, or used ill-defined recidivism measures. Follow-up periods were found to vary enormously, with few lasting long enough to produce solid evidence. Furthermore, many of the promising experiments were never replicated. Hence, some treatment programs may be successful to some degree, yet the research has been too inadequate to prove this.

Secondly, other factors not connected with treatment efforts may be more effective in reducing recidivism, factors such as the tendency for recidivism to be lower in offenders over the age of 30.

Thirdly, many of the programs presently applied may suffer from poor administration, or highly political environments which interfere with the delivery of services.

## ISSUES

In summary, the criminal justice system can not yet guarantee a reduction in criminal behavior through rehabilitation. There are successful programs but these are believed to be such isolated instances as to produce no clear indication of the efficacy of a particular treatment method.

### A CHILD'S RIGHT TO PUNISHMENT

A child's so called "right to punishment" has received extensive attention in recent years. Proponents have argued that in addition to not knowing what, if anything works, present treatment methods have great potential for abuse. They are particularly concerned with what they call the "Clockwork Orange" treatment technology being suggested for use; e.g., drug therapy, aversive conditioning, and control of the mind through surgical or electronic procedures.

"Right to punishment" theorists attack the quasi-medical model approach of the criminal justice system; that is, treat the criminal as a patient and the crime as a disease. One problem inherent in this approach is the assumption that an accurate diagnosis of a child's problem can be made:

... who has not read ad nauseum psychiatric reports that speak more to the need of the psychiatrist or the hospital than to the matter of treating the child? What legitimate purpose, moreover, is served by an elaborate predisposition report which amounts to an opinion that this child should start his life all over again with another set of parents, in different social, economic, and ethnic circumstances? 51

## ISSUES

Another problem cited with this approach is the assumption that criminal behavior can be "cured," despite the fact that this assumption has never been proven. Explanations frequently offered for this failure are inadequate facilities, lack of trained personnel, and insufficient community cooperation and interest. "Actually, the crux of the matter rests in the fact that the state of scientific knowledge about human behavior is not sufficiently developed to permit accurate prediction and control."<sup>52</sup>

Indeterminate sentencing, a central component of the medical model approach, is criticized as well. Traditionally, juvenile delinquency dispositions are indeterminate in that a child will be released from court jurisdiction once he has shown that he is reformed. Though once seen as a just and humanitarian method, indeterminate sentencing is being increasingly viewed as having great potential to be extraordinarily punitive.

"Not knowing when freedom returns appears to be among the most emotionally disturbing, cynicism promoting, and largely unintended consequences of indeterminacy, and to that extent, a gratuitous cruelty."<sup>53</sup>

Critics of indeterminate sentencing view it as a questionable instrument for inmate manipulation and control. Inmates may find themselves "coerced" into treatment programs, the effectiveness of which is unknown, in order not to offend those who will determine their date of freedom. Furthermore, critics have noted that indeterminate sentences have reduced neither recidivism nor sentence length.

## ISSUES

Perhaps, the greatest concern with the medical model approach has been its inequitable application. It has fostered discretionary excesses at every stage of the criminal justice process. Far too much latitude has been granted judicial and correctional officials in making decisions which crucially affect the lives of offenders. The treatment accorded offenders, from sentencing to institutionalization to release, has varied enormously and has often been seen as arbitrary and capricious. <sup>54</sup>

In rejecting the medical model approach, "right to punishment" theorists propose that involuntary or coerced treatment be banished. Various treatments should be made available, but only as offerings to youth on a voluntary basis. It is further proposed that state legislatures, rather than judicial or correctional officials, determine what sorts of conduct require which types of punishment and for how long. Sentencing, confinement, and release processes must be procedurally sound, uniform, and reviewable. To achieve all of this, a modified determinate sentencing model could be employed. Under this model, persons who commit the same offense under similar circumstances would receive the same sentence; permitting only slight variations for the individual characteristics of the offender.

"Right to punishment" does not imply a return to eighteenth century forms of physical abuse. It merely proposes that a youth has a right to simply "do time," and forego treatment. Punishment, then, is loss of liberty; nothing more and nothing less.

It has been noted many times that the Gault, Winship and McKeiver decisions of the United States Supreme Court asserted that youth needed procedural safeguards against the "benign despotism of socialized juvenile justice."<sup>55</sup> While these landmark decisions were aimed at the assurance of procedural fairness, their implications were far greater.

## ISSUES

It was recognized that youth needed protection from arbitrary punishment, unwittingly imposed in the name of treatment. Right to punishment theorists have attempted to address this need for a more justly administered system.

### THE "J.E.C." CASE

In the "J.E.C." case (Hennepin County Juvenile Court vs. the Minnesota Department of Corrections), such critical issues as the right to treatment, the constitutionality of certification, and governmental responsibility for the provision of treatment programs were addressed. The case was presented before the Minnesota Supreme Court during 1975 - 1976.

#### Background

"J.E.C.", age 17, was accused of aggravated robbery and was transferred (i.e. certified), to adult court. The reason given for the transfer was that there was no existing program in juvenile corrections which could be expected to bring about his rehabilitation and protect the public before juvenile court jurisdiction expired on his 21st birthday.

The Minnesota Supreme Court held that the fact that a youth is not amenable to treatment under existing programs is not sufficient compliance with the state's transfer statute. Asking the question,

## ISSUES

"What power do the Courts have to solve this problem?", the Supreme Court remanded the case to the Hennepin County Juvenile Court for hearings.

During hearings in 1975, the Juvenile Court was asked to address the following questions:

1. Is there presently any treatment program available for this and similar juveniles?
2. If no program is available, is it feasible or possible to put together an effective program for them?
3. Why has the Department of Corrections failed to make such a program available?
4. Is there an available treatment program in the adult system?

After three weeks of testimony, the Juvenile Court concluded that the Department of Corrections should provide a program for violent and hard-core youth. This decision was immediately appealed by the Department of Corrections to the Minnesota Supreme Court.

### Legal Arguments

Hennepin County Juvenile Court and the youths' lawyers essentially argued that there was such a concept as "right to treatment" and this concept was a statutory and constitutional juvenile right. "Unless lawfully referred, juveniles are guaranteed by statute (M.S.A. 260.11) the benefits and advantages of rehabilitation and treatment rather than criminal conviction and punishment." <sup>56</sup>

## ISSUES

It was further argued that the Department of Corrections had the responsibility to provide treatment to these juveniles, and the Department's failure to do so was a violation of a youth's constitutional rights:

"The laws relating to juvenile courts allow for commitment to the Commissioner of Corrections when community resources have been exhausted (M.S.A. 260.185). Implicit in this policy is the expectation that the State, through the Commissioner, will provide programs on a different level and for a different type of youth than the one treated in the local facilities."<sup>57</sup>

By the state refusing to provide a program for these youth, "the appellant (in this case J.E.C.) is placed in a Catch-22 position. He is guaranteed a right to treatment, but the State will not provide him with appropriate treatment, so he is referred to the adult system where he has no right to treatment."<sup>58</sup>

The Juvenile Court and the defense lawyers argued that treatment programs for youth like J.E.C. are both necessary and favorable.

In contrast, the Department of Corrections argued that cases cited by the defense purporting to reinforce the "right to treatment" concept are more accurately viewed as demands for suitable facilities rather than determinations that youth are suitable for treatment. Further, the Department disagreed that an effective treatment program, designed specifically for violent and hardcore youth was feasible:

There is no empirical basis upon which to speculate that a program will achieve results. It is wishful thinking. Any attempt to do so is misguided ... and disregards data showing treatment does not work.<sup>59</sup>



## ISSUES

The Department stated that it is not providing a program for these youth because no program has been found to be successful and:

The Department is mindful of an equal demand placed on them by the Legislature. They are to protect the public. The Department recognizes that a secure facility in the juvenile system, because of the determinate length of the jurisdiction of the juvenile court, cannot guarantee a sufficient length of isolation and control to ensure the safety of the community.<sup>60</sup>

According to the Department the adult system does provide the necessary security, though admittedly not treatment.

The only thing the adult system can promise is the possibility of extended incarceration. An institution at least for a term, guarantees the safety of the public, but it is not treatment, even though many and varied programs are offered within its walls.<sup>61</sup>

As noted earlier, the "J.E.C." case involved issues relating to the constitutionality of the transfer statute. The defense lawyers argue that the "reference for prosecution" statute is unconstitutionally vague. Lacking legislative standards or meaningful and consistent guidelines, the statute allows judges to differentially emphasize various factors to be considered in the reference decision. It was argued, as well, that the reference statute has an adverse impact on minority youth and amounts to a denial of equal protection.

### The Decision

In June, 1976, the Minnesota State Supreme Court stated that the decision as to whether the state needs a special secure treatment program for violent and hardcore youth must be determined by the state legislature. In essence, the high court refused to resolve what it called "the perplexing issue" of whether a court can order the commissioner of corrections to establish a

## ISSUES

special program. This was not an unexpected response from the Court, though many officials had hoped for a more dramatic and landmark decision. The Supreme Court also upheld the constitutionality of the certification statute.

V. CONCLUSIONS AND RECOMMENDATIONS

## V. CONCLUSIONS AND RECOMMENDATIONS

### CONCLUSIONS

Increasing violent activity among youth is an extraordinarily complex phenomenon -- one which has alarmed the public, taxed the capabilities of the juvenile justice system, and challenged the conventional wisdom of most delinquency research and policies.

As cited in previous sections of this report, the violent and hardcore juvenile offenders in Hennepin County are numerically a minority, accounting for little more than three percent of the entire delinquent population. Yet, they are responsible for a significant proportion of all serious crime committed.

Despite repeated exposure to a variety of county and state treatment programs, the number and severity of offenses committed by they youth appear to increase. Though discouraging, this perhaps should not be surprising in that the basic assumptions underlying the criminal justice system's "rehabilitative" approach are highly questionable.

Current sentencing and parole practices are expressive of an individualized rehabilitative system: an offender is released from an institution, not at the end of a fixed period, but when a parole board (or as it is called in Minnesota, a Juvenile Action Panel) determines that the offender is "ready" to be released.

## CONCLUSIONS AND RECOMMENDATIONS

Studies have shown that the criteria used by parole boards in determining "readiness" for release vary widely and are often vague and arbitrary. In Minnesota, the Department of Corrections (DOC) found the chief criteria for parole to be the institution's staff assessment of a juvenile's "growth and maturity"; his success in adjusting to the institutional program; and his completion of treatment goals.<sup>62</sup> The report concluded that such criteria was far too subjective and nebulous. It often meant that two youth who committed the same crime under similar circumstances might serve very different sentences, thereby violating the offender's and society's sense of justice.

In addition, such practices have not been found to work well, as noted in the following example:

The Citizen Inquiry on Parole and Criminal Justice in New York City prepared, in 1974, a study of the results of their parole system. For a four-year period, the percentage of prisoners returned to prison within one year was calculated for those who were granted parole and those who, by being denied parole, served the full sentence. Overall, there was no statistically significant difference between the recidivism rates of those paroled and those not -- about 10% or 11% of each group went back to prison within a year. Clearly, the parole board was unable to guess who had been rehabilitated and who had not.<sup>63</sup>

This result may be inevitable since present sentencing and parole practices are based on the erroneous assumptions that: (1) future criminal behavior by an individual can be predicted through diagnosis of problems and reactions to treatment, and (2) the belief that a relationship exists between an offender's response to incarceration and the institution's programs and an offender's behavior on parole and thereafter.

## CONCLUSIONS AND RECOMMENDATIONS

Current research, noted previously, has shown that:

- Neither an inmate's avoidance of institution disciplinary offenses nor involvement in institutional training programs is correlated with later successful completion of parole or with later avoidance of a criminal conviction;
- Predictions of avoidance of conviction after release are no more likely to be accurate on the date of release than early in the prison term;
- Parole boards have a tendency to overpredict and "follow the politically safer path" of prolonging incarceration; and,
- There are possibly only three changes in the life of an inmate which correlate with the individual's avoidance of future criminal behavior: (a) the availability of a family or supportive unit upon release; (b) the availability of a reasonably supportive job; and, (c) the process and duration of aging itself. Obviously, these are largely extrinsic to the treatment aspects of institutional programs.

One additional study which demonstrates the danger of present parole prediction efforts and practices was conducted for the California Department of Corrections. This study, released in 1972, was an effort by a skilled group of researchers to develop a "violence prediction scale" for use in parole decisions. When applied to adults, the result was that 85% of those identified as potentially dangerous failed to commit a dangerous act. A parallel effort for youth produced a 95% overprediction of violence.<sup>64</sup>

## CONCLUSIONS AND RECOMMENDATIONS

As a consequence of the accumulating evidence that present attempts to rehabilitate criminal offenders (particularly those involved in repetitive, serious crime) are generally ineffective and subject to considerable abuse, many professionals have made the following proposals.

First, the rehabilitation theory of sentencing and corrections should no longer be the governing purpose of the criminal justice system. This does not mean that experiments with new correctional and therapeutic procedures should not continue or be expanded as evidence warrants. It does mean that our individualized approach to justice be drastically limited. For example; offenders should not be coerced into the majority of treatment programs. Present disparities in sentencing should be reduced; and length of sentence should be determined at the beginning of the term.

Secondly, punishment should become a certainty for the serious offender. In part, this position rests on the fact that the certainty of punishment may lead to a reduction in crime. Those efforts made to assess the deterrent effects of sentences are not immune to criticism, as noted in previous sections of this report. However, research by the Universities of Houston and Rice is significant. Their studies indicated that while lengthy sentences may not be effective in deterring crime, certain punishment with logical consequences may be a very effective deterrent. Certainty of punishment recognizes, as well, the right of society to protect itself and impose some costs on criminal acts.

Thirdly, far less "system" intervention should occur in the lives of juveniles who commit non-violent, minor offenses. While research has correctly challenged the rehabilitative potential of correctional institutional programs, it has also found that these facilities are often "clogged" with many inappropriate youth. Various findings have confirmed the deleterious effects of institutionalization particularly for youth not already involved in criminal behavior. This proposal argues that

## CONCLUSIONS AND RECOMMENDATIONS

to flood the court and correctional system with first or minor offenders will invariably reduce their ability to handle those who pose a more serious threat to community safety.<sup>65</sup>

It is hoped that these proposals will lead to a criminal justice system that is both more equitably and discriminately administered. The proposals, as well as the supporting research in this report, have guided the following recommendations of the CYIC Task Force.



## CONCLUSIONS AND RECOMMENDATIONS

### RECOMMENDATIONS

1. A SECURE FACILITY SHOULD BE DEVELOPED AS ONE OF SEVERAL DISPOSITIONAL ALTERNATIVES TO SERVE THE NEEDS OF THE JUVENILE JUSTICE SYSTEM

A juvenile justice system must have the capability to serve a "felon" as well as a "misdemeanant", even if the former requires confinement. Lack of a secure facility in juvenile corrections has led to an increase in the number of youth being certified as adults in order that they may be placed in a secure environment. This is a misuse and abuse of the Minnesota "transfer statute". The Minnesota Supreme Court essentially ruled In Re. Welfare of J.E.C. that the non-existence of a juvenile correctional secure facility was an inappropriate reason to certify a youth as an adult.

2. A SECURE FACILITY SHOULD SERVE ONLY THOSE YOUTH WHOM THE COURT HAS FOUND TO PRESENT A CLEAR AND PRESENT DANGER TO SOCIETY

Strict and narrow criteria for placement in this facility must be developed to insure that the facility is not misused. The CYIC Task Force believes that the facility should primarily be available to youth, 15 through 17 years of age, who have been convicted for major person or major property offenses.

## CONCLUSIONS AND RECOMMENDATIONS

### 3. A MODIFIED DETERMINATE DISPOSITION (Sentencing) METHOD SHOULD BE EMPLOYED IN SENTENCING YOUTH TO THE SECURE FACILITY\*

After considerable discussion and debate, the Task Force concluded that in cases of serious misconduct, individualized justice (the basis for indeterminate sentencing) should give way to the adoption of the modified determinate disposition model. This model must: (1) allow for the judge to mitigate or aggravate the mandated disposition within established guidelines; (2) incorporate the age of the youth, the chronicity, and seriousness of the offense; and, (3) include provisions for the reduction of "time served" through good time crediting procedures.

This recommendation is a significant departure from current practices and philosophies. Yet, it is consistent with research previously cited in this report with regard to delinquency causation, the efficacy of treatment, and the predictability of future criminal behavior. The advantages of this recommendation are that it would increase clarity, ensure more equitable administration of justice, as well as "certainty" of punishment.

The Task Force realizes that the specifics of a determinate disposition model must ultimately be determined by the state legislature.

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\*The Hennepin County Juvenile Court is not in agreement with the recommendation for modified determinate dispositions. The position of the Court on this matter may be found in Appendix B.

## CONCLUSIONS AND RECOMMENDATIONS

### 4. A VARIETY OF TREATMENT PROGRAMS SHOULD BE MADE AVAILABLE TO THE POPULATION OF THE SECURE FACILITY

This facility should provide an atmosphere conducive to allowing youth to develop socially acceptable behavior patterns and should, therefore, include educational services, vocational training, clinical treatment, and recreational activities -- all of which the youth should have the freedom to accept or reject, with the following exceptions.

- Each youth should be required to participate in the facilities programs for a specified maximum period of time (e.g. 90 days). This will expose the youth to the various treatment programs available so that the youth will be better prepared to determine in which programs, if any, he may wish to continue. Whether or not a youth participates in these programs, he shall serve the sentence imposed, reduced only by "good time" credited.
- Three aspects of the facility's programs should be obligatory: (1) fulfillment of the youth's assigned job in a daily work program; (2) remedial educational instruction, if needed, and (3) treatment for chemical dependency, if needed. The first should be obligatory in that it represents "outside world" expectations of responsibility and skill development. The latter two should be obligatory in that, as data has shown, many youth have reading and writing disabilities, and/or are addicted to alcohol and drugs.

## CONCLUSIONS AND RECOMMENDATIONS

### 5. POST-RELEASE PROGRAMS MUST BE MADE AVAILABLE TO ALL YOUTH UPON RELEASE FROM THE SECURE FACILITY

Participation in a post-release (aftercare) program for a specified period of time should be required for each youth released from the secure facility in that: (1) the community will have made a considerable investment toward the rehabilitation of the youth by the time of discharge, and special care must be taken to follow-up on that investment, and (2) based on literature review, such a follow-up is vital to successful reintegration of the youth into the community.

These programs could provide assistance in such areas as job placement or housing, and may be residential or non-residential. Under-utilization and/or lack of post-release resources has remained one of the greatest weaknesses of the current correctional system. Their availability must now be mandated.

### 6. THE PROPOSED SECURE FACILITY SHOULD BE OPERATED BY HENNE-PIN COUNTY AS A PILOT PROJECT FUNDED BY THE STATE

The proposed secure facility should be viewed as a pilot project for the State of Minnesota. It is an experiment, one which will employ significantly new and different methods in dealing with juveniles involved in serious crime.

The principle aim of this facility should be to help youth learn to live in socially acceptable ways upon release. To evaluate the success or failure of the facility in accomplishing this goal will be a difficult, but essential task. The CYIC Task Force believes that the facility should be granted a specified lifetime (e.g., six years) at the end of which the evaluation must prove its effectiveness if the facility is to remain open.

## CONCLUSIONS AND RECOMMENDATIONS

Hennepin County is considered an appropriate site for this experiment because, (1) the County has the greatest number of violent and hardcore youth in the state; (2) the facility could readily be made a part of a continuum of community correctional programs; and (3) the facility would be close to the youth's home and family and accessible to a variety of supportive community services.

The State is seen as an appropriate source for funds for this pilot program (possibly through direct grant or the community corrections funding) in that it has a greater revenue generating capability and is currently responsible for the secure care and treatment of these youth.

The facility should serve primarily Hennepin County youth, but should have available space for youth from other counties on a purchase-of-service basis.

VI. FINAL COMMENTS AND FUTURE WORK

## VI. FINAL COMMENTS AND FUTURE WORK

A central question addressed by the CYIC Task Force was whether all juveniles involved in serious crime must be certified as adults in order to receive secure confinement. The Task Force's negative response to this question is evidenced by the recommendations. However, it must be emphasized that the proposed secure facility be viewed as an additional, not sole, dispositional resource for violent and hardcore juvenile offenders.

Not all of these youth, particularly many of those identified in the risk-pool population, will require secure confinement. Some are presently successfully handled in relatively open community correctional programs. Such programs should continue to be used and should be preferred over the secure facility for as many youth as possible.

What the recommendations do reject is the necessity to certify youth due to the absence of a programmatically and physically secure resource in the juvenile justice system. The CYIC Task Force believes in the protections afforded a youth who is retained in the juvenile system; protections which that youth shall forfeit if certified. For example, a certified youth may be imprisoned for twenty years; the youth who remains in the juvenile system may be incarcerated only until the twenty-first birthday. A youth who is certified faces the stigma of being a criminal convict. Furthermore, the criminal conviction will deprive the youth of various civil rights. Adjudication of delinquency, however, is not deemed conviction of a crime, nor does it operate to impose any of the civil disabilities imposed by conviction. In addition, the adjudication of delinquency is confidential and cannot be disclosed without an order by the court. These protections should be preserved for as many youth as possible.

## FINAL COMMENTS AND FUTURE WORK

These recommendations, however, do not exclude the option of certification as an adult. Those youth who commit such heinous crimes as to require prolonged incarceration (thereby exceeding a juvenile court's jurisdiction over a juvenile until the age of 21) and maximum secure custody, should be certified.

Many of the current juvenile system disposition and treatment practices are not reaffirmed nor recommended in this report. They are deemed as inappropriate, and have been shown to be largely ineffective when applied to the violent and hardcore juvenile offender. The alternatives proposed may seem to be a radical departure from the philosophy of the juvenile justice system. Yet they are designed for a very specific type of offender, and attempt to reflect current research and data.

This report has developed a concept, which, if it is to become a reality, must be further studied and delineated. For example:

1. A specific site for the proposed secure facility in Hennepin County was not determined by the Task Force. There was consensus, however, that an existing building should be modified for use.
2. Rigid and strict criteria for placement in the secure facility must be developed. Whether such factors as the chronicity and seriousness of offense as well as a history of running from non-secure juvenile institutions should be considered, merit further discussion and review.
3. Types of treatment to be offered to youth in the secure facility demands an independent study as does the evaluation design to be employed.

*Need for this was often mentioned*



## FINAL COMMENTS AND FUTURE WORK

4. The present analysis of data suggests that the facility will require bedspace for no more than 20 to 30 youth. This may vary, however, depending upon the criteria established for placement in the secure facility. A continued analysis of data is essential.
5. In recommending the use of a modified determinate disposition model, the lengths of sentences are not specified. It is believed that these sentences would be short in relation to those imposed by the adult system, for the juvenile court has jurisdiction over a youth only until the youth's twenty-first birthday. Furthermore, research has indicated that the certainty, rather than the length of sentence may be the more important factor in influencing an individual's behavior.
6. It must still be determined what the community standards will be by which to judge the effectiveness of the secure facility and the proposed sentencing and treatment practices.

It is hoped that these issues, as well as the recommendations, will be discussed and studied further by local and state officials, the public, and professionals within the criminal justice system.

APPENDIX A

SYNOPSIS OF  
CASEFILES

JUVENILES REQUESTED  
FOR CERTIFICATION  
AS ADULTS

1974

CASE A

D.O.B. 1957  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Definite patterns of hyperactivity as child. As an adolescent described as explosive; quick-tempered; hostile toward authority; particularly parents; impulsive; attention-seeking; erratic.

Psychological test results: Severe combination of characterological and neurotic features. Prognosis for successful treatment of individuals with this profile is poor.

Educational Tests: Has ability to function in standard academic environment though current levels of achievement are 3-5 years below normal grade placement.

Family

Parents married with eight children. Father semi-skilled laborer; mother unemployed. Family is poor. Father absent during much of childhood due to imprisonment. Father very strict disciplinarian. Child resents father's return to family. "Parents love child but feel they have no control."

CRIMINAL HISTORY:

Age 8-13: 1 shoplifting; 4 absentings; 1 truancy.

Age 14-17: Numerous absentings from home and institutional settings; 2 auto thefts; 1 aggravated (armed) robbery. Suspect in several other robberies. Drug dependent.

TREATMENT HISTORY:

Placed in custody of the Department of Corrections at age 14. Was in four institutional programs -- Lino Lakes (twice) North Hennepin, and Sauk Centre. Ran from these programs approximately 10 times. Prior to commitment to the state, child was placed at the Hennepin County Home School for 9 months and ran approximately 6 times.

Child has been on parole 3 times while under state jurisdiction and the longest period of time he remained on the street without violating parole was 2 months.

PRESENT STATUS:

Certified as an adult in 1974.

CASE B

D.O.B. 1957  
SEX Male  
RACE White  
RESIDENCE Minneapolis

---

PSYCHO-SOCIAL HISTORY:

Personality

Described as normal until the age of 8; angry; callous; impulsive; low tolerance for frustration; loner. Categorized as having anti-social personality; alternative diagnosis might be pseudosociopathic schizophrenic. All professional examiners believe child to be dangerous. Child often expressed desire to become hired killer.

Educational tests: Reveal a full scale IQ = 77. Teachers believe this to be too low a rating. At age 17, rated as having completed 10th grade.

Family

Father died when child was sixteen. Father had been employed for 35 years as a shipping clerk. Father had juvenile record. Mother employed part-time in a laundromat. Child has two siblings who were out of the home by the time the child was 13. Child felt that home was a "prison" and professed to hate his father. Mother once said of the child, "Maybe everyone would be better off if he committed suicide."

CRIMINAL HISTORY:

Age 9-13: 15 vandalism; 3 disorderly conduct; 2 assault; 1 cruelty to animals.

Age 14-17: 1 theft; 4 assault; 1 purse snatching; 1 robbery; 1 burglary. A suspect in several other burglaries. Child ran numerous times from each institution in which he was placed.

TREATMENT HISTORY:

Though police had many complaints against the child, he did not come to the attention of the Court until he was 13. He and his family were sent to Family and Children's services for counseling. Acts of vandalism and assault continued, however, and the child was brought to the Detention Center. Subsequent placements: St. Joseph's Diagnostic Center-- attempted suicide and returned to JDC; Miller Youth Center-Anoka State Hospital -- 6 weeks; not suitable for the program.

CASE B - Continued

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TREATMENT HISTORY  
Continued

Psychiatric Unit -- Abbott Hospital 3 mos.  
St. Cloud Children's Home -- 3 mos., ran  
twice  
Lino Lakes -- 1 mo., ran numerous times  
Red Wing -- 13 mos., ran 7 times; paroled  
Parole Violation (Assault) -- Returned to  
Lino Lakes for 6 weeks  
St Peter Security Hospital -- 4 mos.  
Returned to Lino Lakes -- ran 3 times  
On the Run for 3 mos.  
Re-arrested for absention and burglary  
and assault

PRESENT STATUS:

Certified as an adult in 1974.

CASE C

D.O.B. 1955  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Age 11-14: Described by mother and school officials as moody; easily angered; argumentative; hostile; belligerent; anti-social.  
Age 14-17: Viewed as a youth of average intellect who because he was told he had a learning disability, has played on the sympathy of school staff in the past to avoid further education. Hostile; impulsive; extremely demanding; selfish. Anti-social/anti-authoritarianism with a disregard for and irresponsibility toward the seriousness of his offenses. Very poor prognosis for change.

Drug Abuser.

Family

Parents divorced. Mother remarried. Step-father an alcoholic and abusive verbally and physically toward children. Six other siblings in family. Family is poor. Parental employment erratic. Child attempted suicide while at home. Described by parents as out of control.

CRIMINAL HISTORY:

Age 14-17: 2 drug abuse; 3 auto theft;  
2 assaults; 1 burglary; 15  
armed robberies.

The child was also suspended from school twice during these three years.

TREATMENT HISTORY:

Placed on probation -- twice

Continuous Private Counseling -- Viewed by many as ineffective

Special Vocational Training -- Found to be ineffective

St. Joseph's Diagnostic Center -- Recommended out-of-home placement

Glen Lake -- twice; ran numerous times

Lino Lakes -- twice; ran three times

St. Mary's Drug Treatment Program -- treatment thought to be successful

Group Homes -- twice; ran from each

PRESENT STATUS:

Child certified as an adult in September, 1974.

CASE D

D.O.B. 1958  
SEX Female  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Child is a sister of Case "C". Child's only offenses have been absenting from a home which has been described as extremely unstable and unhealthy.

Family

Mother described as paranoid; step-father as an alcoholic and abusive. Six siblings: two are in foster homes; two are living away from home; one is in the Navy; one (case "C") is in jail.

CRIMINAL HISTORY:

Age 14-16: 4 absentings

TREATMENT HISTORY:

Child placed on probation after first absenting offense but continued to run in order "to force a change" and be placed out of home.

Child was placed in a Group Home where she became pregnant and was eventually placed in a Foster Home.

PRESENT STATUS:

Reasons for certification request unclear. Motion was denied and child was placed in the custody of the Hennepin County Welfare Department.

CASE E

D.O.B. 1956  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Often truant and finally suspended from Junior High School. School officials described him as bad tempered, impulsive, poor self-image. Correctional professionals later described child as manipulative, spoiled, overly-disturbed. Drug dependent.

Family

Family life unstable; mother "terrified" of son, and eventually requested that the child be certified and imprisoned.

CRIMINAL HISTORY:

Age 12-14: 1 burglary; 1 theft; 1 auto theft; 1 truancy.

Age 14-17: 4 auto theft; 2 theft; 1 simple assault; numerous traffic violations.

TREATMENT HISTORY:

Probation -- 1 year with 3 violations

County Home School -- 1 year; ran several times and was finally ejected from the program.

Probation -- 2 years during which time child was arrested on 12 different occasions.

Family and child provided with family counseling with a private agency throughout this period.

PRESENT STATUS:

Motion for certification in Hennepin County was denied in 1974. Child was certified in Anoka County in 1974 for numerous traffic violations compiled there.



CASE F

D.O.B. 1957  
SEX Female  
RACE White  
RESIDENCE Minnetonka

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PSYCHO-SOCIAL HISTORY:

Personality

Characterized as a master manipulator; diagnosed as having "severe psychotic reaction"; changes personality like a "chameleon". Having no personality of her own, she takes on one of those around her, capable of being anything or anyone. Considered to be an unusually intelligent person. Drug abuser.

Family

Parents married. Two other siblings. Middle class. Parents petitioned child as incorrigible and requested detention and psychiatric help. More detailed information on family unavailable.

CRIMINAL HISTORY:

(In this particular case, recorded offenses for child are known for one year only. We have therefore combined and detailed child's criminal and treatment history).

- 1-15-74: Petitioned as incorrigible and placed in a Home Away Group Home.
- 2-23-74: Absented from Group Home. Group Home would not readmit.  
Child was absent for 1 month. Had changed name and worked at a downtown hotel as a chambermaid. Used drugs heavily during this period.
- 3-74: Placed at St. Mary's Drug Center
- 6-10-74: Absented from St. Mary's
- 6-15-74: Arrested for shoplifting and absenting.
- 6-16-74: Returned to St. Mary's Drug Center and escaped one day later.
- 6-74: Re-arrested and returned to hospital and placed in a locked ward. Length of stay unknown.
- 8-30-74: Arrested and charged with homicide.

Child continually involved in drug abuse and prostitution throughout this year.

PRESENT STATUS:

Child certified as an adult in November, 1974.

CASE G

D.O.B. 1956  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Described as a "follower", easily angered, physically aggressive. Throughout school placed in a program for slow learners.

Family

One of eleven children; father often absent due to work as a pentecostal minister. Family income supplemented by Welfare. Entire family deeply involved in evangelism.

CRIMINAL HISTORY:

Age 10-12: 1 assault; 1 shoplifting.

Age 13-17: 2 theft; 1 tampering; 2 assault;  
1 consumption; 1 armed robbery.

Police records showed 17 contacts with child; some of the contacts involved alleged aggravated assault, aggravated rape, weapons and burglary.

TREATMENT HISTORY:

Probation -- 6 months

Probation -- 1 year with involvement in a YMCA program

Probation -- 6 months.

At the completion of this probation, child was arrested for robbery and assault.

A motion for certification was brought but later dismissed due to witnesses refusing to cooperate.

On child's 18th birthday, the probation officer wrote: "Child has been traveling through the southern states handling preaching chores for his church. He still plans to attend the Bible college in Arizona and embark on a career as a preacher. His mother feels he is able to handle himself without further court-involvement".

Probation was dismissed.

CASE H

D.O.B. 1956  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

---

PSYCHO-SOCIAL HISTORY:

Personality

As a child (ages 9-12) described as hyperactive; easily distracted; agitates and provokes authority figures in attempts to get attention. A major behavior problem in school; does average work yet is considered at the "bright, normal" level of the IQ scale.

As an adolescent (ages 13-17) described as manipulative; easily angered; impulsive; self-centered; physically and verbally assaultive; distrusting; "super sophisticated street kid"; bright with leadership potential.

Family

Mother divorced twice; five siblings in family. Family poor with income supplemented by welfare. Mother described as erratic; aggressive; manipulative. Defended her sons actions as a child but wished to have nothing to do with him as he grew older and his court involvement continued. Step-fathers often absent; when present described as either uncaring or abusive. One older sibling also involved with the juvenile court.

CRIMINAL HISTORY:

The school was the first agency to bring child to the attention of the court.

Ages 9-12: 2 school incorrigibility

Ages 13-17: 1 shoplifting; 1 theft; 3 auto thefts; 1 breach of peace; 1 assault; 2 aggravated (armed) robbery.

In addition, the child was suspended several times during junior high and highschool years.

TREATMENT HISTORY:

Probation -- 6 months with out-patient mental health treatment

Probation -- 6 months

County Home School (Glen Lake) -- 6 months

Indefinite Probation

County Home School (Glen Lake) -- 6 months

Probation -- 6 months

Lino Lakes -- Diagnostic services

Juvenile Detention Center -- 127 days

Harambe Group Home -- 1 year

TREATMENT HISTORY  
Continued

Attended Metropolitan Junior College and worked as an aide at North Highschool.

PRESENT STATUS:

Motion for certification as an adult for last two offenses was denied. Youth was informed that now that he is eighteen any further offenses will result in automatic certification.

CASE I

D.O.B. 1958  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Intellectually dull child with speech impediment; poor self-concept; follower; easily misled; easily aggravated; short tempered; peer relationships formed considered shallow and negative; flaunts physical power when in a group setting; often truant from school.

Family

Parents divorced; four children live with mother; father visits often. Child experienced little consistency or guidance from mother who is described as immature, self-centered; hostile, with little ability to deal with her own multiple economic, emotional and social problems. Family is viewed as poor.

CRIMINAL HISTORY:

Age 13-17: 1 shoplifting; 5 auto theft;  
1 burglary; 1 theft; 3 assault;  
2 armed robbery; 1 aggravated  
assault.

TREATMENT HISTORY:

Probation -- 6 months; violation occurred after 2 months.

County Home School (Glen Lake) -- removed from program after two months for assaulting 3 youth. Also ran 3 times while at CHS.

Lino Lakes -- 5 months

Paroled

For 18 months youth had little or no police contact until his arrest for armed robbery and aggravated assault. A motion for certification was denied due to a professional team recommendation that all juvenile correctional resources had not yet been exhausted for this child.

PRESENT STATUS:

The youth was continued on parole to the Department of Corrections and placed in the Harambe Group Home.

CASE J

D.O.B. 1957  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Sophisticated "street-kid"; physically mature; excellent communicator; manipulative; easily angered. Responds well to specific goals; considered bright but needs remedial reading programs.

Family

Parents divorced. Mother an entertainer and often away from home. Two other siblings; a brother also involved in the juvenile correctional system; a sister who is a nurse. Family environment viewed as relatively healthy.

CRIMINAL HISTORY:

Youth came to the attention of the court at age 15; 2 aggravated robbery; 1 assault; 4 robbery.

TREATMENT HISTORY:

County Home School (Glen Lake) -- 6 months.  
Released on probation to Operation DeNovo.

After 3 months with Operation DeNovo, child was in school and was to become a tailor's apprentice. Probation was terminated.

CASE K

D.O.B. 1957  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Hostile; evident lack of communication and socialization skills; dullness; impulsive; easily frustrated and angered. Manipulative; loud and demanding; indiscriminately aggressive. Academic achievement is 5 years below grade level.

Family

Mother divorced from child's father; separated from second husband. Three other children in family. Mother unemployed; family supported by welfare. Mother both defensive of and abusive toward son; she exerts few controls and is unable to enforce those she does attempt.

CRIMINAL HISTORY:

At age 14, came before the juvenile court for eight different charges involving unauthorized use of motor vehicle; tampering; assault; and theft by use of force. Child was placed on 6 months probation. Within two months, further charges made involving assaults, theft, use of drugs, giving drugs to younger children, intoxication, and suspension from school after threatening a school official. Subsequent offenses from age 15-18:

1 burglary; 1 simple assault; 1 indecent liberties; 2 attempted rape; 1 robbery; 2 armed robbery; 1 narcotics; 1 weapons, 2 stolen auto; 1 disturbing the peace.

A suspect in numerous armed robberies.

Police records show 27 contacts.

TREATMENT HISTORY:

Probation -- 6 months; violation in 2 months

Probation Continued -- violation in 3 weeks

County Home School -- Institution filed incorrigibility after 2 months for several assaults on peers and staff. Child ran three times while at CHS.

Minnesota State Training School (Red Wing) -- 9 months

Paroled and entered Work Opportunity Center -- assaulted student

Lino Lakes -- ran twice

TREATMENT HISTORY:  
Continued

Returned to Parole Status -- continued offenses

Juvenile Detention Center -- 3 weeks

Lino Lakes -- Escaped (on run for 3 months)

Juvenile Detention Center -- 1 month

Placed on Parole Status -- violation in 4 months

Placed in Harambe Group Home -- violation within 2 months

Returned to Department of Youth Corrections

CURRENT STATUS:

A motion for certification was withdrawn after witness suffered heart attack and was unable to testify.



CASE L

D.O.B. 1957  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Age 10-13: A dejected boy; does not appear to be belligerent though parents claim the contrary; lacks self-confidence.

Age 14-17: Lacks motivation; lacks self-control; a follower; manipulator; childish; deceitful.

Considered of average intelligence though hampered by severe reading disability.

Family

Parents have unstable marriage. Income supplemented with welfare funds due to father's physical disability. Four other children in family. Father assumes a passive role in family and "hates to be bothered with the kids". Mother stated that she "could not stand the kid." Parents provide no behavioral controls in the home.

CRIMINAL HISTORY:

Age 10-13: 1 truancy; 1 incorrigibility; 1 attempted theft; 1 riding in stolen auto; 2 curfew. Continued truancy from school.

Age 14-17: 2 receiving stolen property; 1 auto theft; numerous traffic violations; 3 burglary; 2 armed robbery; 1 escape from custody.

Suspect in several armed robberies and auto thefts.

Police records show 25 contacts.

TREATMENT HISTORY:

Foster Home -- 1 year

Probation -- 7 months; group counseling at school. Violation during 7th month.

Lino Lakes -- 5 months; violated parole.

Red Wing -- length of stay unknown. Transferred to Lino Lakes -- escaped custody.

Lino Lakes -- indefinite stay pending state decision as to final placement.

PRESENT STATUS:

A motion for certification was dismissed when witness unable to identify child as the defendant in an armed robbery.

CASE M

D.O.B. 1957  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Hostile; physically aggressive; unwilling to accept limits controls; impulsive; feels betrayed and rejected by parents; IQ tests suggest "dull normal" intelligence; severe reading disability. Major problem is chemical dependency principally alcohol.

Family

Father deserted family when child was 12 years old. Father was an alcoholic; former inmate at Stillwater. Mother loving toward child but honest about his problems. Child and mother very close and mother's death when child was 14 was particularly difficult for him. Three other siblings in family, all older and living independently. Older siblings unable to control child's behavior.

CRIMINAL HISTORY:

Ages 12-17: 2 burglaries; 2 auto theft; 1 truancy; 1 consumption; 2 disorderly conduct; 1 incorrigibility; 1 tampering; 1 possession of drugs; 2 breach of peace; 2 attempted burglary; 1 theft; 1 simple assault.

Police records show 17 contacts.

TREATMENT HISTORY:

Probation -- 6 months successfully completed

Probation -- violation in 2 months

Probation continued -- dismissed after 4 months

County Home School -- 6 months; ran 3 times

County Home School -- 2 months; staff recommended YCC commitment

Probation -- child released to brother; ran in 3 weeks

Probation -- dismissed after 1 month

Probation -- treatment in alcohol program

Probation dismissed on child's 18th birthday. Child appeared to have control of himself though future plans tenuous.

CASE N

D.O.B. 1957  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Hostile; resentful; easily angered; moody. Teachers believe child has great ability but lacks motivation. Intimidates peers. Placed on school excuse twice. Overriding problem-chronic alcoholism.

Family

Child is one of 9 children in a single parent home. Father an alcoholic and deserted when child was 8. Family supported by welfare. Mother overwhelmed by family financial and social problems (4 other siblings involved with the court). Mother is both defensive of and hostile toward child; exert no controls on his behavior. Child has developed an all-consuming hatred for father. Mother and child need extensive family counseling.

CRIMINAL HISTORY:

Age 9-12: 1 vandalism; 1 absenting; 1 shoplifting; 1 theft; 1 assault.

Age 13-17: 2 auto theft; 3 theft; 2 breaking and entering; 1 consumption; 1 absenting; 6 riding in stolen autos; 1 possession of drugs; 5 burglaries.

Police records show 23 contacts.

TREATMENT HISTORY:

Probation -- 3 months

Probation continued -- 3 months due to school adjustment problems. Violation occurred after 1 month.

County Home School -- 11 months; released to probation.

St. Joseph's Diagnostic Center -- 1 month

Probation dismissed -- new offenses committed

Probation -- 6 months; involvement with YMCA mini-bike program. Violation occurred

County Home School -- 3 months; released to probation. Violation occurred

Lino Lakes -- 3 months; transferred

TREATMENT HISTORY:  
Continued

State Training School (Red Wing) -- 4 months;  
assaulted staff

Anoka State Hospital (Alcohol Program) --  
4 months. Discharged due to marginal  
improvement. Prognosis = guarded.  
Child a chronic alcoholic.

Paroled -- violation within 2 months

Lino Lakes -- 1 month

Anoka State Hospital -- ran within 2 hours  
of arrival. Committed new offenses

PRESENT STATUS:

Certified as an adult in 1975.

CASE 0

D.O.B. 1956  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality Hostile; aggressive; impulsive; distrustful of peers, family, and professionals. Normal intelligence; reading disability. Truant/incorrigible at school.

Family Parents divorced; mother's whereabouts unknown. Child not wanted by father or one aunt. Three other children in the family.

CRIMINAL HISTORY:

First contact with police at age 13 for alleged assault. Child was reprimanded and released. Subsequent contacts with juvenile court ages 14-17: 2 absentings; 1 incorrigibility (all filed by father); 2 assault; 1 robbery (extortion of students); 2 theft; 1 shoplifting; 2 armed robbery; 1 aggravated assault.

Police records show 14 contacts.

TREATMENT HISTORY:

Home Away Group Home -- 3 months; assaulted staff.

Lino Lakes -- 4 months

Probation -- Violation in 2 months

Lino Lakes -- 3 months

Ordered to enlist in Marine Corps and complete boot camp or face contempt and probable certification.

Certification motion dismissed in lieu of Marine Corps.

CASE P

D.O.B. 1956  
SEX Male  
RACE Black  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Lacks emotional control; low frustration threshold; physically aggressive; impulsive; a follower; quick tempered. Functioning at "dull normal" level of verbal intelligence; severe reading disability. Poses a potentially high danger to the community.

Family

Parents divorced; child lives with mother who is supported by Welfare. Three other children in family one of whom is in the Minnesota State Reformatory at St. Cloud. Mother has no control over this child and eventually declared that she "no longer wanted to have anything to do with him."

CRIMINAL HISTORY:

Age 12 brought before juvenile court on several charges including indecent liberties and assault on a child; theft; shoplifting; absenting; curfew and incorrigibility.

Subsequent offenses age 13-17: 2 escapes from custody; 1 weapons; 2 assaults; 2 thefts; 2 burglaries; 4 armed robberies.

In addition, child suspect in several other armed robberies; involved in recurrent fighting and threatened to kill mother with knife.

Police records show 13 contacts.

TREATMENT HISTORY:

Probation -- 6 months; violation

Probation continued -- placed in a variety of basic skill programs but refused to attend.

County Home School -- Ran first night.

Placed in Foster Home -- threatened and struck foster parent; removed after 1 month.

Lino Lakes -- 5 months

Parole -- violation within 2 months.

CASE P -- Continued

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TREATMENT HISTORY  
Continued

Minnesota Training School at Red Wing --  
length of stay unknown; received marginally  
satisfactory reports.

Lino Lakes -- transferred from Red Wing;  
length of stay unknown.

Phase II - ICC Program -- violation  
within one month.

Lino Lakes -- escaped.

Paroled and placed with Operation DeNovo --  
violation occurred within 2 months.

CURRENT STATUS:

Child certified as an adult in 1974.

**CONTINUED**

**1 OF 2**



CASE Q

D.O.B. 1956  
SEX Male  
RACE White  
RESIDENCE St. Louis Park

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PSYCHO-SOCIAL HISTORY:

Personality

Mature; suave; sophisticated; bright. Not considered a discipline problem at school or in home. Has poor reputation in neighborhood for numerous acts of vandalism; assault and disorderly conduct. Drug pusher.

Family

Parents separated. Four other children in family. Police had been to home for numerous "Domestics" prior to parents separation. Mother extremely defensive of child yet viewed as completely unable to control his behavior.

CRIMINAL HISTORY:

Child had eight contacts with police over a 3-year period prior to involvement with the court. These contacts included alleged offenses of burglary, vandalism, curfew and possession of weapon. Subsequent offenses 16-17: 1 offensive conduct; 1 disturbing the peace; 2 disorderly conduct; 1 assault; 3 vandalism; 4 possession and selling of narcotics (to highschool students).

TREATMENT HISTORY:

Child was never institutionalized. Placed on probation for 1 year. No violations.

Shortly after probation was terminated, child was arrested and certified as an adult for "pushing" narcotics.

Certification was granted because, "Juvenile justice system of Minnesota has had virtually no experience with juveniles who distribute narcotics for profit without other aspects of delinquent behavior and therefore no programs exist for the rehabilitation of such offenders or for the protection of the public from their inroads".

CASE R

D.O.B. 1956  
SEX Male  
RACE White  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Normal intelligence; manipulative; quick-tempered; excessive truant but not serious discipline problem in school. Most of friends have delinquent records. Home environment considered to have major negative influence on child.

Family

Mother divorced twice; former step-father abusive. Six other children. Family viewed as uncohesive; poorly managed; controlled; disintegrated. Mother constantly fighting with this child. Two other siblings involved with juvenile court.

CRIMINAL HISTORY:

Mother filed a petition of absenting/incorrigibility when child was 14 years old. Subsequent offenses age 15-17: 1 absenting; 6 auto thefts; 1 curfew violation; 1 incorrigibility; 3 weapons; 1 homicide. (Child shot mother's boyfriend who was beating mother and threatening child.)

Police records show at least 17 contacts.

TREATMENT HISTORY:

St. Joseph's Children's Shelter -- placed due to family crisis.

County Home School -- 4 months; ran once

Family involved in intensive community services. Case re-opened for new offenses 1 year after release from CHS. During much of this time, child lived on his own.

Probation -- violation in 2 months

County Home School -- 11 months

Removed from probation -- new violations

Operation DeNovo with stayed commitment to Y.C.C. -- absented from program after 2 months.

Child committed homicide 1 month later.

Certified as an adult in 1974.

Even though this child was released from a variety of treatment programs, professionals regarded him as continuing to function on a superficial level with staff and peers.

CASE 5

D.O.B. 1957  
SEX Male  
RACE Native American  
RESIDENCE Minneapolis

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PSYCHO-SOCIAL HISTORY:

Personality

Possesses hostility in abundance; lacks concern for anyone or anything; angry; severe authority problems; severe chemical dependency; impulsive. Above normal intelligence but performs poorly in school; placed on school excuse several times.

Family

Parents divorced; father's whereabouts unknown. Three younger siblings. Family poor. Mother claims she can no longer control the actions of this child.

CRIMINAL HISTORY:

Age 12-14: 1 theft from auto; numerous extortions from peers; 2 assaults; 1 auto theft; 1 purse-snatch; 1 vandalism; 6 burglary.

Age 15-17: 14 burglary; 3 curfew; 3 auto theft; 1 assault; 1 narcotics; 5 escapes from custody; 2 aggravated assaults; 2 armed robbery.

In addition there were several minor person and minor property offenses.

TREATMENT HISTORY:

Child first came to the attention of the Court at age 12 for theft from auto. The case was dismissed at Intake. Subsequent treatment beginning at age 14:

Probation -- 6 months

Lino Lakes -- absented after 5 months

St. Mary's Drug Center -- Absented after 1 month

Lino Lakes -- Recommitted to the institution from which he escaped 10 times within one year.

Juvenile Detention Center -- absented

PRESENT STATUS:

Child was finally certified as an adult in July 1975.

APPENDIX B

THE HENNEPIN COUNTY JUVENILE

COURT POSITION ON

DETERMINATE DISPOSITIONS

## APPENDIX B

### THE HENNEPIN COUNTY JUVENILE COURT POSITION ON DETERMINATE DISPOSITIONS

During the deliberations of the Children and Youth in Crisis Task Force, the Hennepin County Juvenile Court expressed concern that the arbitrary nature of any determinate disposition model may lead to unnecessary prolonged incarceration or premature release. The following alternative model, though not adopted by the CYIC Task Force, was proposed to meet this concern.

*An incarcerated juvenile should be allowed to file a report before the court demonstrating that the youth has ceased to be dangerous. A court hearing is then to be held at which the juvenile shall have the burden of proving his case. If successful, the juvenile will be released from the facility. The prosecutor, as well, will be given the opportunity to file a report near the end of a fixed term, which must demonstrate that a youth is still dangerous and his sentence should be increased. A court hearing will be held at which the prosecutor will have the burden of proving the continued dangerousness of the juvenile.*

A more detailed explanation and review of this proposal may be found in a paper entitled "Release Hearings...To Protect the Public", by Honorable Lindsay G. Arthur and Katherine H. Karsh.

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GLOSSARY

## GLOSSARY

MAJOR PERSON OFFENSES: Murder, forcible rape, aggravated assault, robbery.

MAJOR PROPERTY OFFENSES: Burglary, larceny, auto theft, theft .

MINOR PERSON OFFENSES: Simple assault, prostitution, weapons, immoral conduct, lurking.

MINOR PROPERTY OFFENSES: Damage to property, forgery, receiving stolen property, riding in stolen car, shoplifting, trespassing.

STATUS OFFENSES: Absenting, curfew, incorrigibility, truancy.

REFERENCE HEARING (transfer statute, certification): A hearing to determine whether a youth 14 years of age or older, should be removed from the protection of the Juvenile Code and referred for prosecution as an adult charged with a crime.

DISPOSITION HEARING: A hearing to determine what shall be done for a child who is found to be delinquent, dependent, or neglected.

ARRAIGNMENT HEARING: A hearing to determine: (a) whether a petition is admitted or denied, (b) if admitted to set a time for a disposition hearing.