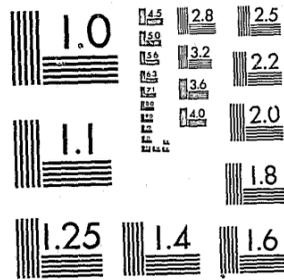


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Final Report:
Governor's Task Force
on
Juvenile Justice

Prepared by Crime Control Planning Board Staff



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November, 1981

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Introduction

Governor Quie established the Governor's Task Force on Juvenile Justice through Executive Order 80-2. It consists of fifteen members appointed by the Governor in July, 1980. The members represent four elected officials, a juvenile court judge, a county attorney, a public defender, a juvenile officer, a law enforcement official, an educator, a member of court services, a senior citizen, a school administrator and two public members. The Governor directed the task force to provide to the legislature and to the governor in 1982, an objective analysis of Minnesota's juvenile justice system from a statewide and systemwide perspective.

The Governor's Task Force on Juvenile Justice has examined and discussed research and public opinion relating to juvenile justice in Minnesota. The task force placed an open invitation to citizens and professionals to obtain their views and concerns. Task force members represent a broad range of backgrounds, experiences and views which were reflected in lengthy discussions of recommendations.

Earlier reports, "Through the Labyrinth: The Juvenile Services Delivery System," and "Troubled Youth Information System," prepared by the task force responds to the Executive Order requests for identification of juvenile justice programs. This includes a review of all state and federal laws and regulations pertaining to juvenile justice, and a design for a comprehensive juvenile justice data base.

The intent of this report is to provide an insight into the juvenile justice system in Minnesota and to serve as an impetus for improvement. Minnesota has always taken pride in providing a good system for troubled juveniles. This report will serve as a base to be even better.

The task force reviewed and discussed many issues in the Minnesota juvenile justice system. Because of time and resource limitation, the task force chose to limit the focus of their efforts. These recommendations are limited to juveniles who have come into contact with the juvenile justice system because of offenses which would be crimes if committed by adults.

The limitations do not reflect a lack of concern about other juveniles who are having problems which may bring them into contact with the juvenile justice system. For example, the task force reviewed issues concerning status offenders, dependent, neglected and abused children, and those children who are removed from their homes because of voluntary, parental placements. Without pursuing the complexities of the problems of these juveniles or the systems designed to serve them, the task force wants to emphasize that *all* children who are removed from their homes should be entitled to due process procedures prior to their removal.

Although status offenses come under the jurisdiction of the juvenile court in Minnesota and are considered delinquent acts, the task force believes that those issues have been discussed in other forums. We refer the reader to the following documents:

- *Status Offenders: A Summary of the Issues and a Review of Options.* Staff Report. Minnesota Crime Control Planning Board, September, 1980.
- *Crime Control Agenda.* Minnesota Crime Control Planning Board, January, 1981.
- *Juvenile Court Intervention in Status Offender Cases: An Analysis of Current Practice in Minnesota,* by Peter Rode and Lee Ann Osburn. Supreme Court Juvenile Justice Study Commission, February, 1981.

This report will concentrate on the juvenile criminal offender.

Guiding Principles

To set a framework for their recommendations, the task force prepared a set of principles. These principles reflect a philosophy the task force feels is the basis for a fair and humane juvenile justice system in Minnesota.

1. The same constitutional rights must be available to all citizens subject to the criminal justice system regardless of age.
2. The juvenile court should remain separate from adult court. Decisions should be made for public safety which are also in the best interest of the juvenile.
3. Within the juvenile justice system, the juvenile criminal offender presents the greatest threat to the public safety and therefore should be the focus of the juvenile justice system and the community.
4. Every effort should be made to assure a consistent response to juvenile behavior by the juvenile justice system in Minnesota.
5. The concept of proportionality,* based on guidelines, should be considered when making dispositional decisions.
6. The accountability of the juvenile to the victim and community should be stressed.
7. The juvenile's family should be actively involved in the rehabilitation process wherever possible and practical.
8. The community, rather than the state, has the primary responsibility in problem identification, program implementation and evaluation.

*Refer to glossary of terms in Appendix B.



Apprehension, Prosecution, and Diversion

Recommendations

1. Probable cause for apprehension and charging should be the same for juveniles as for adults.
2. During police investigation, juveniles should be able to waive their rights. The burden of proof that the juvenile comprehends his rights should rest with the prosecution. No other person should have the authority to waive a juvenile's rights without court action.
3. Law enforcement agencies should be allowed to photograph and fingerprint juveniles age 14 or over who have been arrested for a felony offense. Juveniles below age 14 should not be photographed or fingerprinted without a court order.
4. Counties with populations over 50,000 should have uniform written rules regarding diversion of juveniles by police officers. Guidelines should be developed by the county attorney with appropriate community input.
5. Juvenile justice statutes and rules should be amended to allow the use of tab charges by police officers for petty and misdemeanor offenses instead of the formal petition process.
6. Felony referrals should not be diverted at any level other than the county attorney's office.
7. To assure that diversion is a voluntary option:
 - a. there should be guidelines when a diversion program involves some consequence other than court;
 - b. such guidelines should include statements of the juvenile's rights and what other options may be available.

- c. diversion should be consistent with dispositions for similar offenses; and
- d. juveniles who refuse diversion or deny guilt should not be subjected to a penalty for refusal.

Problem Statement

There is a concern about the widespread unequal treatment of juveniles at this stage of the system process. This is due, in part, to the absence of consistent and uniform rules and procedures among police departments and court services. Intake units need guidelines for prioritizing cases to enable efficient use of limited resources.

Supporting Statements

- Police investigation into criminal matters should be similar whether the suspect is an adult or a juvenile. Juveniles, therefore, should receive at least the same safeguards available to adults in the criminal justice system. This should apply to:
 - Preliminary investigations (e.g., stop and frisk).
 - The arrest process.
 - Search and seizure.
 - Questioning.
 - Pretrial identification.
 - Prehearing detention and release.²
- From a police perspective, this means that the handling of serious criminal matters should be the same for adults and juveniles. This is particularly true for violent crimes against the person, and for police investigative techniques. Investigations for both should be governed by the same constitutional stan-

dards (provided for in the Bill of Rights and the fourteenth amendment for criminal cases) and by the same priority concern.²

- Every local police administration should establish uniform written procedures to regulate the actions of police officers in handling juvenile matters. These procedures should cover at least the use of diversion, use of warning tags and citations, investigation of juvenile criminal matters, use of detention, explanation of personal rights, and notification of parents, guardians or custodians.
 - Law enforcement officers should improve their capabilities to identify juveniles who pose no threat to the community or themselves. Such youth should be diverted according to uniform written procedures.¹
- The National Advisory Committee recommends the development of rules and guidelines governing referral decisions. These guidelines should provide for immediate action without a major reallocation of resources, to improve the administration of juvenile justice. These guides should apply to referral decisions made by officers in the field as well as those made at the station house.⁴
- There are many reasons for limiting juvenile court jurisdiction. They include: 1) the serious harm that can be done to juveniles simply by referring them to formal juvenile justice process; 2) the inability of the juvenile courts to respond effectively and appropriately to many of the matters brought before them; 3) the value of utilizing community resources and restraints; and 4) the need to have the formal juvenile justice process focus its limited resources on more serious problems. Because of these and other concerns, Standard 2.3 (of the Juvenile Justice Standards) specifies that police should not make formal referrals to the juvenile court unless: 1) serious or repeated criminal conduct is involved; or 2) less serious criminal conduct is involved and lesser restrictive alternatives are not appropriate under the circumstances.²
- The Hennepin County Task Force on Juvenile Justice recommends that a "2 track" system be instituted (in Hennepin County) for processing criminal offenses. One effect of this recommendation would be the creation of a "tab-charge" system for handling juvenile

misdemeanor offenses. This would enable police (and all other components of the juvenile justice system) to concentrate their limited resources on the most serious offenses.⁵

- Police departments should develop consistent methods to deal with the large number of minor offenses (liquor violations, shoplifting, etc.). Such methods could include the expanded use of warning tags and citations.¹
- All diversion programs and resources should have specific and written criteria for both the admission of juveniles and their termination from the program.¹
- All decisions to divert a child should be governed by written guidelines.¹
- A major concern of the Task Force is the widespread unequal treatment of children at this stage of the system. This is due in large part to the absence of uniform standards for diversion at the intake or probation officer level.³

Intake and regular probation staff currently use a set of agreed-upon factors in making a decision to divert or refer to the prosecutor. However, there is no uniformity in the weight each probation officer gives to these factors when applying them to an individual child; the same is true of the prosecutors' charging decision. This discretion is added to the disparate treatment of juveniles and offenses by various police departments (and individual officers). It becomes apparent that equal treatment in equal circumstances is too often abrogated in the juvenile justice system.⁵
- The Task Force recognizes that the needs of juveniles seem to minimize the desirability of uniform standards at the intake level. The Task Force, however, heard so many accounts of gross inconsistencies in treatment at the intake/charging level that it feels compelled to support a new emphasis on equal treatment of children in like situation.⁵
- Staff research indicates that the juvenile often is required to admit informally the truth of the allegations and to recount the events and background of the charges before being diverted. This requirement is made even though the juvenile may be advised that whatever he says may be used against him later. Consequently, there is concern about

the possible denial of due process rights, particularly if the child is later petitioned into court for the original offense.³

Sources

¹*Juvenile Justice Policy Plan: Amendment to the Metropolitan Development Guide on Law and Justice.* Metropolitan Council, 1981.

²*Juvenile Justice Standards.* Institute of Judicial Administration and American Bar Association, 1980.

³*Report to the Minnesota Supreme Court.* Supreme Court Juvenile Justice Study Commission, November, 1976.

⁴*Standards for the Administration of Justice.* Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. U.S. Department of Justice. Office of Juvenile Justice and Delinquency Prevention, July, 1980.

⁵*Task Force on Juvenile Justice,* Thomas L. Johnson, Hennepin County Attorney, and Honorable Allen Oleisky, Hennepin County District Court—Juvenile Court, June, 1980.

Detention

Recommendations

1. Secure detention should be limited to those juveniles who are in imminent danger of causing serious harm to others or who have a history of not appearing for court hearings.
2. Juveniles who are a danger to themselves should not be detained in secure detention facilities. The community has the responsibility to assure that these juveniles are handled in a more appropriate manner.
3. Any juvenile in an out-of-home placement (including detention) should have the right to an adjudication hearing within 30 days of a demand.
4. There should be documented need which shows that other less restrictive options have failed or are inadequate before the development of new secure juvenile detention centers.

Problem Statement

Detention facilities are often near, or over capacity, due primarily to increases in the average length of stay for those juveniles awaiting trial or other hearings. In addition, status and minor criminal juvenile offenders are housed with repeat and/or serious criminal juvenile offenders while in detention.

Supporting Statements

- Juvenile courts and their probation departments lack objective criteria to regulate decisions regarding the placement of adjudicated youth in treatment or rehabilitation programs.²
- Juveniles held in adult jails commit suicide at approximately eight times the rate of children held in juvenile detention centers and four and one-half times the rate of children in the general population.⁴

- As recent as 1978, 4,813 juveniles were held in Minnesota jails. Six hundred forty-seven adjudicated status offenders were in detention or correction facilities in 1979. These figures represent a dramatic decrease from 1975 figures, yet clearly point out that more work must be done to bring local jail practices into compliance with state law.¹
- A preliminary search in one Minnesota county for detailed information to solve those problems suggests that: 1) the data collected by the Department of Corrections fails to count all the juveniles brought to the jail; 2) most of the juveniles (78 percent) are released within 4 hours; 3) of the juveniles not released within 4 hours, 38 percent are status offenders and only 3 percent are person offenders; and 4) the number of children being held for over 4 hours is increasing.¹
- In 1979, 17% of all Hennepin County center admissions were for status offenses, and 36%

were for minor property offenses. These figures show that many children who have engaged in less-serious delinquent behavior are exposed to hardcore juvenile offenders. In some instances, exposure was for long periods of time.³

Sources

¹*Crime Control Agenda.* Minnesota Crime Control Planning Board, January, 1981.

²*Juvenile Justice Policy Plan: Amendment to the Metropolitan Development Guide on Law and Justice.* Metropolitan Council, 1981.

³*Task Force on Juvenile Justice,* Thomas L. Johnson, Hennepin County Attorney, and Honorable Allen Oleisky, Hennepin County District Court—Juvenile Court, June, 1980.

⁴*Dimension,* Crime Control Planning Board, Vol. 2, #1, January, 1981.



Court Policy and Procedures

Recommendations

1. The rules of procedure, which would include rules of evidence, should be uniform in all juvenile courts in Minnesota.
2. Jury trials should be available at the request of either the prosecution or defense on any matter where an adult would be so entitled.
3. All delinquency hearings for juveniles under age 14 should be closed unless opened on a judge's order by a petition of prosecution or defense.
4. All delinquency hearings for juveniles age 14 and over should be opened unless closed on a judge's order by petition of prosecution or defense.
5. In open hearings, the facts relating to the offense and the orders of the court should be made available to the public. Any information which includes treatment needs or family history would be excluded.
6. In court, juveniles should be able to waive their rights. It should be the duty of the judge to assure that the juvenile understands his/her rights and has made an intelligent waiver. No other person should have the authority to waive a juvenile's right in court without court action.

Problem Statement

The criticisms most often made of the juvenile justice system stem from its philosophical orientation of individualized treatment, and its non-criminal, less formal procedures. Such criticisms state that the juvenile justice system is inconsistent in its operations and decision-making. In addition, critics have expressed concern that provisions for limited public access to juvenile court proceedings and court records have been

ineffective. They have not provided the intended protection for juveniles nor the information necessary for public safety.

Supporting Statements

- The Metropolitan Council recognizes the need for uniform rules of procedure binding on all juvenile courts in the state.²
- During the course of committee hearings, a number of issues regarding problems in the state's due process laws became apparent. Prominent among these was the consensus of judges appearing before the committee that Minnesota Rules of Evidence in juvenile proceedings do not apply uniformly across the state.⁵
- Also of concern to those testifying was the lack of statewide juvenile court rules, whereby criminal proceedings of the juvenile court would be regulated by state rules.⁵
- The rules of evidence employed in the trial of criminal cases should be used in delinquency adjudication proceedings when the respondent has denied the allegations of the petition.³
- There is a great deal of variation between counties in the provision of "due process" and "right to treatment" as measured by this study.¹
- In the Metro area, Hennepin and Ramsey County juvenile courts have rules of procedure that differ from those of the other five county courts. The process of handling

delinquency petitions differs significantly within the region.²

- Although the Minnesota juvenile court rules require procedures which incorporate appropriate due process protection in the Minnesota juvenile courts, the commission finds carelessness in some courts in adhering to the requirements of the rules.⁴
- There exists some confusion among juvenile courts as to whether the Minnesota juvenile court rules are binding or merely advisory.⁴
- Each jurisdiction should provide by law that the respondent may demand trial by jury in adjudication proceedings when the respondent has denied the allegations of the petition.³
- The importance of the availability of jury trials in juvenile cases goes beyond neutralizing the biased juvenile judge. A jury trial gives enhanced visibility to the adjudicative process. A jury trial requires the trial court judge to articulate his or her views of the applicable law in the case through jury instructions. This process facilitates appellate court review of the legal issues involved.³
- "A clear choice must be made between treatment or punishment: the present approach denies juveniles the advantage of treatment and the protection of the constitutional rights such as jury trials and formalized court procedures under Rules of Criminal Procedures."⁷
- "The major right still denied juveniles, jury trials, is now being challenged in the Minnesota Supreme Court. We have changed the system to make it punitive and jury trials should be allowed."⁸
- "Jury trials would legitimize current juvenile practice by giving juveniles all the rights of adults. Trials would complement the obligations and punishments now hidden under terms like 'rehabilitation' and 'best interest of the child.' Jury trials would make the system honest."⁸





- Testimony to the committee indicated two basic faults of secrecy in the juvenile court room: 1) that private trials can serve to establish a "star chamber" atmosphere in court proceedings. Currently actions by judges and the faults and weaknesses of the juvenile system occur without the benefit of public scrutiny; and 2) the laws that deny access to public records can serve to thwart trial preparation for both defense and prosecution lawyers in preventing discovery and other procedures.⁵
- "Each jurisdiction should provide by law that a respondent in a juvenile court adjudication proceeding has a right to a public trial."³
-This standard proposes that a juvenile have a right to a public hearing if he or she so desires.³
- Each jurisdiction should provide by law that the respondent, after consulting with counsel, may waive the right to a public trial."³
-Protection of the child is integral to these standards. It is, therefore, appropriate that the respondent be allowed the choice of excluding the general public if that is desired.³
- All county juvenile justice systems should develop the capacity to screen court cases being referred from police, schools, parents and other social agencies. This should consist of an assessment of each case to determine whether or not the child should be released, detained, diverted to a community resource or program, or petitioned to the juvenile court.²
- (In Hennepin County) all felonies are referred automatically to the county attorney's office.

A major concern of the Task Force is the widespread unequal treatment of children at this stage in the system. This is due in large part to the absence of uniform standards for diversion at the intake or probation officer level.⁶

- The proper place for individualized treatment is the court's disposition decision, not a probation officer's diversion or charging referral decision.⁶

Sources

¹*An Analysis of Juvenile Justice Systems in Three Minnesota Counties, Part I*, by Dale Good. Minnesota Crime Control Planning Board, August, 1979.

²*Juvenile Justice Policy Plan: Amendment to the Metropolitan Development Guide on Law and Justice*. Metropolitan Council, 1981.

³*Juvenile Justice Standards*. Institute of Judicial Administration and American Bar Association, 1981.

⁴*Report to the Minnesota Supreme Court*. Supreme Court Juvenile Justice Study Commission, November, 1976.

⁵*Report: Senate Select Committee on Juvenile Justice*. Minnesota State Legislature, February, 1980.

⁶*Task Force on Juvenile Justice*, Thomas L. Johnson, Hennepin County Attorney, and Honorable Allen Oleisky, Hennepin County District Court—Juvenile Court, June 1980.

⁷Testimony: Lawrence Laine, Esq., 1981.

⁸Testimony: John M. Hughes, Esq., 1981.

Dispositions

Recommendations

1. There should be guidelines based upon a concept of proportionality.* Such guidelines should consider the seriousness of the offense and the juvenile's criminal history.
2. Guidelines should include authority for a juvenile court judge to place a juvenile upon a dispositional order in a secure setting. Secure facilities should be licensed by the Department of Corrections. Placement should not exceed 30 days.
3. Treatment decisions should be completed after and be separate from the sanction decision.
4. Specific criteria for restitution should be included in the dispositional guidelines. Criteria should include: a) seriousness of the offense; b) ability to pay; c) sanctions for noncompletion.
5. A specific treatment plan should be developed for a juvenile referred to a residential and day treatment program within 30 days of disposition. At this time it should be reported to the juvenile court. Those participating in the treatment plan should include, but not be limited to, probation officer, social worker, representative from the child placing agency, representative from the treatment agency, the parent(s) and the juvenile. The treatment plan should include measureable rehabilitation goals with each service provider's responsibility described and a time table for completion. The treatment plan should be reviewed by the juvenile court every three months.
6. The legislature should consider financial incentives for keeping juveniles in their home communities.
7. In the use of private agencies, the juvenile

court should require that progress reports be submitted periodically for each juvenile under care.

8. Juvenile court personnel should arrange for personal visits on a planned and rotating basis to those agencies to which juveniles are referred.

*Refer to Glossary of Terms in Appendix B.

Problem Statement

Because numerous referees and judges make decisions, there are disparate dispositions. In addition, there is insufficient feedback to decision makers about the effectiveness of dispositions.



Supporting Statements

- Seriousness of the offense, the juvenile's role in that offense, the juvenile's age and prior record should guide the dispositional decision and promote consistency. Many current statutes and models provide little assistance or direction to judges faced with the difficult task of balancing the concerns of society and the needs of the juvenile.⁴
 - The Committee endorses the procedure under which the family court judge first determines the minimum degree of restraint and minimum term. This process follows the statutorily set maximum necessary to satisfy society's interests in protection, deterrence and equity. It is within these bounds that a selection can be made as to the type of program that best fits the juvenile's needs and interests.⁴
 - The Metropolitan Council will support the development of long-term (over 30 days) residential treatment programs for juveniles only if these programs meet the following criteria:
 - They provide for an evaluation to determine the program's rehabilitative effectiveness and provide for feedback of evaluative information to both local community and justice system agencies. They provide a process whereby parents, clients and local community residents can be involved in the policy direction and evaluation of the program.²
 - "Under the guise of 'treatment' many juveniles are severely punished and punished with an indeterminate sentence."⁵
 - A majority of the Cass County respondents perceived that the agencies dealing with juveniles in this county are not coordinated, not providing all the necessary services, problem youth are not receiving good care, and agencies do not have good feedback or follow-up.¹
 - No majority from any county perceived their system as having good feedback and follow-up or working to eliminate ineffective programs.¹
- A juvenile before the court is subject to involuntary control by the court for purposes of treatment. Because of this, the commission believes that a constitutional right is therefore implicit in the statute.³
 - The concept of right to treatment implies a certain responsibility to the child. Whenever the state intervenes in the life of a juvenile, it should assume reasonable responsibility to assure that a proper treatment program is provided to the juvenile.³
 - This responsibility requires that the courts and court services stay close to treatment resources.⁴
 - This standard further provides that each family court judge should make periodic, on-site visits to correction and other facilities serving juveniles. It is the strong belief of the National Advisory Committee that only by inspecting juvenile facilities and programs can family court judges understand the impact of detention, disposition, and other judicial orders upon a juvenile. This is true particularly in the case of residential correctional or inpatient mental health facilities. Only personal visits can adequately inform judges whether such placements will truly be in a youth's best interest.⁴
 - Punishment is a solemn act of ascribing blame. Its severity should comport with the blame-worthiness of the offender's criminal conduct. Only grave offenses merit the severe sanction of years of imprisonment. Those whose criminal actions are equally reprehensible deserve like amounts of punishment.⁶

Sources

¹*An Analysis of Juvenile Justice Systems in Three Minnesota Counties, Part I*, by Dale Good. Minnesota Crime Control Planning Board, August, 1979.

²*Juvenile Justice Policy Plan: Amendment to The Metropolitan Development Guide on Law and Justice*. Metropolitan Council, 1981.

³*Report to the Minnesota Supreme Court*. Supreme Court Juvenile Justice Study Commission, November, 1976.

⁴*Standards for the Administration of Justice*. Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, July, 1980.

⁵Testimony: John M. Hughes, Esq., 1981.

⁶*"Determinate Penalty Systems in America: An Overview,"* by Andrew van Hersch and Kathleen Haurahen, **Crime and Delinquency**, July, 1981.

System Overview

Recommendations

Legislative:

1. The Minnesota Government Data Practices Act (MINN. STAT. 15.162.169 (1978), as amended) should be reviewed and revised to clarify the restrictions upon and responsibilities of government agencies to provide other government agencies with access to private data on individuals. Agencies should be provided with such access when it represents a legitimate exercise of their legislated functions.
2. County and State governments should adopt a policy of facilitating communication, cooperation and accountability among agencies in order to coordinate efforts to deal with child abuse. Expanding the role and authority of child abuse teams would be one method to accomplish this goal. In a team approach, for example, the police

would be responsible for criminal investigations, while social services would be responsible for social investigations. In child abuse, the primary concern should be the immediate safety of the child.

3. The legislature should study the placement of juveniles in residential programs. Particular emphasis should be on the placement of juveniles in chemical dependency and other residential programs which are eligible for third party or categorical aid payments.
4. The legislature should study the feasibility of developing a computerized, statewide file on available resources. In addition, the study should include the feasibility of uniform statewide record keeping.

Administrative:

1. Local governmental human services should explore approaches toward using unified policy in developing, administering, planning and delivering services. Such approaches could include interagency case planning and case management, common geographic service boundaries, shared use of specialized staff, equipment and services, and common data forms.
2. The State Court Administrator, the State Board of Education, the Commissioner of Corrections, the Commissioner of Public Welfare, and the Police Officer Standards Training Board should see that all personnel under their supervision receive training in juvenile justice issues.
3. A component of this juvenile justice in-service training should be an awareness and a sensitization of "victimized offenders."*

*Refer to Glossary of Terms in Appendix B.

Problem Statement

There is a lack of coordination among juvenile justice agencies and an inability to share or utilize pertinent information. Therefore, there is a need to develop an integrated, systemwide approach to planning the delivery of services to troubled juveniles. Such an approach would include coordination among agencies. This has been identified by juvenile justice practitioners as one of the major problems of the juvenile justice system.

Supporting Statements

- Juvenile justice is an obvious target for strategies which might increase coordination. The system is indeed fragmented by function, jurisdiction, and type of services. Generally, there is no control agency with the authority to mandate cooperation among the system's parts.³

- Over 300 public and private agencies in the metropolitan area now provide services that could be related to the prevention of delinquency. But their efforts have not been coordinated or organized to focus specifically on delinquency prevention. Even though several programs may be working with the same juvenile clients, they seldom share information and, in some instances, may work at cross-purposes. Understandably, teachers, social workers, and youth counselors view the juvenile in trouble from their own professional perspectives. There are few opportunities for them to work in a concerted manner or apply a comprehensive approach to dealing with juvenile problems. It is particularly important that these professionals be aware of the juvenile's family situation. Too often the young person's problems are viewed in isolation without consideration of family factors that many contribute to them.²

- The needs of youth are not being adequately met. Coordinated agency and individual response is more persuasive than individual action. Minnesota Youth Advocates Coalition demonstrates that youth serving agencies are willing to cooperate and create a united force to work with and for youth.⁸

- Enough reliable research data exists to demonstrate that certain behavioral and social conditions are strongly associated with delinquency, if not its direct cause. If these conditions can be identified early enough in a child's development, and if the programs and resources can be made available to remedy these conditions, delinquency, and juvenile crime rates could be reduced significantly. This would, in turn, limit the costly and often stigmatizing use of the juvenile courts and correctional process.²

- There are a number of identifiable factors or conditions that contribute to or are associated with delinquent behavior. Foremost among these are problems in the young person's family such as broken homes, abusive, violent or chemically dependent parents, and problems in learning and school adjustment.²

- Increasingly juveniles are children of divorce, living with one natural parent. At present



when a nondelinquent juvenile must be removed from the home because a parent is no longer present, i.e., sickness, incarceration, etc., a juvenile may then be declared delinquent and placed in a foster home.⁹

- There is some indication that agencies were working at cross-purposes. Certain decisions had unintended deleterious effects on the courts' ability to supervise or maintain a meaningful court jurisdiction over its youth.¹
- An area of legal confusion concerns the extent to which agencies can share private data on individuals. In some counties, interagency cooperation has been impaired because agencies are not willing to share data. This is true even though the data is needed to fulfill legal mandates to protect children and prosecute offenders. Evidence from this study suggests that the liabilities of agencies which divulge private data are not clearly understood. This was particularly the case with schools in some of the counties studied.⁷
- Juveniles account for half of all major felony

arrests, as well as a substantial number of misdemeanor arrests. Juvenile arrests in Hennepin County total over 10,000 in 1979. These figures indicate that issues regarding police/juvenile relations are important ones.⁶

- The Hennepin County Task Force learned that there is a wide variance among the various police departments within the county regarding response to juvenile crime. For instance, some have specialized juvenile officers but most do not. The same differences exist with police training regarding juvenile law and the handling of juveniles. The State Peace Officer Training Board has established learning objectives in the area of juvenile law which all licensed officers must accomplish. However, officers employed before 1978 are not legally required to meet these standards in order to be licensed. Of the 280-hour police training course operated by the State Bureau of Criminal Apprehension, only 2 hours are devoted to processing juveniles. Special training courses are offered by the University of Minnesota, but too few "regular" officers avail themselves of these programs.⁶

- Every law enforcement officer should have training in juvenile matters. This training should include:
 - Adolescent psychology and behavior, availability and use of community resources, use of and procedures for handling juvenile matters, etc.
 - The identification of juveniles who are a danger to themselves (drug abusers, juveniles involved in prostitution, etc.) and may be in need of treatment.²
- The Metropolitan Council strongly recommends that juvenile court judges devote a certain percentage of their continuing legal education requirement to juvenile justice. The Council also recommends that juvenile court judges have specialized training and knowledge of juvenile problems, adolescent behavior, community service, and treatment programs available to assist youth.²



- Assistance should be given to probation personnel in defining their role and improving direct services to troubled youth. It should also encourage positive relationships between the probation officer and the juvenile.⁴
- Family court judges should be provided with preservice training covering family court, local law enforcement agencies, and agencies responsible for intake and protective service; the local and state groups and agencies providing services to juveniles and other families; the causes of delinquency and family conflict; and the most common legal problems involving youth in the local community.⁵
- Inservice education programs should be provided to judges in the family court to assure that they are aware of changes in law, policy, and programs. In addition, each family court judge should periodically visit programs and facilities being utilized as dispositional alternatives for juveniles.⁵
- All teaching and school-based social service support personnel should be provided with preservice training covering: the family court; local and state groups and agencies providing services to juveniles and their families; causes of delinquency and family conflict; the most common educational problems involving youth in the local community; personal and family crisis intervention techniques; ethnic and cultural and minority relations within the community; and the types, causes, and methods of handling disruptive behavior and poor performance in the classroom.⁵
- Inservice education programs should be provided to all educational personnel to assure that they are aware of changes in law and educational policies and programs. Current findings regarding specialized educational processes to assist troubled youth should be included. Educational personnel should periodically visit programs and facilities providing services to troubled youth.⁵

Sources

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- ³*Juvenile Justice Standards*. Institute of Judicial Administration and American Bar Association, 1980.
- ⁴*Ramsey County Serious Juvenile Offender Report*. Ramsey County Criminal Justice Coordinating Council, September, 1979.

⁵*Standards for the Administration of Justice*. Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. U.S. Department of Justice. Office of Juvenile Justice Delinquency and Prevention. July, 1980.

⁶*Task Force on Juvenile Justice*, Thomas L. Johnson, Hennepin County Attorney, and Honorable Allen Oleisky, Hennepin County District Court—Juvenile Court, June, 1980.

⁷*The System's Response to Child Sexual Abuse*, by David B. Chein. Minnesota Crime Control Planning Board, January, 1981

⁸*Testimony: Minnesota Youth Advocates Coalition*, 1980.

⁹*Written Testimony: Joan Markfort*.

Appendix A: Juvenile Justice Task Force— Executive Order

EXECUTIVE ORDER NO. 80-2

Providing for the Establishment of a Governor's Task Force on Juvenile Justice

I, **Albert H. Quie**, Governor of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including but not limited to Minnesota Statutes Section 15.0593, do hereby issue this Executive Order:

Whereas, the juvenile justice system in Minnesota has been the subject of numerous studies and there is currently concern among legislators, local elected officials, criminal and juvenile justice practitioners, state agencies, and citizens that the system lacks coordination and direction,

resulting in juvenile treatment which is at times inconsistent, ineffective and lacking in accountability; and

Whereas, it is difficult for decisionmakers and practitioners to make informed and responsible decisions regarding resource allocation, program effectiveness and policy development because no comprehensive information exists on the service delivery system to juveniles; and

Whereas, the need to obtain complete and comprehensive information about the State's juvenile justice system requires the active cooperation and participation of the Legislature, local officials, criminal and juvenile justice practitioners, other state and private agencies and organizations, and citizens.

Now, Therefore, I order:

1. The establishment of the Governor's Task Force on Juvenile Justice pursuant to Minnesota Statutes Section 15.0593 and other applicable State statutes.

a. The Task Force shall consist of 15 members and shall be composed of:

1. Four elected officials;
2. A juvenile court judge;
3. A county attorney;
4. A public defender;
5. A juvenile officer;
6. A law enforcement official;
7. An educator;
8. A member of court services;
9. A senior citizen;
10. A school administrator;
11. Two public members.

b. The members shall be appointed by the Governor pursuant to Minnesota Statutes 15.0597.

c. The Governor shall appoint a Chairman and a Vice-Chairman.



d. Terms of the members shall be until the analysis required in paragraph 6 is complete but not longer than two years.

e. Per diem shall not be paid to members. Expenses shall be reimbursed by the Crime Control Planning Board.

2. Establishment of a corps of knowledgeable personnel and management professionals, including at least the Commissioner of the Departments of Education, Corrections and Public Welfare or their designee, to assist the Task Force.

3. That the responsibility of the Task Force is to provide to the Legislature and to the Governor an objective analysis of Minnesota's juvenile justice system from a statewide and system-wide perspective. This shall be achieved through completion of the following tasks:

a. identification, review and assessment of research and evaluation projects conducted or being conducted on Minnesota's juvenile justice system;

b. identification of all juvenile justice programs in Minnesota, and their purpose, geographic location, clientele, funding sources, and any organization, agency or individual which regulates or evaluates the programs;

c. the review of all state and federal laws and regulations pertaining to juvenile justice and their influence on the Minnesota juvenile justice system;

d. a design for a comprehensive juvenile justice data base to include program and budget information on Minnesota's juvenile justice system;

e. identification of major accomplishments, problem areas, and issues in Minnesota's juvenile justice system;

f. examination of the relationship between the education system and the juvenile justice system;

g. identification of alternatives available for improvement of Minnesota's juvenile justice system and development of recommendations for administrative and legislative actions designed to implement these alternatives;

h. implementation of any other tasks determined necessary to carry out the responsibility of the Task Force.

4. That the Crime Control Planning Board shall provide the staff and technical assistance necessary for the Task Force to carry out its responsibilities.

5. That the Task Force, in performing its duties, shall receive assistance from the Departments of Education, Corrections, Labor and Industry, Public Welfare, Health, Economic Security, and any other state agency where appropriate.

6. That by February 15, 1981, the Task Force shall submit to the Governor and the Legislature its analysis of Minnesota's juvenile justice system and its recommendations for improvement of Minnesota's juvenile justice system.

7. That the Task Force has the authority to seek and receive additional funding if they deem it necessary.



Pursuant to Minnesota Statutes 1978, Section 4.035, this Order shall be effective 15 days after filing with the Secretary of State and publication in the State Register and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035 or 15.0593.

Appendix B: Glossary of Terms

Adjudication: Having been the subject of completed juvenile proceedings and adjudicated a delinquent, dependent, neglected or neglected and in foster care.

Adjudicatory Hearing: In juvenile proceedings, the fact-finding process wherein the juvenile court determines whether or not there is sufficient evidence to sustain the allegations in a petition.

Apprehension/Arrest: Taking a juvenile into custody by authority of law, for the purpose of initiating juvenile proceedings, terminating with the recording of a specific offense.

Criminal Justice Agency: Any court with criminal jurisdiction and any other government agency or subunit, which defends indigents, or of which the principal functions or activities consist of the prevention, detection and investigation of crime; the apprehension, detention and prosecution of alleged offenders; the confinement or official correctional supervision of accused or convicted persons, or the administrative or technical support of the above functions.

Detention Hearing: In juvenile proceedings, a hearing by a judicial officer or a juvenile court to determine whether a juvenile is to be detained or released while juvenile proceedings are pending in his case.

Disposition: In delinquency matters, the order of a juvenile court, concluding a disposition hearing, which defines the length and condition of probation or commitment to a correctional facility.

Disposition Hearing: A hearing in juvenile court, conducted after an adjudicatory hearing and subsequent receipt of the report of any predisposition investigation, to determine the most appropriate disposition of a juvenile who has been adjudicated delinquent, dependent, neglected and neglected and in foster care.

Delinquency: Juvenile actions or conduct in violation of criminal law, and, in Minnesota, status offenses.

Due Process: The constitutional procedures and rights guaranteed an accused person that must be followed before life, liberty or property may be taken away.

Felony: The most serious category of criminal offenses. In Minnesota, a felony is a crime punishable by imprisonment of more than one year, with or without a fine.

Intake Unit/Intake: A government agency or agency subunit which receives juvenile referrals from police, other government agencies, private agencies, or persons, and screens them, resulting in closing of the case, referral to care or supervision, or filing of a petition in juvenile court.

Juvenile: In Minnesota, a person under 18 years of age.

Juvenile Court: A court that has original jurisdiction over persons statutorily defined as juveniles and alleged to be delinquents, dependents, neglected or neglected and in foster care.



Juvenile Justice Agency: A government agency, or subunit thereof, of which the functions are the investigation, supervision, adjudication, care or confinement of juveniles whose conduct or condition has brought or could bring them within the jurisdiction of a juvenile court.

Juvenile Criminal Offender: A juvenile who has been adjudicated delinquent by a judicial officer of a juvenile court as having committed a delinquent act which would be a crime if committed by an adult.

Misdemeanor: A crime where the penalty cannot exceed a \$500 fine and/or 90 days imprisonment.

Petition: A document filed in juvenile court alleging that a juvenile is a delinquent, dependent, neglected and in foster care, and asking that the court assume jurisdiction over the juvenile, or asking that the juvenile be transferred to a criminal court for prosecution as an adult.

Petty Misdemeanor: An offense prohibited by statute, not a crime, and for which a fine of not more than \$100.00 may be imposed. There is no possibility of a jail sentence.

Probation: The conditional freedom granted by a judicial officer to an alleged offender, or adjudicated adult or juvenile, as long as the person meets certain conditions of behavior.

Proportionality: The direct and consistent relationship which should exist between juvenile dispositions for criminal offenses, the immediate, adjudicated criminal offense and the juvenile's criminal offense history.

Residential Program: A group program in an out of home setting which serves juveniles whose behavior does not necessitate the strict confinement of a training school, often allowing them greater contact with the community.

Restitution: Payments of the offender in cash to the victim or service to either the victim or the general community.

Rights of the Defendant: Those powers and privileges which are constitutionally guaranteed to every defendant. Some, though not necessarily all of the following, are usually read to an alleged offender at the time of arrest: the right to remain silent; the right to an attorney at all stages of the proceedings and the right to a court-appointed attorney, if the defendant does not have the financial means to retain his own; the right to a speedy public trial before a jury or a judge; the right to the process of the court to subpoena and produce witnesses in the defendants' own behalf and to see, hear and question the witness appearing before the defendant; the right not to incriminate himself.



Secure: As used to define a detention or correctional facility. This term includes residential facilities which have fixtures designed to physically restrict the movements and activities of persons in custody; such as locked rooms and buildings, fences or other physical structures.

Status Offender: A juvenile who has been adjudicated by a judicial officer of a juvenile court as having committed a status offense, which is an act or conduct which is an offense only when committed or engaged in by a juvenile. Typical status offenses are violation of curfew, running away from home, truancy and incorrigibility.

Shelter: In Minnesota, two types of shelter facilities have been established. A residential type detains juveniles in an actual or simulated house within the community. This facility may detain up to 6 juveniles at one time. A foster family type uses families within the community to detain juveniles. Generally, each foster family is limited to 1 juvenile at a time.

Victimized Offender: Those juveniles who have allegedly committed criminal offenses, and are also victims of abuse or neglect.

Appendix C: Demographic Profile of Minnesota's Juvenile Population

INTRODUCTION

Under the Minnesota Statutes, there is no definition for juvenile. However, the Statutes define several classes of "child," including those classes of children involved in the juvenile justice system. According to MINN. STAT. § 260.015, Subd. 2, "child" means an individual under 18 years of age and includes any minor alleged to

have been delinquent or a juvenile traffic offender prior to having become 18 years of age.

MINN. STAT. § 260.015 provides the following definitions for classes of juveniles involved in the juvenile justice system.

Delinquent

A child who has violated any state or local law or ordinance, except for state or local traffic or water traffic law, ordinance, or regulations; who has violated a federal law or a law of another state and whose case has been referred to juvenile court; who is habitually truant from school; or who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually wayward or habitually disobedient (Subdivision 5).

Dependent

A child who is without a parent, guardian, or other custodian; who is in need of special care and treatment required by his physical or mental condition and whose parent, guardian, or other custodian is unable to provide it; whose parent, guardian, or other custodian for good cause desires to be relieved of his care and custody; or who is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of his parent, guardian or other custodian (Subdivision 6).

Neglected

A child who is abandoned by his parent, guardian, or other custodian; who is without proper parental care because of the faults or habits of his parent, guardian, or other custodian; who is without necessary subsistence, education, or other care necessary for his physical or mental health or morals because his parent, guardian, or other custodian neglects or refuses to provide it; who is without the special care made necessary by his physical or mental conditions because his parent, guardian, or other custodian neglects or refuses to provide it; whose occupation, behavior, condition, environment, or association is such as to be injurious or dangerous to himself or others; who is living in a facility for foster care which is not licensed as required by law, unless the child is living in the facility under court order; whose parent, guardian, or custodian has made arrangements for his placement in a manner detrimental to the welfare of the child or in violation of the law; or who comes within the provisions of Subdivision 5, Delinquent Child, but whose conduct results in whole or in part from parental neglect (Subdivision 10).

Neglected and in Foster Care

A child who has been placed in foster care by court order; whose parents' circumstances, condition, or conduct is such that the child cannot be returned to them; and whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition, or conduct, or have wilfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child (Subdivision 18).





TABLE 1
DISTRIBUTION OF MINNESOTA'S JUVENILE POPULATION

RACE	MALE JUVENILE POPULATION				Total Juvenile Population	Percent of Juvenile Population to Total Population	FEMALE JUVENILE POPULATION			Total Juvenile Population	Percent of Juvenile Population to Total Population	TOTAL MALE AND FEMALE JUVENILE POPULATION				Total Juvenile Population	Percent of Juvenile Population to Total Population	
	Under 5	5-9	10-14	15-19			Under 5	5-9	10-14			15-19	Under 5	5-9	10-14			15-19
White	148,403	142,982	163,139	194,844	649,368	15.90%	140,571	135,983	155,516	190,515	622,585	15.20%	288,974	278,965	318,655	385,359	1,271,953	31.10%
Black	2,989	3,021	2,767	2,671	11,448	0.28	2,953	2,923	2,649	2,709	11,234	0.28	5,942	5,944	5,416	5,380	22,682	0.56
Other	5,952	5,567	4,716	4,814	21,049	0.51	6,362	5,840	4,730	4,474	21,406	0.11	12,314	11,407	9,446	9,288	42,455	0.62
	157,344	151,570	170,622	202,329	681,865	16.69%	149,886	144,746	162,895	197,698	655,225	15.59%	307,230	296,316	333,317	400,027	1,337,090	32.38%

SOURCE: Provisional 1980 Census data obtained through the U.S. Department of Commerce, Bureau of the Census (July, 1981).

Percentage of 1980 Minnesota population of 4,077,148, U.S. Department of Commerce.



JUVENILE POPULATION

Table 1 presents data on the age distributions of Minnesota's juvenile population, including data on distributions by sex and by ethnic background. Provisional 1980 census data were used as the basis of Table 1. It should be noted that, although the Minnesota Statutes define "child" as a person under 18 years of age, the census data are presented in 5-year-age cohorts, including 15 to 19 years of age. Hence, the data for 15- to 19-year-old juveniles include 18- and 19-year-old people who are not subject to juvenile justice processes. With that exception, these data provide a good profile of the juvenile population which may be subject to juvenile justice processes.

As can be seen from Table 1, juveniles (under the age of 20) comprise approximately 32.3 percent of the population of Minnesota. Within the juvenile population, there are slightly more males (51.0 percent of all juveniles) than females (49.0 percent). The juvenile population is predominantly white (95.1 percent of all juveniles), with blacks and other minorities representing 4.9 percent of the juvenile population. However, the proportion of minorities is increasing in the juvenile population. Blacks and other minorities represent 3.7 percent of the juveniles in the 15- to 19-year-old cohort, whereas all minorities comprise 5.9 percent of the juveniles under 5 years of age. Part of the increase in minority population may be a result of the immigration of large numbers of Vietnamese and Laotians to Minnesota. Possibly, a separate category for Asians should be included in future demographic profiles to reflect their inclusion in our society.

The data in Table 1 indicate that the numbers of juveniles have been decreasing in recent years. The 15- to 19-year-old cohort includes 400,027 juveniles, with a decrease to 296,316 juveniles in the 5- to 9-year-old cohort. These data indicate that over the next ten years the "at-risk" juvenile population (10 to 17 years of age) will be decreasing. This may have an impact on juvenile crime and the need for juvenile support systems through a decrease in juvenile crime. However, the under 5 cohort shows an increase in juvenile population. If this should be the beginning of a trend toward an increase in juvenile population, after ten years the "at-risk" population will be increasing, as may juvenile crime and the need for support systems.

Table 2 presents data on secondary school enrollments in Minnesota for the years 1970-1971, 1975-1976, and 1979-1980. Assuming that dropout rates have remained relatively stable over this decade, these data support the data on age distribution which indicate that the "at-risk" juvenile population in Minnesota has been decreasing. As can be seen in Table 2, although the projected state population increased from 1970-1971 to 1979-1980, the secondary school enrollment decreased during this period. Although approximately 12.0 percent of the state's population was enrolled in secondary schools in both 1970-1971 and 1975-1976, by 1979-1980 enrollment had decreased

to approximately 10.6 percent.

The most significant change during this decade was the change in secondary school enrollments in public and private schools. Secondary public school enrollment increased 5.4 percent in 1975-1976 when compared to 1970-1971, whereas private secondary school enrollment has decreased 13.5 percent for the same two periods. However, the data indicate that public school enrollment in 1979-1980 was 12.4 percent less than it had been in 1975-1976. In contrast, private school enrollment had increased greatly during that period. The private school enrollment was 59.3 percent higher in 1979-1980 than it had been in 1975-1976.



**TABLE 2
SECONDARY SCHOOL ENROLLMENT**

SCHOOL YEAR	TYPE OF SCHOOL			POPULATION PROJECTION	PERCENT POPULATION ENROLLMENT
	Public	Nonpublic	Total		
1970-1971	429,755	24,173	453,928	3,806,103	11.9%
1975-1976	453,165	20,904	474,069	3,921,000	12.1%
1979-1980	397,188	33,301	430,489	4,060,000	10.6%



Appendix D: Task Force Presenters

PRESENTERS BY SERVICE AREA

Attorneys

Cort Holten,
Hennepin County Public Defenders Office

Barbara Baldwin,
County Attorneys Council

Victoria Newcome,
Hennepin County Attorneys Office

Bill Nieman,
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Robert Johnson,
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Toni Beitz,
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Barry Feld,
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Lawrence Laine,
Defense Attorney, Neighborhood Justice Center

John Hughes,
Minnesota Trial Lawyers' Association

Joan Vavrosky,
County Attorneys Council

Judges

Honorable George Peterson,
Ramsey County Juvenile Court Judge

Social Services

Katie Casserly Ganley,
Minnesota Youth Advocates Coalition (MYAC)

Chris Clausen,
Youth Intervention Program Association (YIPA)

John Doman,
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James Fischer,
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Tom Papin,
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Task Forces, research reports, etc.

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Corrections

Police

Sergeant Bill Jacobs,
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Officer's Association

Phil Jones,
Police and Peace Officer's Association

Dale Grote,
Sheriff, Goodhue County

Education

Roger Wangen,
Department of Education

Don Johansen,
Secondary Education Supervisor, Department
of Education

Tom Griffin,
Department of Education

Department of Corrections

Jon Penton,
Juvenile Justice Specialist,
Department of Corrections

Department of Public Welfare

Clayton Hagen

Private Citizen

Joan Markfort

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Appendix F: Task Force Members

GOVERNOR'S TASK FORCE ON JUVENILE JUSTICE

Connie Levi, Dellwood, Chairperson
Minnesota state representative

Roberta Block, St. Paul,
school administrator,
currently a Ph.D. candidate
in education, Harvard

William Gatton, Minneapolis,
attorney, Legal Rights Center

Steven Geiger, Jordan
former police juvenile officer
currently graduate student,
University of Minnesota

Betty Jayne Haak, North St. Paul
school board member, foster parent,
volunteer probation officer

Cheryl Indehar, St. Paul,
police officer

Carl Johnson, St. Peter,
farmer, Minnesota state
representative

Robert Johnson, Sr., Anoka,
county attorney, Anoka County

Howard Knutson, Burnsville,
Minnesota state senator

David McBride, Moorhead,
insurance agent

Gene Merriam, Coon Rapids,
Minnesota state senator



Jane Nakken, Minneapolis,
family therapist, New
Pioneer House

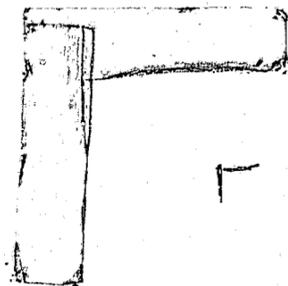
Gerard Ring, Byron,
juvenile court judge,
Olmsted County

John Serre, Duluth,
juvenile probation officer,
St. Louis County

David Snetsinger, White Earth,
assistant director of Manpower
for the White Earth Reservation

**CRIME CONTROL PLANNING
BOARD STAFF**

Ann Jaede
Marie Junterman



END