

W. HAYWOOD BURNS INSTITUTE



READINESS ASSESSMENT CONSULTATION (RAC) REPORT

Ramsey County, Minnesota

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I. INTRODUCTION

Throughout the country, jurisdictions have spent significant time and money trying to reduce racial disparities in their juvenile justice systems with very limited results. Discouraged by a lack of practical approaches that lead to measurable results, most jurisdictions continue to invest in studies, annual conferences and unsystematic funding of prevention and intervention programs. These programs may be valuable in their own right, but are not designed or positioned to have any significant impact on disproportionality. Despite the pervasive phenomenon of the overrepresentation of youth of color in the nation's juvenile justice system, the W. Haywood Burns Institute believes that reducing the overrepresentation of youth of color in our juvenile justice systems is an attainable goal.

The W. Haywood Burns Institute (BI) is a national organization working with local jurisdictions to reduce the disproportionality of youth of color in the juvenile justice system by leading a group of traditional and non-traditional stakeholders through a data-driven, consensus-based process. Disproportionate minority confinement, "DMC" occurs when the proportion of youth of color in a certain community is lower than the proportion of youth of color from that community who are confined in secure detention pre-adjudication. Over the past decade, many jurisdictions have come to realize they have a significant problem with DMC in their juvenile justice system. Unfortunately, many of those same jurisdictions are overwhelmed by the magnitude and complexity of the problem, and have become frustrated by a seeming lack of viable strategies to work towards DMC reduction.

Through its work with many jurisdictions struggling with DMC throughout the nation, BI has recognized a need to engage jurisdictions that are beginning to confront the problem and to provide them with a safe space to begin a dialogue about the commitment and capacity it takes to effectively confront and successfully challenge DMC. For these jurisdictions, Burns Institute has developed a consultation package whereby we assess a jurisdiction's readiness to address DMC. In this Readiness Assessment Consultation (RAC), BI staff evaluates internal and external factors contributing to DMC and affecting a jurisdiction's ability to address DMC.

It should be clear that by assessing readiness, we do not assume to predict the actual commitment a jurisdiction will eventually make nor the course of action it will in fact take to address its DMC issues. Thus, this assessment seeks to provide an objective view of the overall juvenile justice policies and practices and how they may be impacting DMC; and to identify strengths, weaknesses, assets and challenges which



may enhance or hinder the jurisdiction's ability to engage in an effective DMC reduction initiative.

It should also be clear that the Readiness Assessment is not intended to provide an in-depth analysis of Ramsey County's juvenile justice system, nor is it the result of a comprehensive research project. Further, it is not written to express the particular opinions of Burns Institute staff. This assessment is, rather, the Burns Institute's interpretation of the data, information and views provided by Ramsey stakeholders themselves; and is intended to provide insight on possible contributors to DMC, with the ultimate objective of developing viable solutions to the problem.

We appreciate the cooperation and participation of everyone involved with the RAC in Ramsey County. We found the stakeholders to be generous with their time and forthcoming with their observations.





II. METHODOLOGY and DATA SOURCES

This chapter describes the overall approach to conducting the Readiness Assessment Consultation (RAC) in Ramsey County. The RAC was developed by the Burns Institute Staff in collaboration with the Institute for Social and Environmental Justice Education.

A. Evaluation Design

The purpose of this RAC in Ramsey County was to assess the current state of DMC and identify factors influencing progress in Ramsey County's ability to successfully address DMC. The following evaluation goals were established:

- 1) Assess and document the state and extent of DMC in Ramsey County.
- 2) Assess and document how the following impact Ramsey's ability to address DMC:
 - a. Purpose of detention and detention utilization;
 - b. Community engagement and collaboration;
 - c. System Stakeholders' engagement and collaboration
 - d. Data collection and analysis capacity; and
 - e. Current juvenile justice policies and practices.
- 3) Identify any Other Factors that Could Affect DMC Reduction Efforts.

B. Data Collection and Analysis

1) *Interviews.*

From February 27 through March 1, BI staff interviewed key stakeholders in Ramsey County's juvenile justice system. Stakeholders included representatives from Ramsey County Community Corrections Department, Saint Paul Police Department, Second Judicial District, Ramsey County Attorneys Office; Public Defenders Office; Saint Paul Public Schools; Ramsey County Board of Commissioners; Court Administration; and representatives from various community based organizations in Ramsey County including the YWCA, Hmong American Partnership; Collective Communities for Hope; Save our Sons; Workforce Solutions; and Northwest Youth and Family Services.

Most interviews were conducted with individual representatives from the agencies and organizations listed above, and some interviews were conducted in groups. A forum with several representatives from community based organizations working



with youth. The interviews ranged in length from 60 to 120 minutes. A full listing of the questions asked of key stakeholders is available upon request.

2) Document Review.

The following documents were obtained and consulted in the course of the assessment:

- (1) JDC Admissions Data for Pre-Adjudicated Youth (2004-2005);
- (2) JDC Admissions Data for Youth Admitted to 7,14, and 30 Day Work Programs;
- (3) Summary Information on Juvenile Delinquency Petitions in Minnesota Courts (March 2005);
- (4) Ramsey County Community Corrections (2003 Annual Report);
- (5) Ramsey County Community Corrections (2004 Annual Report); and
- (6) Minnesota's Juvenile Code, §§ 260B.001 - 260B.446 of Chapter 260 Juveniles.



III. FINDINGS and RECOMMENDATIONS

Chapter Three discusses the Burns Institutes findings and recommendations. It is organized into seven sections:

- A. State of DMC;
- B. Purpose of Detention and Detention Utilization;
- C. Community Engagement and Collaboration;
- D. System Stakeholders' Engagement and Collaboration;
- E. Data Collection and Analysis Capacity;
- F. Current Juvenile Justice Policies and Practices Impact DMC; and
- G. Other Factors that Could Affect DMC Reduction Efforts.

Within each of the sections, recommendations are offered. Additionally, a summary of all recommendations is provided in Chapter Four.

A. State of DMC in Ramsey County

1. General DMC Knowledge

A key component to being ready to challenge DMC is to understand what “DMC” is and to identify whether and to what extent DMC exists in the juvenile justice system. Juvenile justice stakeholders in Ramsey County have a basic understanding of what “DMC” is, and many system stakeholders articulated how their role in juvenile justice could impact DMC. However, several stakeholders expressed confusion and differing perspectives as to what DMC reduction efforts should focus on. Some thought efforts to address DMC should focus exclusively on “confinement” of a disproportionate number of youth of color in JDC pre-adjudication. Others favored broader efforts to prevent “risky” behaviors among youth of color before they get entrenched in the juvenile justice system. For many stakeholders, the latter view point focused on the apparent pathology of poor communities of color and a sense that the youth therein are dysfunctional.

Regardless of how DMC was defined, all stakeholders interviewed acknowledged that disproportionality of youth of color in the juvenile justice system is a problem in Ramsey County. However, stakeholders did not have a clear sense of the extent to which disproportionality exists in Ramsey County, nor where the disproportionality occurred within the juvenile justice system.

2. Efforts to Reduce DMC

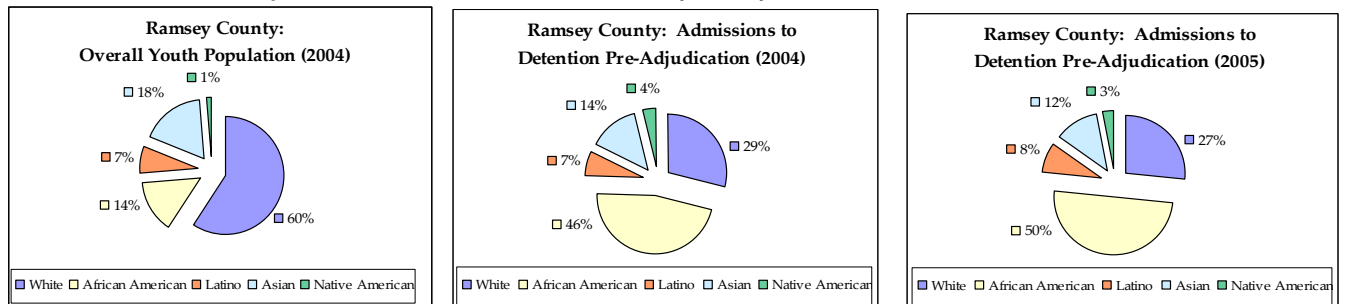
Stakeholders indicated that there have been discussions about how to challenge DMC for several years, but to date there has been no action plan initiated. The recent convening of a Steering Committee to address juvenile detention reform efforts, and

DMC specifically is charged with turning a superficial and theoretical discussion of DMC into a strategic action plan. Several stakeholders expressed a commitment to the development and implementation of a broad range of evidenced-based practices in Ramsey. We believe that such a commitment could be a huge asset to stakeholders as they launch efforts to reduce DMC.

3. Analysis of Current Juvenile Detention Center DMC

According to 2004 and 2005 data, African American youth are over-represented in pre-adjudication admissions to secure detention at Ramsey County JDC. In 2004 African American youth represented 14% of the overall youth population in Ramsey County¹, but 46% and 50% of youth admitted to detention pre-adjudication in 2004 and 2005, respectively.

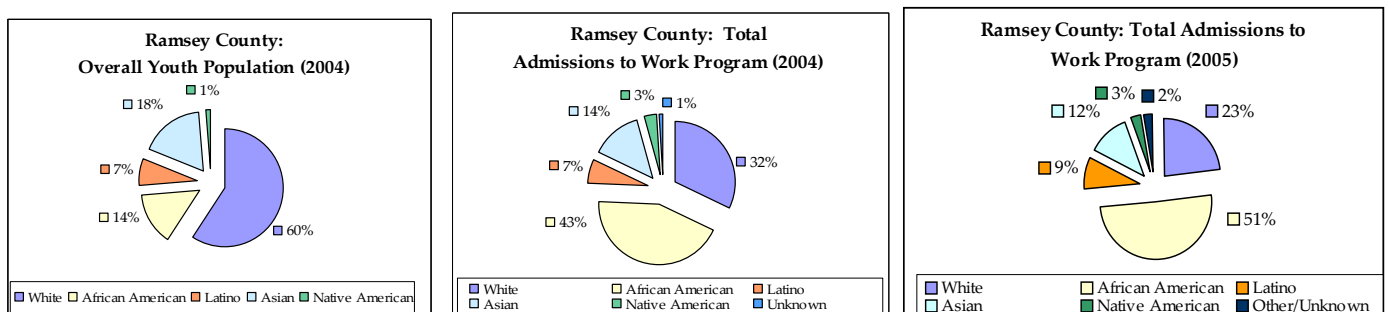
Figure 1: Illustration of overrepresentation of Youth of Color in Ramsey County Detention Admissions



Source: JDC Data Reports (2004-2005). Note that percentage includes duplicate counts.

African American youth are also over-represented in admission to Ramsey County's Work Program, a program within Ramsey JDC (to be discussed in greater detail in the sections that follow). African American youth represented 14% of the overall youth population in Ramsey County, but 43% and 51% of admissions to the work program in 2004 and 2005, respectively.

Figure 2: Illustration of overrepresentation of Youth of Color in Work Programs

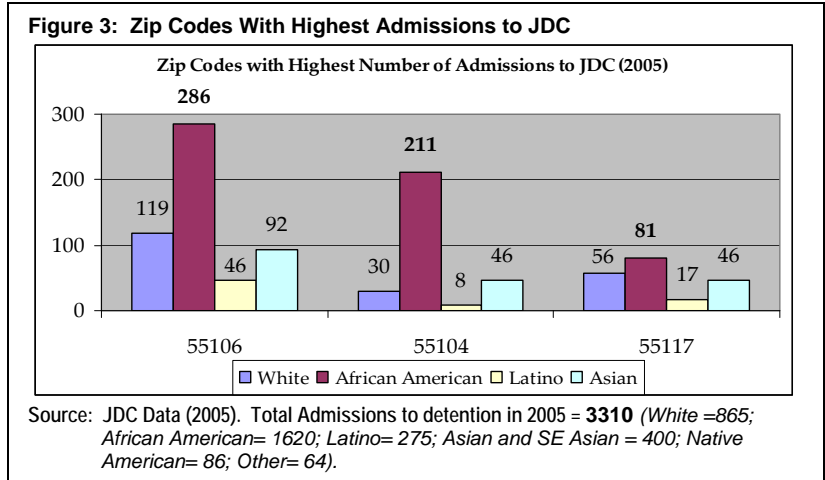


Source: JDC Data Reports (2004-2005). Note that percentage includes duplicate counts.

¹ Puzanchera, C., Finnegan, T. and Kang, W. (2006). "Easy Access to Juvenile Populations" Online. Available online: <http://www.ojdp.ncjrs.org/ojstatbb/ezapop/> Ramsey County, Minnesota: Race by Ethnicity Population Estimates, 2004 (age 10-17).

4. Identification of Subpopulations Most Impacted by DMC

Several stakeholders indicated that they believed a significant number of youth of color currently detained at JDC reside in the neighborhoods of “Frogtown” and the “East Side.” An initial analysis of the 2005 JDC admissions to detention confirms this belief. Figure 3 represents those zip codes that admitted the highest number of youth to JDC in 2005. As Figure 3 indicates, East Side (zip code 55106) and Frogtown (zip code 55104) contribute most significantly to youth of color in detention.



While stakeholders were able to identify the neighborhoods that contributed most significantly to the detention population, few stakeholders could identify why those neighborhoods are contributing high number of detention admissions. Some stakeholders posited that strong law enforcement presence in these communities contributed to detention admissions, while other stakeholders reflected on the apparent pathology and dysfunction of poor communities of color. Few stakeholders were able to identify the qualities and services within these communities that could be strengthened to reduce DMC.

Recommendations Regarding Knowledge of DMC and Efforts to Reduce DMC

1. The newly convened Steering Committee and DMC Collaborative must clarify how it defines and identifies DMC in Ramsey County before making efforts to address the problems impacting and related to DMC.
2. The Steering Committee and DMC Collaborative should continue its commitment to using evidence-based practices to guide DMC reduction efforts.
3. All relevant Ramsey County stakeholders should employ an analysis which takes a deeper look at a range of possible systemic causes and drivers of DMC.
4. To ensure that all stakeholders have a clear understanding of disproportionality in the system, consistent detention data must be made available to all key stakeholders. The DMC Collaborative should implement an ongoing process of DMC data collection, tracking and analysis. This analysis should focus on policies and practices that may be



contributing to DMC at key decision points in the juvenile justice continuum.

5. The Steering Committee and DMC Collaborative should investigate and identify services and organizations that are currently thriving in the neighborhoods most impacted by DMC. As well, stakeholders should investigate both the current and potential capacity of those community based organizations to collaborate with the juvenile justices system on such initiatives as alternative to detention programs. Utilization of alternatives to detention in communities that contribute largely to detention can be a vital component of a DMC reduction initiative. As Figure 3 indicates, Frogtown and East Side, communities that contribute significantly to youth of color in detention, may be communities to target.
6. According to initial data analysis conducted by BI, African American youth are clearly overrepresented in Ramsey JDC, both in pre-adjudication admissions and admissions to the Work Program. While it does not appear that Asian youth are overrepresented, several stakeholders identified a history of Hmong youth being overrepresented in detention, so further analysis of the “Asian” population is required.



B. Purpose of Detention and Detention Utilization

A key component to being ready to confront disproportionality in juvenile detention facilities requires stakeholders to come to a general consensus as to the purpose of detention. If stakeholders disagree as to why youth should be held in juvenile detention facilities, there will be inconsistent decision making by stakeholders as youth are processed through the system.

Unlike many juvenile detention facilities which serve solely as a secure detention facility, the Ramsey Juvenile Detention Center (JDC) currently serves three functions. JDC houses not only pre-adjudication youth and youth awaiting placement, but also youth in the “Short-Term Work Program” a short-term consequence low risk offenders and a sexual offender program, Sexual Treatment through Accountability and Responsibility for Teens (“START”)².

The multiple functions of JDC as a detention facility, a sanction, and a rehabilitation center creates confusion among stakeholders as to the purpose of detention. Additionally, there is a fundamental disagreement among stakeholders as to whether there is merit in utilizing detention as consequence, or whether detention should be used as a last-ditch solution for youth who pose a significant safety or flight risk. As one interviewee said, “it is going to be a struggle for some (stakeholders) to get over the mentality that kids need detention.”

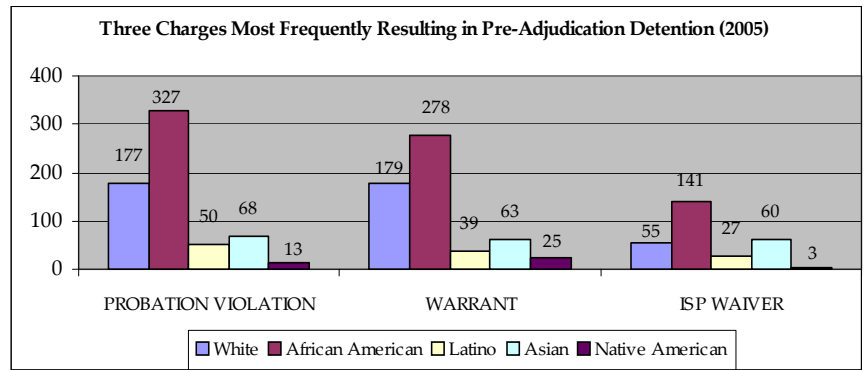
A consistent observation emerged that the juvenile justice system was being loaded down with inappropriate referrals. Not unlike many jurisdictions throughout the country, Ramsey County has a propensity to place “high need” but “low risk” youth in JDC simply due to a lack of viable options and alternatives that serve these youth. When low risk youth are detained by default, as a punishment or to connect them to services, the over representation of youth of color may increase.

² “START” is a 12 bed program that provides intensive residential sex offender treatment for males committed by the Court. An assessment of this rehabilitation program is beyond the scope of this assessment regarding readiness for DMC action, but our observations call into question whether JDC, a detention facility built for the purpose of short term holds, is an appropriate venue for a long-term rehabilitation center.

1. Ramsey County Juvenile Detention Center as Detention

According to Statute, juveniles taken into custody in Minnesota may not be detained unless they are a danger to themselves or others; to ensure their appearance at subsequent hearings; if they are a risk to flee; or if their immediate health or welfare is immediately endangered³. Based on an initial analysis of youth admitted to JDC in 2005, it appears that admissions to JDC often extend beyond these parameters, particularly for youth of color.

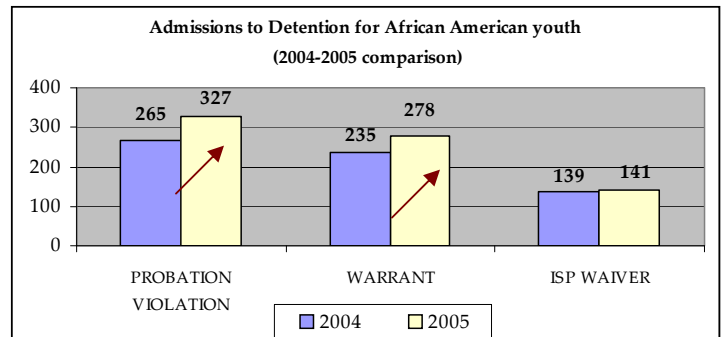
Figure 4 : Charges Resulting in Pre-Adjudication Detention



Source: JDC Data 2005. Total Admissions to detention in 2005 = 3310 (White =865; African American = 1620; Latino= 275; Asian and SE Asian = 400; Native American =86; Other=64)

As the Figure 4 indicates, a high number of admissions to JDC as “detention” are the result of technical violations rather than criminal offenses. The charges most frequently resulting in pre-adjudication admissions to detention in 2005 included Probation Violations, Warrants⁴, and ISP Waivers. These three offenses accounted for 1,532 or 46.3% of the total 3,310 admissions to detention in 2005. The high percentage of admissions to detention for these three offenses also held true for African American youth. For African American youth, Probation Violations, Warrants, and ISP Waivers in 2005 accounted for 746 or 46% of the total 1,620 African American admissions to detention⁵. Additionally, as Figure 5 indicates, it appears that detention utilization for Probation Violations and Warrants increased for African American youth from 2004 to 2005.

Figure 5: African American Admissions to Detention



Source: JDC Data (2004-2005)

Further data analysis will indicate more precisely the extent to which DMC is being impacted by the current detention utilization practices, but our initial examination indicates that the impact is significant.

³ Minn. Stat. § 260B.176, Subd. 1 (2004).

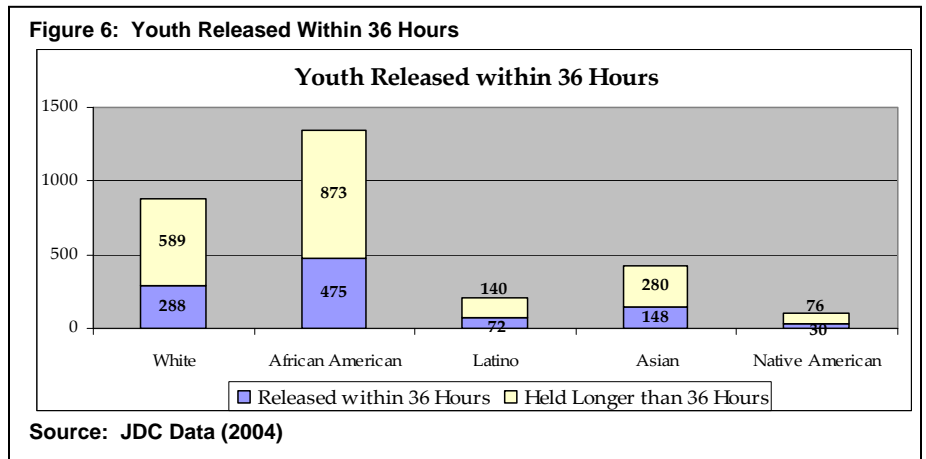
⁴ To be sure, a more in depth analysis as to the reasons for the high number of warrants in Ramsey County is necessary. According to interviewees, a significant number of youth in detention due to a warrant are the results of failures to appear. A policy which feature the automatic detention of youth with warrants results in the detention of significant numbers of no and low risk youth; and thus, contributes to DMC. A more in depth investigation into whether this is true will guide strategies to reduce DMC based on warrants.

⁵ It should be noted that Figure 4 does not include those youth from racial/ethnic groups that represent 1% or less of the total detention population.

**Illustration of the Need for Consensus around the Purpose of Detention:
Analysis of Youth Released from JDC within 36 hours.**

An analysis of youth released from detention within 36 hours serves to demonstrate why consensus around the purpose of detention is essential to Ramsey County’s ability to reduce DMC.

In Minnesota, youth may not be detained in juvenile detention facilities for longer than 36 hours unless a petition has been filed and a judge determines that the child must remain in detention⁶. One way to probe whether there is consensus as to the purpose of detention is to query the number of youth released within 36 hours at their detention hearing. In theory, if there is consensus as to the purpose of detention, then a very small percentage of youth should be released at their detention hearing/arraignment. In other words, if the agencies and departments who referred and admitted youth to JDC have the same perception of the purpose of detention as the judge who has the authority to release or detain the same youth within 36 hours, then a small number of youth will be released within 36 hours.



Data for youth released from JDC within 36 hours was available for 2004. In 2004, of a total 2,971 youth admitted to detention, 1,013, or 34%, were released within 36 hours. Of the 1,013 youth released within 36 hours, 72% or 725 youth were youth of color. This means that 725 youth of color admitted to JDC in 2004 may have been inappropriately detained because there was not clarity between referring agencies and the bench as to the purpose of detention.

Based on the high number of youth released within 36 hours, there appears to be a disconnect between the standards used by those agencies and departments referring and admitting youth to detention pre-adjudication and the standards used by the bench at the detention hearing to determine whether or not detention is appropriate. This disconnect contributes to unnecessary detention and disproportionality.

It seems then that a significant number of youth could avoid detention if there was consensus as to which youth should be detained at JDC. The 725 youth of color held for 36 hours or less could be spared time spent in detention if youth released within 36 hours of admission to detention were never brought to detention in the first place. Thus, consensus among referring agencies and the bench as to the purpose and use of detention could go far to significantly reduce the youth of color in detention.

⁶ Minn. Stat. § 260B.176, Subd. 2 (2004).



Recommendations on the Purpose of Detention

1. The Steering Committee and DMC Collaborative must engage in a meaningful conversation focused on the purpose of detention. Such a discussion will lead to a process of teasing out those youth referred and admitted to JDC when detention is unnecessary.
2. A more in depth investigation into what offenses and other factors youth released within 36 hours have in common, so there can be a targeted effort to keep these youth out of detention in the first place. For example, as figure 6 indicates 725 youth of color were released within 36 hours of their admission to detention. The Steering Committee must engage in a discussion to find out why these youth were detained.

2. Ramsey County Juvenile Detention Center as a “Work Program”

According to Ramsey Community Corrections, the “Work Program” was established to “fill a crucial need for short-term, out of home interventions that are consequence oriented for less serious offenders.”⁷ There are three time lengths for the work programs, 7/11, 14/21, and 30/45 days respectively. For example, if the Court gives a disposition of a 7/11, a resident may “earn” a release after seven days if he or she satisfied all of the work program requirements. If the youth does not meet the program requirements, he or she may be required to serve all eleven days. A behavior modification system is used to score each participating youth’s conduct and achievements each hour of the day. The youth have an expectation to “perform meaningful and productive work,” and the program intends to “teaches the importance of personal responsibility and having good work ethic.”⁸ It should be noted that other Ramsey stakeholders, both within the juvenile justice system and from the community, expressed a different view of the work program. They questioned the purpose, value and effectiveness of the work program and expressed views that it is a misuse of detention and falls short of providing meaningful and productive work for its participants.

Research contradicts the value of using detention as a consequence. A substantial body of research indicates detention as punishment does nothing to reduce recidivism and in fact, has negative effects on those youth consigned. Common reasons for such negative effects are:

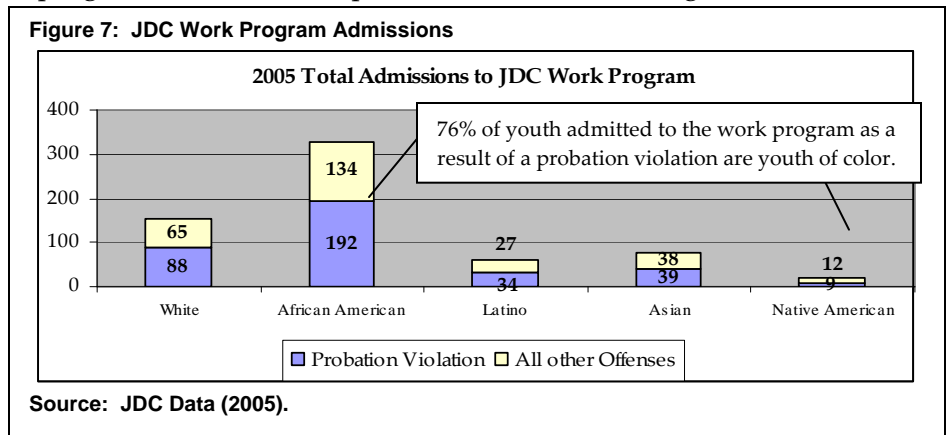
- The inherent inadequacy of in custody service delivery (even in well run facilities);
- negative interaction between low risk and high risk children in custody;
- threats to physical and emotional well being; and
- the separation of the child from family and familiar community.

⁷ Ramsey County Community Corrections Annual Report (2003).

⁸ Ramsey County Community Corrections Annual Report (2004-2005).

The majority of youth admitted to the work program are youth of color. Refer back to Figure 2 on page 7. According to Figure 2, in 2005 77% of youth admitted to the work program were youth of color.

The high representation of youth of color in the work program appears to stem largely from youth admitted to the work program as a result of a probation violation. As Figure 7 indicates, in 2005, 638 youth were admitted to the Work Program⁹. Overall, 362 or 57% youth were admitted to the Work Program as the result of a Probation Violation. What is more, 76% of those youth admitted to the work program as a result of a probation violation are youth of color.



Few Ramsey Stakeholders could recall the impetus for initiating the Work Program. Whatever the impetus, though, the Program is now heavily relied upon by Probation, and the Courts. According to some Ramsey County stakeholders, the reason for the current reliance on the program is rooted in philosophical ideology that shock incarceration has merit. Thus, the program is now embedded in the dispositional options for youth in violation of the law or probation.

As well, it was noted by several Stakeholders that there are there are discrepancies among the probation officers as to the utility of detention as a “pound of flesh.” Several Stakeholders noted that some Probation Officers over-utilize the program “to get the kids attention.” The Courts indicate that when they have to make flash decision, they usually default to the Probation recommendation. The Burns Institute believes that this tendency to default to such recommendations may further exacerbate the overuse of detention and contribute to DMC.

⁹ It should be noted that Figure 7 does not include those youth from racial/ethnic groups that represent 1% or less of the total detention population.



Recommendations Regarding Work Program

1. The Steering Committee and DMC Collaborative should engage in a meaningful discussion around the problems associated with the work program and the high number of youth of color admitted to it.
2. The Steering Committee and DMC Collaborative should re-consider the county's use of detention and develop more dispositional alternatives, particularly for violations of probation. As Figure 7 indicates, 76% of youth admitted to the work program as a result of a probation violation are youth of color. Perhaps if dispositional alternatives were available, this number could decrease.



C. Community Engagement and Collaboration

To effectively address DMC the active participation of community leaders from the neighborhoods most affected is essential as they bring information and knowledge about the community to the table. There are several community leaders in Ramsey County that are very concerned about DMC and when interviewed expressed interest in efforts to address it.

The community leaders describe their history and experience interacting with the juvenile justice system and believe they have the capacity to take on leadership roles in holding system stakeholders accountable to DMC reduction efforts. Community leaders define this capacity by their ability to understand DMC and to observe and participate in DMC reduction strategies.

Individuals from community organizations shared a deep frustration with the level of DMC and are capable of providing a sense of urgency. Without a sense of urgency jurisdictions often find themselves meeting for the sake of meeting with DMC reform devolving into endless studies and wasted efforts. Community leaders can provide a sense of urgency to take action in DMC reduction efforts as well as to hold system stakeholders accountable for not taking action.

Some community leaders expressed concerns about a lack of respect from system stakeholders for their knowledge of the community. Community leaders reflected that System Stakeholders sometimes invited them to the table as a token, and did not appreciate the value of their contribution to system reform efforts. Community leaders serve as an invaluable resource for the DMC reform process. However their input must be valued at all times not just when it is convenient. Their knowledge and expertise of their community is no different than a judge's knowledge and expertise of their courtroom.

Several organizations stated that they have established relationships with the system. However, they expressed these relationships are not equitable and that some community based organizations work with court referred youth of color without financial support.

While there were some reservations from the community leaders, they all expressed an interest and willingness to collaborate with the system to address DMC. Several agencies are not only willing, but appear to have the capacity to potentially serve as alternative to detention programs. The capacity to implement new ATD programs with these organizations is high due to the fact that several agencies have established



histories and expertise working with the juvenile justice system to serve high risk youth.

Recommendations for Community Engagement and Collaboration

1. Traditional system stakeholders must immediately begin to reach out to non-traditional stakeholders from the communities most impacted by DMC and engage in open, honest dialogue about methods for building trust and productive working relationships.
2. Once relationships have been established, members of the DMC Collaborative must develop a plan to invite and incorporate the contributions of nontraditional stakeholders from the community into the work of the DMC Collaborative. For example, the DMC Collaborative should engage in a process of identifying and engaging community based organizations who may be able to fill gaps in services and provide alternatives to detention



D. System Stakeholders' Engagement and Collaboration

Ramsey County lacks structures to ensure objectivity in its juvenile justice decision-making process, and this vast discretion among stakeholders can lead to inappropriate and disproportionate use of detention for youth of color. Many stakeholders reflected that when there is broad discretion, individual biases can impact decision making. These biases can then lead to disproportionality. Those stakeholders who stood to lose the greatest discretion in the current systems decision making structure for detention utilization, the Commander of St. Paul Police, the Head of Corrections as well as a Judge acknowledged the need for more objectivity and were open to the initiation of structured policy change that would objectify the decision making processes. Additionally several County Commissioners are supportive of the BI and JDAI initiative.

All interviewees were very forthcoming and to varying degrees, self-critical in their assessments of their efforts to reduce DMC. Several stakeholders expressed frustration in the continued discussions around disproportionality without a clear action plan to address it. Stakeholders expressed a strong will to start taking action in DMC reduction efforts.

Several stakeholders expressed concern that the individual agencies operate in “silos.” They felt that there was a lack of a networked and connected “System” in the Ramsey County Juvenile Justice System. Disconnections within agencies can hinder efforts to address DMC making it difficult to clarify decision-making process as well as collect adequate and accurate data.

Several stakeholders also expressed concern about “Minnesota Nice” or the culture of politeness and euphemisms. Deconstructing institutional racism is bound to offend certain stakeholders at certain stages of the reform process. Some stakeholders suggested the reform efforts might be stymied by trying not to offend. Avoiding issues that are difficult is no way to go about the work of addressing DMC, nor should the goal be to offend individual stakeholders. System stakeholders, most of whom are White cannot do this work alone; community leaders, many more of whom are of color, often play the role of asking the hard questions and pushing the group to address the more difficult issues.

Ramsey County appears to have political will to embark on a serious journey toward reducing DMC from the County Commissioners as well as the heads of the various agencies making up the local juvenile justice system. In addition to expressing their own individual political will, many stakeholders identified “champions” or influential leaders who could leverage significant buy in, resources and momentum to propel a



DMC reduction initiative forward. Among the champions identified were county commissioners, high ranking police officials and the Director of Community Corrections.

The potential for collaboration between system stakeholders appears to be strong. While there are real challenges to inter-agency collaboration, there appears to be a friendly culture of cooperation amongst agencies. However, System and community collaboration is a different story. Ramsey County has a disconnect between the juvenile justice system and community based organizations that are presently positioned to be viable partners as providers of community based alternatives to detention.

Recommendations Regarding Engagement and Collaboration

1. The Steering Committee and DMC Collaborative should recommend that the County prioritize and fund efforts to address DMC. As well, the Chief Judge, the Chief of Police, the Director of Community Corrections, the Head of Detention and the County Attorney must lead their agencies in efforts to address DMC.
2. Stakeholders must actively outreach to Community leaders from the neighborhoods most impacted by DMC. The community leaders offer essential insight about communities most affected, and play a central role in the reform process. These community leaders often ask the hard questions and when necessary push the system stakeholders to address the tough issues involved on seriously working to reduce racial disparities. This could be a town hall meeting sponsored by several departments hosted in the community with youth and families welcome to attend, food is always a good incentive.
3. Stakeholders must establish a common value for the inclusion of community contributions to addressing DMC. Such contributions would include constructive criticism, system/community collaborations, involvement in implementation of policies, practices and programs, and viable avenues for youth participation.
4. Stakeholders must identify, assess and assist viable community based organizations to provide community based services and alternatives to detention.



E. Data Collection and Analysis Capacity

An essential component to addressing disproportionality in the system is the capacity to collect and analyze reliable and consistent data. Stakeholders must be able to identify which youth are involved in the juvenile justice system to know where DMC reduction efforts should be targeted. To do so, system stakeholders and analysts must not only collect certain data, but they must know the appropriate questions to ask to drive the reform initiative. In addition, stakeholders and analysts must also be able to evaluate gaps in current data systems and the quality of the available data to assess Ramsey's capacity to effectively identify and address DMC.

To assess Ramsey County's Data Collection and Analysis Capacity, the following "readiness" indicators were assessed:

- Commitment to utilize data to drive policy;
- Quality of current data collection systems;
- Staff positions dedicated to collecting and analyzing data;
- Stakeholders comfort level with data;
- Stakeholders natural propensity to probe available data;
- Consistency of data reporting; and
- Consistency of disaggregating data by race and ethnicity.

Ramsey County appears to have great potential to use data to drive policy reform around DMC. There are staff positions dedicated to data collection and analysis and there are some consistent reports generated that disaggregate data by race and ethnicity. However, most stakeholders indicated that those statistical reports were not made available to them consistently. According to one interviewee, "the only time reports are made available is when there is a crisis – like a cry out that detention is too full."

Common among all agencies collecting data was enthusiasm to use data to drive reform efforts. For example, data analysts gave the example a recent analysis into case processing times. However, analysts indicated that in the past, data analysis has not typically probed where there are differences based on race and ethnicity.

Stakeholders in Ramsey County have varied levels of sophistication in their data collection and analysis capacity. As well, data collection systems between departments and agencies do not communicate with one another. For this reason, the data collection and analysis capacity is broken down by the various departments and agencies whose data capacity was assessed, and brief observations regarding each system are included.

Police in Ramsey County have broad decision making authority which impacts not only which youth have a formal petition filed against them, but which youth are admitted to



JDC. Because of this, their data collection systems must capture appropriate data that will answer important questions and drive reform strategies to reduce DMC. The Saint Paul Police Department uses “RMS,” a data collection system developed in house¹⁰. While some statistical reports are generated, essential data on race and ethnicity is not consistently collected and analyzed. Additionally, there is currently no field in the data collection system to determine which youth the St. Paul Police brought to JDC and which youth were released to a parent, guardian or relative.

System Analysts with the Community Corrections Department have a high level of data collection and analysis capacity. A considerable amount of data is collected on each youth entering the JDC- including data regarding youth’s race and ethnicity, the data are automated, and some reports are generated on a consistent basis. The quality of the data appears sufficient for reliable analysis of DMC. In addition, Community Corrections have staff positions dedicated to the collection and analysis of data. The staff are well-trained and are quickly able to run queries.

The Court Administration is currently in the process of transitioning into a new data collection system. The current TCIS system is a statewide case management system used for juvenile cases in all counties around the state. In the future, data will be collected in MNJAD, an analytic data base that will store information from both TCIS and MNCIS.

This transition to a new data collection and analysis system provides opportunity for stakeholders to ensure that the data collection system has the appropriate fields for DMC analysis. Interviewees indicate that the new data collection system will have greater capacity to easily run ad hoc queries around disproportionality in the system. However, even with transition to the new system, stakeholders indicate that there is no capacity to merge Community Corrections data with that of Court data.

Recommendations Regarding Data Collection and Analysis

1. The data collection systems for each department and agency should be thoroughly reviewed to ensure that all data necessary to conduct in depth analyses around disproportionality.
2. To collect accurate data to identify if and where DMC exists will require improvement of collaboration of all key decision makers in Ramsey County. To this end, the Steering Committee should develop a data analysis sub-committee made up of decision makers and analysts at every decision making point in the system to identify key data elements that

¹⁰ St. Paul Police account for 90% of referrals to Juvenile court in Ramsey County, so their data collection system was analyzed for the purposes of this RAC. A more in depth analysis of all police departments referring youth to Juvenile Court and JDC should follow.



each stakeholder should collect; to learn more about how other systems' collect and analyze data; and to ensure that each decision maker is collecting the appropriate data

3. To ensure uniformity in the collection of race and ethnicity data among key stakeholders, stakeholders should ensure that staff who determine race and ethnicity of youth are properly trained. Law enforcement officers and juvenile community corrections officers need training in best practices to sensitively and accurately collect and record race and ethnicity information from juveniles.



F. Current Juvenile Justice Policies and Practices Impact DMC.

In this Section, we provide a brief overview of detention-related policies and practices currently in place in Ramsey County. A review of the current policies and practices are necessary to assess both the current status of DMC in Ramsey County as well as the implication of those policies and practices on Ramsey County's readiness to confront DMC. Along with an analysis of the policies and practices, this section includes strategic recommendations to change policies and practices to reduce the overrepresentation of youth of color at each decision making point.

No Stakeholders interviewed were able to provide any examples of any existing targeted policies or practices that would intentionally reduce disproportionality in JDC or the juvenile justice system in general. Several stakeholders indicated that "all youth before them are treated equally," that their "decisions were neutral," and that all "decisions are based on the youth in front of them at the time." However, stakeholders also acknowledged that a lack of any objective screening process and strict controls at the gates of the detention center could very well be contributing to DMC. No stakeholder knew of any policies in place to reduce the number of youth of color.

1. Analysis of Detention Referrals

According to several stakeholders, there is no intake assessment for youth referred to the front door of JDC in Ramsey County. These stakeholders reported that all youth referred to JDC are admitted. Other stakeholders indicated that there are some exceptions to this. According to interviewees, the vast majority of youth admitted to JDC are referred by St. Paul Police Department or Ramsey County Corrections Department Probation. The referral process for these departments is briefly reviewed below.

1.1. Arrest: St. Paul Police Department Referrals

Police in Ramsey County play an integral role in case processing. According to interviewees, Police make decisions regarding whether youth should be diverted, released to a parent, guardian or relative with a citation, or brought to Ramsey County Juvenile Detention Center and Police actually draft delinquency petitions. Thus, in deciding whether and to what extent a youths' case goes forward, the City Police Departments in Ramsey County are arguably one of the more powerful decision makers in Ramsey County juvenile justice. As such, law enforcement plays an important role in any DMC reduction efforts undertaken in Ramsey County.



According to stakeholders, there is no written objective booking criteria used by St. Paul Police¹¹-- the decision to refer the youth to the County Attorney and/or JDC is made without reference to any written criteria or guidelines. According to interviewees, police divert petty misdemeanants, but refer youth alleged to have committed assaults and felonies to the County Attorney. When youth diverted by the police fails the program, the police refer the case on to the County Attorney's office. For youth not diverted, there is no written objective screening instrument used by Police in making the decision about whether or not youth should be brought to detention or released to a parent, guardian or relative with a citation. According to interviewees, the decision is "based on gut and experience." Any time there is a lack of written objective criteria and subsequent discretion in decision-making, there is room for subjective biases that can impact disproportionality.

Some stakeholders reflected that police officers may feel compelled to refer youth to JDC because there is a lack of viable alternatives for youth who have significant social and mental health needs yet pose little safety or flight risk. The consideration of past system involvement and what was termed "other circumstances regarding the child" without an objective screening process creates a subjective decision making process and may drive the inappropriate detention of low risk / high need children, many of whom are children of color.

In addition to referrals for regular "beat" officers, stakeholders estimated that approximately 30% of detention admissions were the result of St. Paul Public School referrals. While data should be collected to confirm these estimates, school referrals to JDC is one area that should be probed more deeply. This is especially true when considering the high proportion of youth of color in the Saint Paul Public School System. The demographic makeup of St. Paul schools is substantially different from that in the Ramsey County population at large – youth of color made up 68.1% of the St. Paul Public School System in 2001, but made up only 38% of the youth population in the County¹².

According to interviewees, there are twelve resource officers in St. Paul schools, one in every high school. Similar to youth arrested by beat officers, when a violation of law occurs on school grounds, school resource officers bring the youth to the Juvenile Division of St. Paul Police, where they undergo the same interview as youth otherwise arrested. According to school resource officers, the most commonly referred offenses include assault, weapons in schools, and disorderly conduct.

¹¹ According to stakeholders, approximately 90% of Ramsey County arrests are administered by St. Paul Police, so the St. Paul Police policies and practices are represented in this analysis. Further research is required to determine the policies and practices of referrals from the remaining 10% of Police referrals.

¹² Ramsey County Annual Report.



Considering the high number of youth referred from St. Paul Public Schools, this may be a factor contributing to the racial disparities in detention.

Recommendations for Addressing Policies and Practices Around Arrests

1. The development of objective decision-making policies and practices that guide detention admissions is a valuable strategy in impacting DMC. Objective screening tools such as risk-assessment instruments (RAI) would help police officers make objective decisions about whether the youth charged by police with delinquent acts should be referred to JDC. The implementation of a carefully developed RAI will help reduce arbitrary detention decisions based on subjective factors while increasing consistency between individual decision-makers.
2. Saint Paul Police should collect and consistently report data regarding the decisions made for youth arrested disaggregated by race and ethnicity.
3. An objective screening instrument or booking criteria instrument should be developed and administered by Saint Paul Police in order to make objective decisions about whether youth should be referred to JDC, cited out or diverted out of the system entirely.
4. Saint Paul schools and/or School Resource officers should collect and consistently report data regarding the number of youth in detention as a result of school referrals disaggregated by race/ethnicity, offense, and the school from which youth are referred. Once the Committee has a better understanding of which youth are being referred to JDC from the schools, the DMC Committee and schools must engage in a meaningful discussion to determine whether detention is the appropriate response for youth referred from schools.

1.2. Referrals to Detention from Probation

Youth may be referred to JDC by Probation Officers if a youth is in violation of his or her terms of probation. The Probation Officer may either file the violation and “walk in” to court approximately one week following the filing or the officer may bring the youth directly to JDC. There is also a six month Probationary period for certain pre-adjudicated youth. These youth may also be brought to detention for failure to comply with the conditions of their probation. Reportedly, there is no particular data being collected regarding the detention of youth from the six month probation program.

According to Corrections staff, there are broad criteria that Probation Officers must follow in deciding whether the youth should be detained. The referring officer must indicate on a form whether the youth is a safety risk or a flight risk. However, the Probation Officers do not need to substantiate their decision to refer the youth to



detention¹³. Thus, beyond minimal, broad criteria, there are no objective policies in place for officers to determine whether detention is an appropriate action. Again, this wide discretion can lead to subjective biases that may, intentionally or not, increase disproportionality.

As well, decisions made by Probation to detain youth as a result of a probation violation are not reviewed. Like the police who have considerable discretion as to who is detained, so too does the Probation Department. Further, considering the initial data analysis which reveals that approximately 20% of youth in JDC's pre-adjudication "detention" admissions are the result of probation violations and 56% of Work Program admissions are the result of probation violations, there is a need to further investigate the probation department's protocol for referring probation violators to detention.

Several Stakeholders indicated that there was substantial variation among Probation Officers in the reasons for detaining youth who violate the terms of their probation. Where there is total discretion, there is room for bias. As one interviewee commented, the decision can be made based on "the Probation officer's relationship and feelings of the youth's family," not whether the youth is an actual flight or safety risk according to MN Statute.

Further, preliminary analyses indicate that a disproportionate number of youth of color are detained at JDC as a result of probation violations. The development of more clear objective criteria that guide probation officers decisions regarding detention for probation violations will avoid arbitrary detention decision based on subjective factors while adding consistency between individual probation officers, and may result in the reduction of the overrepresentation of youth of color in detention.

Recommendation regarding Probation Violations

1. Community Corrections should engage in a conversation regarding when and why detention is utilized as a consequence for a probation violation.
2. Community Corrections should develop and implement an instrument with objective criteria for determining whether youth should be placed in detention as a result of a probation violation. The screening tool should take into account such factors as: the significance of the violation, the gravity of the underlying offense, the youth's progress with Probation services prior to his or her violation, and the youth's delinquency history.
3. Community Corrections should discuss the establishment of graduated sanctions for probation violations.

¹³ While Probation Officers are not required to substantiate their reason for detaining the youth, Probation Officers must indicate probable cause for violating the youth. According to interviewees, the substantiation for detaining the youth is typically inferred from the probable cause for violating the youth.

1.3. Detention Screening

According to several stakeholders, all youth referred to Ramsey County JDC are detained. Other stakeholders expressed the view that there are some exceptions to this. Further discussion and more in depth analysis is necessary to resolve this disconnect and to determine what the exceptions to admissions are.

By Statute, youth in Minnesota may be taken into custody with a court order; in accordance with a lawful arrest; or by a peace or probation officer when youth has violated probation terms. The doors of the JDC represent the last opportunity for the Ramsey County juvenile justice system to screen and assess youth’s actual level of risk. The lack of a written, objective process to assess risk opens those doors to youth for whom detention is not appropriate and it contributes to the over representation of youth of color in the system.

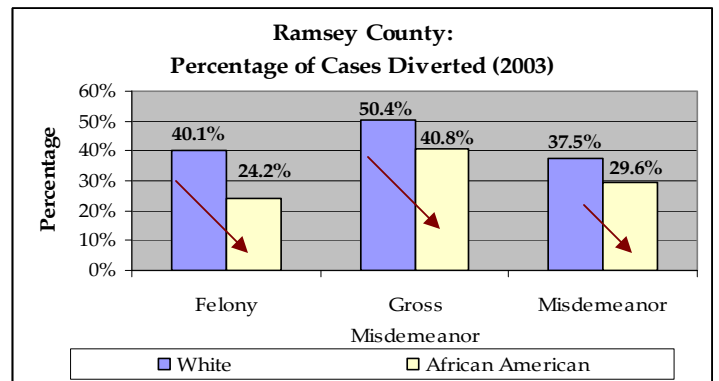
Recommendations Regarding Detention Screening Practices

1. The Steering Committee and DMC Collaborative should begin to discuss of the utilization of objective criteria to guide referring agencies and departments. The development of such a tool, with buy in from the bench and all agencies and departments referring youth to detention, will go far to ensure that all stakeholders agree about which youth are appropriately detained pre-adjudication.
2. The Burns Institute recognizes that at times, these tools are fallible, may be underutilized by agencies and departments, or may be overridden; therefore, a process of ongoing process of analysis of the usage of objective screening tools and overrides should be implemented.

2. Analysis of Court Filing Decisions

By statute, every county attorney’s office must establish a pretrial diversion program for juvenile offenders. The Ramsey County Attorney maintains criteria on youth who are “divertible.” Criteria taken into account include the seriousness of the offense and the youth’s prior history with the juvenile justice system. The diversions consist primarily of community service and drug and violence awareness classes. There are currently only three diversion providers in Ramsey County– one is in St Paul and the others are in North West and White Bear.

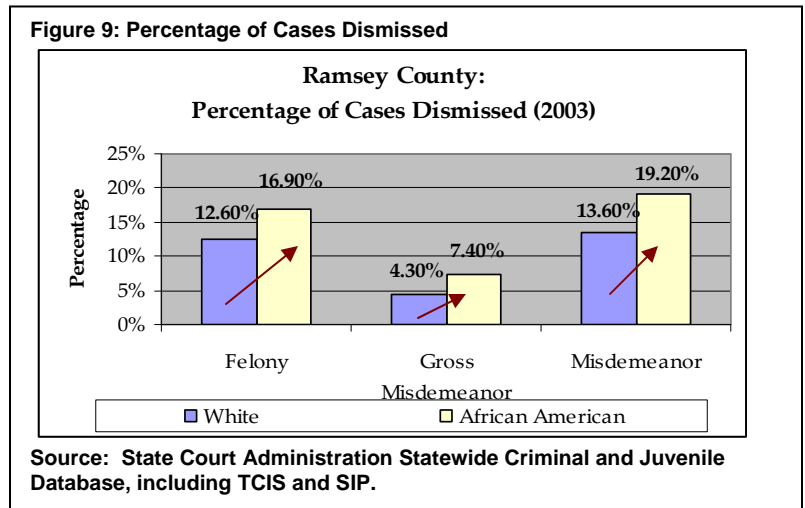
Figure 8: Percentage of Cases Diverted



Source: State Court Administration Statewide Criminal and Juvenile Database, including TCIS and SIP.

According to Preliminary data provided by State Court Administration, African American youth are not diverted at the same frequency as which youth. Figure 8 evokes several questions regarding racial disparities in the system. For each offense classification— felony, gross misdemeanor, and misdemeanor— African American youth are diverted far less than their white counterparts within the same offense classification. For example, in felony dispositions, white youths’ cases were diverted 40.1% of the time while African American youths’ cases were diverted 24.2% of the time.

The opposite is true for case dismissals. For each offense classification— felony, gross misdemeanor, and misdemeanor— African American youths’ cases are dismissed more than their white counterparts within the same offense classification. For example, in felony dispositions, white youths’ cases were dismissed 12.6% of the time while African American youths’ cases were dismissed 16.9% of the time.



Recommendations Regarding Court Filing Decisions

1. The Steering Committee and the County Attorney’s Offices should probe deeper into the above data. Some questions which should be considered and answered regarding diversion disparities include: a) Why are African American youth not diverted at the same rate as white youth?; b) What factors may be contributing to the disparity?; and c) what objective criteria can be developed to ensure that there are no racial disparities in the decision making process of which youth are and are not diverted?
2. Clear court filing criteria should be developed.
3. An ongoing process of oversight and analysis of court filing decisions should be implemented.

3. Analysis of Detention Hearings

Detention hearings are held every weekday morning. For youth brought to JDC for a new offense, they are held until the next morning. According to interviewees, youth with parents present at their detention hearing are far more likely to be released pending final adjudication, whereas youth whose parents do not attend the detention hearing are



much more likely to be detained. Also there is no consideration of any objective screening of the youth's risk level at the detention hearing.

The lack of an objective risk assessment process, coupled with the lack of viable alternatives to secure detention contribute to what one prominent official described as a practice of "justice by geography" in which youth's treatment is influenced by their neighborhood, economic status, and race.

Recommendations Regarding Detention Hearing

1. The Court should consider an additional set of detention hearings in the afternoon to ensure that youth of color brought in late in the day are not inappropriately detained.
2. The Court and/or Corrections Department should implement additional mechanisms for contacting parents or guardians to encourage their appearance at court. This will work to safeguard against youth of color being detained simply because they did not have a parent or guardian to support them in court.
3. The Court should work with Community Corrections and community leaders to develop viable alternatives to secure detention. The Burns Institute also recommends partnering with community based organizations in the development of both parent support initiatives and alternative programs.

G. Other Factors that Could Affect DMC Reduction Efforts.

One clear factor that could have an impact on Ramsey County's DMC reduction efforts is the fact that the county is currently a site for Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative or JDAI. As Ramsey County stakeholders continue to engage in JDAI's core strategies – all of which have implications on reducing DMC, they will be in a position to develop clear pictures, paths and practices which can have significant impact on DMC. These strategies, coupled with an intentional approach to incorporating nontraditional community stakeholders into the process, could go a long way in the County's efforts to reduce DMC.

SUMMARY of RECOMMENDATIONS

Recommendations Regarding Knowledge of DMC and Efforts to Reduce DMC

- The newly convened Steering Committee and DMC Collaborative must clarify how it defines and identifies DMC in Ramsey County before making efforts to address the problems impacting and related to DMC.
- The Steering Committee and DMC Collaborative should continue its commitment to using evidence-based practices to guide DMC reduction efforts.
- All relevant Ramsey County stakeholders should employ an analysis which takes a deeper look at a range of possible systemic causes and drivers of DMC.
- To ensure that all stakeholders have a clear understanding of disproportionality in the system, consistent detention data must be made available to all key stakeholders. The DMC Collaborative should implement an ongoing process of DMC data collection, tracking and analysis. This analysis should focus on policies and practices that may be contributing to DMC at key decision points in the juvenile justice continuum.
- The Steering Committee and DMC Collaborative should investigate and identify services and organizations that are currently thriving in the neighborhoods most impacted by DMC. As well, stakeholders should investigate both the current and potential capacity of those community based organizations to collaborate with the juvenile justices system on such initiatives as Alternative to Detention programs. Utilization of alternatives to detention in communities that contribute largely to detention can be a vital component of DMC Reduction. As Figure 3 indicates, Frogtown and East Side, communities that contribute significantly to youth of color in detention, may be communities to target.
- According to initial data analysis conducted by BI, African American youth are clearly overrepresented in Ramsey JDC, both in pre-adjudication admissions and admissions to the Work Program. While it does not appear that Asian youth are overrepresented, several stakeholders identified a history of Hmong youth being overrepresented in detention, so further analysis of the “Asian” population is required.

Recommendations Regarding the Purpose of Detention

- The Steering Committee and DMC Collaborative must engage in a meaningful conversation focused on the purpose of detention. Such a discussion will lead to a process of teasing out those youth referred and admitted to JDC when detention is unnecessary.
- A more in depth investigation into what offenses and other factors youth released within 36 hours have in common, so there can be a targeted effort to



keep these youth out of detention in the first place. For example, as figure 6 indicates 725 youth of color were released within 36 hours of their admission to detention. The Steering Committee must engage in a discussion to find out why these youth were detained.

Recommendations Regarding Work Program

- The Steering Committee and DMC Collaborative should engage in a meaningful discussion around the problems associated with the work program and the high number of youth of color admitted to it.
- The Steering Committee and DMC Collaborative should re-consider the county's use of detention and develop more dispositional alternatives, particularly for violations of probation. As Figure 7 indicates, 76% of youth admitted to the work program as a result of a probation violation are youth of color. Perhaps if dispositional alternatives were available, this number could decrease.

Recommendations Regarding Community Engagement and Collaboration

- Traditional system stakeholders must immediately begin to reach out to non-traditional stakeholders from the communities most impacted by DMC and engage in open, honest dialogue about ways building trust and productive working relationships.
- Once relationships have been established, members of the DMC Collaborative must develop a plan to invite and incorporate the contributions of nontraditional stakeholders from the community into the work of the DMC Collaborative. For example, the DMC Collaborative should engage in a process of identifying and engaging community based organizations who may be able to fill gaps in services and provide alternatives to detention

Recommendations Regarding System Stakeholders' Engagement and Collaboration

- The Steering Committee and DMC Collaborative should recommend that the County prioritize and fund efforts to address DMC. As well, the Chief Judge, the Chief of Police, the Director of Community Corrections, the Head of Detention and the County Attorney must lead their agencies in efforts to address DMC.
- Stakeholders must actively outreach to Community leaders from the neighborhoods most impacted by DMC. The community leaders offer essential insight about communities most affected, and play a central role in the reform process. These community leaders often ask the hard questions and when necessary push the system stakeholders to address the tough issues involved on seriously working to reduce racial disparities. This could



be a town hall meeting sponsored by several departments hosted in the community with youth and families welcome to attend, food is always a good incentive.

- Stakeholders must establish a common value for the inclusion of community contributions to addressing DMC. Such contributions would include constructive criticism, system/community collaborations, involvement in implementation of policies, practices and programs, and viable avenues for youth participation.
- Stakeholders must identify, assess and assist viable community based organizations to provide community based services and alternatives to detention.

Recommendations Regarding Data Collection and Analysis

- The data collection systems for each department and agency should be thoroughly reviewed to ensure that all data necessary to conduct in depth analyses around disproportionality.
- To collect accurate data to identify if and where DMC exists will require improvement of collaboration of all key decision makers in Ramsey County. To this end, the Steering Committee should develop a data analysis sub-committee made up of decision makers and analysts at every decision making point in the system to identify key data elements that each stakeholder should collect; to learn more about how other systems' collect and analyze data; and to ensure that each decision maker is collecting the appropriate data
- To ensure uniformity in the collection of race and ethnicity data among key stakeholders, stakeholders should ensure that staff who determine race and ethnicity of youth are properly trained. Law enforcement officers and juvenile community corrections officers need training in best practices to sensitively and accurately collect and record race and ethnicity information from juveniles.

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