

Juvenile Justice Committee Meeting

January 24, 2011

Persons Present: Rena Paterson, Carmaine Sturino, Kalene Engel, Sherri Brekke, Julie Thompson, Judge Mary Leahy, Judy Gilow, Christine Ledebuhr, Ryan Hansch, Jessica Radke, Susan Cooper, Joyce Packard.

Minutes by: Kalene Engel

Minutes from December 21, 2010 meeting: Approved by consensus.

County Attorney Initiatives: Karin Sonneman has indicated at different CJCC meetings that she would like to take another look at Juvenile Detention Alternatives Initiative (JDAI) and juvenile diversions. She has also expressed an interest in diverting truancies and runaways, possibly using Restorative Justice. Kalene clarified that, although these issues had been mentioned in other CJCC meetings, the Juvenile Justice Committee was the appropriate committee to be addressing these issues.

JDAI Status Update: Kalene reported that the CJCC had looked into JDAI over a year ago, including a presentation on JDAI by Dakota County. A workgroup had been formed to gather data but the lack of support by the County Attorney's Office ended that effort. Kalene suggested that, since many of the ideas being mentioned are a part of JDAI, the implementation of JDAI take a back seat at this point to this committee's other efforts.

Diversion: Multiple issues were discussed with respect to diversion. Because of the multiple issues, the Juvenile Diversion Workgroup will be reconvened to address these issues, as follows:

- **Diversion Screening:** Prior to approximately 2002, juvenile citations were reviewed by a Review Committee to determine eligibility for diversion/appropriate methods to dispose of the case. The committee was comprised of a representative from law enforcement, corrections, county attorney's office, Restorative Justice and the school liaison officer and would meet weekly. This process ended because the County Attorney's Office was no longer willing to send a representative. When used, the Review Committee seemed to work well. Two years ago, a CJCC workgroup was formed to review the juvenile diversion program. As a result of that workgroup, a points system was used to determine eligibility for diversion. At present, Ryan is doing the juvenile diversion screening. He will talk to Karin Sonneman to find out whether the County Attorney's Office is willing to consider resuscitating the review committee approach to diversions.
- **Diversion Policies:** The felony adult diversion policy has been put in writing and is now being used. An adult misdemeanor diversion workgroup is meeting this week. The County Attorney's Office has a written juvenile diversion policy. Carmaine suggests that we try to have some uniformity in format/wording our various diversion policies. Kalene asked any department/agency with a juvenile diversion policy to send it to her so the policies could be reviewed as part of the work of the Juvenile Diversion Workgroup

- **Direct Referrals to Restorative Justice:** In the past, police officers were able to make direct referrals to Restorative Justice. This concept was considered, but not adopted, two years ago when juvenile diversion was under review by the Juvenile Diversion Workgroup. It is unclear whether law enforcement is in support of this, but it can be re-examined by the Juvenile Diversion Workgroup.
- **Truancies-Diversions:** The schools will be discontinuing the use of Family School Liaisons (FSL) due to funding. Many of the schools used the FSLs to monitor truancy and deal with truancy issues before they were sent for CHIPs petitions. Therefore, other processes need to be developed to deal with truancies. All present agreed that earlier intervention should lead to better results. Jessica stated that Restorative Justice would be interested in becoming more involved, but that a truancy-specific program would probably have to be developed. Some of the schools do a better job than others in acting proactively with respect to truants. Jessica offered to speak with Mark Anderson, Assistant Principal at Winona Senior High, to find out what the school's expectations were with respect to the County's involvement in truancies. Sherri will do the same with the principals at Lewiston and St. Charles. We would like to have the schools involved in our workgroups and would also like to achieve earlier notifications of possible truancy issues. Kalene asked anyone who had policies on handling truancies to send them to her so that a workgroup could spend an hour or so mapping out the existing truancy process.

Teen Court/Night Court: The irony of having truants miss school to attend court hearings was noted. Judge Leahy offered to conduct hearings either earlier in the morning (before school) or later in the afternoon (after school). She also offered to hold the hearings at the school.

Adjourned 1:05 p.m.

Next Meeting Date: TBA

Juvenile Justice Committee Meeting

February 25, 2011

Persons Present: Rena Patterson, Carmaine Sturino, Kalene Engel, Julie Thompson, Judge Jeff Thompson, Jessica Radke, Susan Cooper, Doug Stokes, Amy Steinberg, Terri Henderson

Minutes by: Kalene Engel

Juvenile Transports: Concerns were raised about juvenile transport issues, particularly those involving apprehension & detain (A&D) orders and females. Although the A&D order may specify a DOC recommendation of Elmore Academy, the juveniles are sometimes taken to a different location, such as Many Rivers. DOC concerns include potentially placing kids together in the same facility when it would be detrimental to do so. Additional DOC concerns include the up-front time spent by DOC in conducting intake and the extra expense incurred by staying at Many Rivers (which charges both for the day of arrival and day of departure). Transport concerns include late pickups and next-day court appearances which make a 3 hour drive time to Elmore difficult. Staffing could also be an issue as there are only 8 transport officers. The issue does not arise as much for non-A&D orders because Elmore provides its own transport. However, there have been issues with cancelled juvenile court appearances and responsibility for notifying Elmore not to transport. DOC agreed to take care of notifying Elmore in the future if there are changes for transport; otherwise it is the responsibility of the Sheriff to notify other locations. DOC also agreed to help Carmaine notify witnesses of cancellations if she needed assistance in doing so. All agreed that there were not a lot of options for placement locally. Julie T. will talk to Family & Children's Center to see if they could provide a therapeutic foster care home as a place to keep children locally. Discussion was also had about the language used in the A&D Order and how that could be tightened up to ensure that everyone was aware of potential placement conflicts and/or the level of security that would need to be provided for the juvenile. Because of the multiple issues, Carmaine agreed to chair a workgroup to discuss and develop recommendations for resolution.

Diversion & Truancy: The Juvenile Diversion Workgroup met to discuss the juvenile diversion procedure and incorporated a panel review (much like the misdemeanor diversion program) into the procedure. The Truancy Workgroup has also been working on examining its procedures in the hopes of incorporating some earlier intervention techniques. Kalene distributed proposed guidelines, forms and flowchart for both Diversion & Truancy and asked committee members to review them and provide her with feedback prior to the next Committee Meeting.

Juvenile Procedure: Kalene and her staff also compiled a flowchart and brochure for juvenile court procedures. She asked committee members to review them and provide her with feedback prior to the next Committee Meeting.

Adjourned 1:10 p.m.

Next Meeting Date: TBA

Juvenile Justice Committee Meeting

March 24, 2011

Persons Present: Rena Patterson, Carmaine Sturino, Kalene Engel, Julie Thompson, Amy Steinberg, Stephanie Nuttall, Ryan Hansch, Karin Sonneman, Sherri Brekke, Judy Gilow

Minutes by: Kalene Engel

Juvenile Transports: The Juvenile Transports Workgroup met on March 21, 2011 to follow-up on transport and other issues raised at the February 2011 Juvenile Justice Committee Meeting. Following the meeting, the judges instructed the Department of Corrections to check the "other" box on the Apprehend & Detain form and to specify whether the form of detention should be secure or non secure, as well as indicate any specific reasons as to why a particular facility would not be appropriate (i.e. the child should not be placed at the same facility as a sibling). Sherri Brekke noted that she uses a similar order for truants and runaways and that those juveniles MAY NOT be placed in secure detention. She will review her form to see if it should be revised. Karin will speak with Sheriff Brand about the need to enforce the judge's orders. Ryan will check to see whether the bench warrants currently issued by the Court specify the reason therefore (failure to appear v. truancy) and will also talk to Doug Stokes.

The workgroup also discussed scheduling issues—specifically the fact that adult jury trials scheduled for Tuesdays trump juvenile court and sometimes create scheduling issues, particularly when Carmaine is the attorney on both. At Carmaine's request, the Department of Corrections will contact schools, juveniles, parents, etc. to notify them of cancelled hearings.

Juvenile Court Clerks: Renee Rumpca has taken over the job of scheduling clerk so Deb Stark and Tammy Merchlewitz will be handling juvenile court.

Synthetic Drugs: Amy Steinberg put together a presentation on synthetic drugs which she shared with the group. Kalene asked her to give her presentation at the May CJCC meeting and Julie asked her to give her presentation at a social worker staff meeting.

Juvenile Diversion: Stephanie explained the new juvenile diversion procedure which will now include a review panel. Truancies (7-12 truancies) and runaways will also be added to the list of divertable offenses, but will likely be offenses that require a review panel recommendation. Carmaine noted that sometimes the runaways are gone for only a couple hours. Sherri will provide Kalene with a copy of the letter she sends out for truants and runaways so that it can be added into the diversion guidelines packet. Diverted truancies and runaways would be under Sherri's supervision. Ryan and Stephanie will develop a Juvenile Diversion Form for the County Attorney's Office. Kalene will make other changes to the guidelines that were agreed to at the meeting.

Truancy: No one requested any changes to the truancy guidelines and flowchart distributed at the February meeting. Kalene explained that the purpose of assembling the guidelines and flowchart was to use it in discussions with schools to come up with earlier interventions. Sherri and Julie noted that some schools were better than others at reporting absences. In fact, Sherri recently received a case where there were 30 absences. Julie will approach the ALC and Sherri will speak with Deb Moe about improving the referral process of truancies.

Adjourned 1:07 p.m.

Next Meeting Date: TBA

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

April 28, 2011

Persons Present: Rena Patterson, Kalene Engel, Julie Thompson, Amy Steinberg, Ryan Hansch, Susan Cooper, Teri Henderson, Jessica Radke

Minutes: Minutes of March 2011 meeting were approved by consensus.

Synthetic Drug Update: Amy Steinberg is giving her presentation to the CJCC on May 4, 2011. The Winona Middle School will be hosting a presentation about synthetic drugs on May 17, 2011 at 6 p.m. Karin, Kevin Kearney and Todd Hoffe will present. Amy prepared a Fact Sheet to be distributed at that presentation (attached). Committee members were asked to review the Fact Sheet within the next few days and provide feedback to Kalene (as Amy is graduating).

Juvenile Court Procedure: Kalene distributed the Juvenile Court Procedure Flowchart (attached) that several members of the committee had reviewed. She still needs input from Ryan and Sherri.

Juvenile Caseload:

- Ryan accepted an Assistant County Attorney position in Redwood County. His last day is May 11th. Karin is reviewing case assignments, but it has not yet been announced who will be taking over the juvenile caseload.
- The number of initial appearances has declined and Carmaine is wondering whether there is a pile of "to be charged" cases somewhere. Ryan will check into this and advise Carmaine.

Diversion: Stephanie is making minor changes to the Juvenile Diversion Guidelines. Truancies and runaways will be incorporated into the diversion program starting with the next school year.

Fines/Restitution: Carmaine is wondering whether a juvenile work service obligation which is later converted into a fine could be sent to collections if it was not paid. Karin is looking into this issue along with other juvenile restitution/fine questions.

Juvenile Transports: This issue will continue to be monitored. If staffing is a problem, committee members wondered whether there were outside companies that could provide transportation services.

4E Foster Care Funding: Winona County quit requesting 4E funding for delinquencies because of the inconsistency in receiving the proper court order to support the funding, resulting in lost funding of approximately \$50,000 per year. To receive funding, the court order must be issued at the very first hearing when the child is placed out of the home. The order must contain the appropriate placement language and there must be an actual court order (not court minutes). The language "in the best interests of the child" must be stated on the record at the first court appearance. One possible solution is to have a checkbox form order that can be completed at the hearing. Julie Thompson and Susan are going to talk to the judges about this at a judge's meeting in July.

Adjourned 12:40 p.m.

Next Meeting Dates: May 19, 2011 and June 16, 2011 at the DOC Conference Room at noon.

Diversion: a recommendation is made that does not require further court action

WINONA COUNTY JUVENILE COURT PROCEDURE

Release pending court appearance

Intake/ Charging

Petty/Delinquency Citation or Petition

Detention Hearing for children in custody

Continued Detention

Initial Appearance

Admit/Deny Hearing

Deny

Admit

Pre-Trial

Not Guilty

Guilty

Trial

Pre-disposition Report

Disposition-Adjudicated or Stay of Adjudication

Motion for EJJ or certification made

EJJ Study (extended juvenile jurisdiction)

Probable Cause hearing

EJJ Hearing

Omnibus Hearing

Pre-Trial

Court or Jury Trial

Guilty

Not Guilty

Adult and Juvenile Sentence

Possible sentence conditions

Specified months of probation plus specified conditions of custody and other court ordered conditions & programming

Restitution

out-of-home placement

Specific hours of community service/Fine

Terms of Probation

Specific days in county detention if 18

Periodic Review



Synthetic Drugs

What Are They?

The use of synthetic drugs has become a wide spread party habit of teenagers and young adults. These synthetic drugs are mainly experimental chemicals that are not made for human consumption. This fact sheet goes over the most commonly used synthetic drugs in the area and explains the dangers of doing these drugs.

K2 or Spice

- K2 is a mixture of herbs and spice plant. It is sprayed with an experimental psychotropic drug (JWH-018 and JWH-073 are the most common strains) to give similar effects as marijuana.
- Side effects include: severe agitation, vomiting, heart rate and blood pressure rises to dangerous levels, hallucinations, tremors, and seizures.
- In extreme cases there have been reports of people blacking out or getting catalepsy- a nervous condition causing stiffening of the muscles.
- Users can smoke it in pipes, blunts, or joints. They can also brew it as a tea.

Salvia Divinorum

- Salvia is a perennial herb in the mint family. When used it gives the user hallucinations similar to LSD or mushrooms, only lasting for around 15 minutes at a time.
- Side effects include: dizziness, slurred speech, and lack of coordination.
- Users will smoke it in pipes, chew the fresh leaves, or brew it as a tea.
- Salvia has been made illegal in the state of Minnesota pursuant to Minn. Stat. § 152.027 subd. 5.

Mephedrone (4-methylmethcathinone)

- Mistakenly referred to as 'Plant Food' since that is the product name mephedrone is sold under. It is really an experimental drug that has nothing to do with plant food.
- Mephedrone is a white to yellowish powder that can produce effects similar to ecstasy or cocaine.
- Side effects include: extremely sore nasal passages, throats, and mouths caused by chemical burns after snorting, heart palpitations, blurred vision, hot flashes, irregular or racing heart beat, and muscle tension in the jaw and face.
- Users will snort the powder, intravenously inject it, or mix it with food or drink. Many users are "bombing" or "parachuting" by taking their mephedrone dose and placing it in a capsule or roll it in paper and swallow it.
- Potential brain damage is similar to amphetamine use: headaches, seizures, stroke, vasospasm or vasculitis.

MDPV (methlenedioxypropylvalerone)

- Mistakenly referred to as 'Bath Salts' but it has no use as a bath salt. It is just sold under that product name.
- MDPV gives the users similar effects to meth or MDMA (ecstasy) by increasing the users alertness and giving them feelings of euphoria or sensory awareness.
- Side effects include: hypertension, vasoconstriction, insomnia, nausea, stomach cramps, bruxism, high body temperature, chills, sweating, pupil dilation, headaches, kidney pain, tinnitus, dizziness, overstimulation, breathing difficulty, and agitation.
- High doses and extended use can cause prolonged panic attacks.
- Users will snort it, intravenously inject it, or mix it with food or drink.

2C-E

- 2C-E is part of the 2C psychedelic family. It is a central nervous system stimulant that causes hallucinating effects lasting 5-10 hours. The drug can stay in your system for up to 24 hours.
- Side effects include: elevated heart rate and body temperature, change in perception of time, difficulty focusing, restlessness, muscle tension and aching, increased perspiration, gastrointestinal discomfort, nausea, vomiting, dizziness, confusion, overstimulation to music, increased awareness, paranoia, and unwanted life-changing spiritual experiences.
- Users will take 2C-E orally or rectally, snort it, and intravenously inject it. If the user intravenously injects 2C-E the hallucinogenic effects start almost immediately, even before the syringe is emptied.

Sources

<http://www.justice.gov/dea/pubs/abuse/k2.html>
<http://minnesota.publicradio.org/display/web/2010/08/30/synthetic-marijuana/>
<http://www.plamercan.com/news/police/days-are-numbered-fake-pot-112>
<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?storyid=2464>
<http://www.cbsnews.com/stories/2010/07/10/eveningnews/main6666078.shtml>
<http://www.eubusiness.com/news-eu/health-drugs.7f>
<http://www.cbsatlanta.com/news/26678936/detail.html>
<http://leg.state.mn.us>
<http://webmd.com/mental-health/news/k2-spice-gold-herbal-incense-faq?page=2>
<http://webmd.com/parentingfeatures/salvia=faq?page=2>
<http://webmd.boots.com/mental-health/news/20100416/mephedrone-banned-and-made-class-b-drug>
<http://www.colbiamissourian.com/stories/2010/02/17/legal-substance-mimic-marijuana-has-harmful-effects/>
<http://www.msnbc.msn.com/id/42008287/>
<http://www.wusa9.com/news/local/story.aspx?storyid=132555&provider=top/>
<http://minnesota.cbslocal.com/2010/12/26/some-minnesota-schools-target-synthetic-marijuana/>
<http://5newsonline.com/news/kfsm-news-nwa-spice-k2-judge-gunn-drugs-incense.0.7363468.story>
<http://livingstrong.com/>
<http://wikipedia.org/>
<http://www.westlaw.com/>
http://www.medtox.com/services/cjdars_criminaljusticerehabservices.aspx

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

April 28, 2011

Persons Present: Rena Patterson, Kalene Engel, Julie Thompson, Amy Steinberg, Ryan Hansch, Susan Cooper, Teri Henderson, Jessica Radke

Minutes: Minutes of March 2011 meeting were approved by consensus.

Synthetic Drug Update: Amy Steinberg is giving her presentation to the CJCC on May 4, 2011. The Winona Middle School will be hosting a presentation about synthetic drugs on May 17, 2011 at 6 p.m. Karin, Kevin Kearney and Todd Hoffe will present. Amy prepared a Fact Sheet to be distributed at that presentation (attached). Committee members were asked to review the Fact Sheet within the next few days and provide feedback to Kalene (as Amy is graduating).

Juvenile Court Procedure: Kalene distributed the Juvenile Court Procedure Flowchart (attached) that several members of the committee had reviewed. She still needs input from Ryan and Sherri.

Juvenile Caseload:

- Ryan accepted an Assistant County Attorney position in Redwood County. His last day is May 11th. Karin is reviewing case assignments, but it has not yet been announced who will be taking over the juvenile caseload.
- The number of initial appearances has declined and Carmaine is wondering whether there is a pile of "to be charged" cases somewhere. Ryan will check into this and advise Carmaine.

Version: Stephanie is making minor changes to the Juvenile Diversion Guidelines. Truancies and runaways will be incorporated into the diversion program starting with the next school year.

Fines/Restitution: Carmaine is wondering whether a juvenile work service obligation which is later converted into a fine could be sent to collections if it was not paid. Karin is looking into this issue along with other juvenile restitution/fine questions.

Juvenile Transports: This issue will continue to be monitored. If staffing is a problem, committee members wondered whether there were outside companies that could provide transportation services.

4E Foster Care Funding: Winona County quit requesting 4E funding for delinquencies because of the inconsistency in receiving the proper court order to support the funding, resulting in lost funding of approximately \$50,000 per year. To receive funding, the court order must be issued at the very first hearing when the child is placed out of the home. The order must contain the appropriate placement language and there must be an actual court order (not court minutes). The language "in the best interests of the child" must be stated on the record at the first court appearance. One possible solution is to have a checkbox form order that can be completed at the hearing. Julie Thompson and Susan are going to talk to the judges about this at a judge's meeting in July.

Adjourned 12:40 p.m.

Next Meeting Dates: May 19, 2011 and June 16, 2011 at the DOC Conference Room at noon.

Synthetic Drugs

What Are They?

The use of synthetic drugs has become a wide spread party habit of teenagers and young adults. These synthetic drugs are mainly experimental chemicals that are not made for human consumption. This fact sheet goes over the most commonly used synthetic drugs in the area and explains the dangers of doing these drugs.

K2 or Spice

- K2 is a mixture of herbs and spice plant. It is sprayed with an experimental psychotropic drug (JWH-018 and JWH-073 are the most common strains) to give similar effects as marijuana.
- Side effects include: severe agitation, vomiting, heart rate and blood pressure rises to dangerous levels, hallucinations, tremors, and seizures.
- In extreme cases there have been reports of people blacking out or getting catalepsy- a nervous condition causing stiffening of the muscles.
- Users can smoke it in pipes, blunts, or joints. They can also brew it as a tea.

Salvia Divinorum

- Salvia is a perennial herb in the mint family. When used it gives the user hallucinations similar to LSD or mushrooms, only lasting for around 15 minutes at a time.
- Side effects include: dizziness, slurred speech, and lack of coordination.
- Users will smoke it in pipes, chew the fresh leaves, or brew it as a tea.
- Salvia has been made illegal in the state of Minnesota pursuant to Minn. Stat. § 152.027 subd. 5.

Mephedrone (4-methylmethcathinone)

- Mistakenly referred to as 'Plant Food' since that is the product name mephedrone is sold under. It is really an experimental drug that has nothing to do with plant food.
- Mephedrone is a white to yellowish powder that can produce effects similar to ecstasy or cocaine.
- Side effects include: extremely sore nasal passages, throats, and mouths caused by chemical burns after snorting, heart palpitations, blurred vision, hot flashes, irregular or racing heart beat, and muscle tension in the jaw and face.
- Users will snort the powder, intravenously inject it, or mix it with food or drink. Many users are "bombing" or "parachuting" by taking their mephedrone dose and placing it in a capsule or roll it in paper and swallow it.
- Potential brain damage is similar to amphetamine use: headaches, seizures, stroke, vasospasm or vasculitis.

MDPV (methlenedioxyprovalerone)

- Mistakenly referred to as 'Bath Salts' but it has no use as a bath salt. It is just sold under that product name.
- MDPV gives the users similar effects to meth or MDMA (ecstasy) by increasing the users alertness and giving them feelings of euphoria or sensory awareness.
- Side effects include: hypertension, vasoconstriction, insomnia, nausea, stomach cramps, bruxism, high body temperature, chills, sweating, pupil dilation, headaches, kidney pain, tinnitus, dizziness, overstimulation, breathing difficulty, and agitation.
- High doses and extended use can cause prolonged panic attacks.
- Users will snort it, intravenously inject it, or mix it with food or drink.

2C-E

- 2C-E is part of the 2C psychedelic family. It is a central nervous system stimulant that causes hallucinating effects lasting 5-10 hours. The drug can stay in your system for up to 24 hours.
- Side effects include: elevated heart rate and body temperature, change in perception of time, difficulty focusing, restlessness, muscle tension and aching, increased perspiration, gastrointestinal discomfort, nausea, vomiting, dizziness, confusion, overstimulation to music, increased awareness, paranoia, and unwanted life-changing spiritual experiences.
- Users will take 2C-E orally or rectally, snort it, and intravenously inject it. If the user intravenously injects 2C-E the hallucinogenic effects start almost immediately, even before the syringe is emptied.

Sources

<http://www.justice.gov/dea/pubs/abuse/k2.html>
<http://minnesota.publicradio.org/display/web/2010/08/30/synthetic-marijuana/>
<http://www.plamerican.com/news/police/days-are-numbered-fake-pot-112>
<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?storyid=2464>
<http://www.cbsnews.com/stories/2010/07/10/eveningnews/main6666078.shtml>
<http://www.eubusiness.com/news-eu/health-drugs.7f>
<http://www.cbsatlanta.com/news/26678936/detail.html>
<http://leg.state.mn.us>
<http://webmd.com/mental-health/news/k2-spice-gold-herbal-incense-faq?page=2>
<http://webmd.com/parentingfeatures/salvia=faq?page=2>
<http://webmd.boots.com/mental-health/news/20100416/mephedrone-banned-and-made-class-b-drug>
<http://www.colmbiamissourian.com/stories/2010/02/17/legal-substance-mimic-marijuana-has-harmful-effects/>
<http://www.msnbc.msn.com/id/42008287/>
<http://www.wusa9.com/news/local/story.aspx?storyid=132555&provider=top/>
<http://minnesota.cbslocal.com/2010/12/26/some-minnesota-schools-target-synthetic-marijuana/>
<http://5newsonline.com/news/kfsm-news-nwa-spice-k2-judge-gunn-drugs-incense.0.7363468.story>
<http://livingstrong.com/>
<http://wikipedia.org/>
<http://www.westlaw.com/>
http://www.medtox.com/services/cjdars_criminaljusticerehabservices.aspx

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

May 19, 2011

Persons Present: Rena Patterson, Kalene Engel, Julie Thompson, Susan Cooper, Teri Henderson, Jessica Radke, Stephanie Nuttall, Carmaine Sturino, Judy Gilow, Judge Mary Leahy, Nicole Olson

Juvenile Case Assignments: For now, Stephanie will be handling juvenile cases at least until July. Ryan charged out all existing cases before he left. Depending upon whether the drug grant is extended, someone else may be hired in the County Attorney's Office.

Diversion Program: Stephanie is currently the Diversion Coordinator. Kalene will be convening a meeting to review all diversion programs. For now, truancies and runaways are still going through DHS (WCCS).

Synthetic Drug Update: The presentation on May 17, 2011 at the Middle School went very well, despite the lack of sound equipment and lights. Kevin Kearney, Todd Hoffe, Karin Sonneman and Christina Davenport were the presenters. There were lots of good questions being asked by the audience, including how to talk to children about the issue. Efforts are underway to bring the presentation to St. Charles.

Juvenile Court Procedure: Sherri and Stephanie will review the Juvenile Court Procedure Flowchart that was distributed at the last meeting (and attached to the minutes).

Fines/Restitution: It is still unknown as to whether a juvenile work service obligation which is later converted into a fine could be sent to collections if it was not paid. Another option is to have the parent be ordered to pay pursuant to the parental liability statute. Karin is looking into this issue along with other juvenile restitution/fine questions.

Juvenile Transports: This issue will continue to be monitored.

IV-E Foster Care Funding: Julie and Susan are going to talk to the judges at the June judges' meeting about making sure that delinquency orders contain the appropriate language necessary to secure IV-E funding.

JDAI Grant: The Minnesota Office of Justice Programs has a grant opportunity for a Juvenile Detention Alternatives Initiative, but one of the key requirements is to have a significant population of African-Americans or Native Americans. Stephanie has met with Nicole Olson to discuss possibly applying for the grant and they will be meeting again after Stephanie has time to update her juvenile case statistics.

Juvenile Justice Training: Nick Oswald, Kalene, Carmaine, Sherri and Stephanie will be attending a "National Juvenile Delinquency Courts Guidelines & Minnesota Guidebook" training sponsored by the Juvenile Justice Coalition on June 9, 2011. If others want to attend, there is possibly still room to carpool.

Adjourned 12:35 p.m.

Next Meeting Date: June 16, 2011 at the DOC Conference Room at noon.

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

June 16, 2011

Persons Present: Rena Patterson, Kalene Engel, Julie Thompson, Susan Cooper, Teri Henderson, Carmaine Sturino, Judge Mary Leahy, Nicole Olson

Fines/Restitution: Stephanie will report back at the next meeting as to what she found out regarding juvenile fines/restitution. Carmaine noted that a judge recently issued an order for judgment for unpaid juvenile fines/restitution. He ordered judgment against the offender for \$3,000 (the full amount) and against the parents for \$1,000 (the statutory limit).

Juvenile Court Procedure: Sherri reviewed the Juvenile Court Procedure Flowchart and requested one change. Kalene will follow-up with Stephanie regarding requested changes from the County Attorney's Office.

IV-E Foster Care Funding: Julie and Susan met with the judges regarding the issue of making sure that delinquency orders contain the appropriate language necessary to secure IV-E funding. The judges are going to start using the form that was previously developed for this purpose by DHS (now WCCS). Although a reference to the necessary language during the hearing is helpful, it is much more preferable to include that language in the actual order. Julie will follow-up with Court Administration to make sure that the proper forms are made available for those hearings.

Juvenile Justice Training: Nick Oswald, Kalene, Carmaine and Sherri attended the "National Juvenile Delinquency Courts Guidelines & Minnesota Guidebook" training sponsored by the Juvenile Justice Coalition on June 9, 2011. Kalene distributed some of the training materials from the seminar including proposed Minnesota Juvenile Delinquency Guidelines. The Guidelines contain 16 key principles that jurisdictions should adhere to in order to improve court practice in juvenile delinquency cases. Time will be allocated at the July committee meeting to perform a self-assessment as to how Winona County is doing in meeting these key principles.

Placement Binder: Several months ago the committee was going to spend time at each meeting to discuss the various secure placement options for juveniles. Carmaine's former intern had prepared a binder of information on those facilities, which is believed to now be in the County Attorney's Office. Susan will attempt to locate the binder so that the committee can begin to review those facilities. Rena also noted that some of those facilities would be willing to come to Winona to discuss what is offered. Others on the committee expressed interest in actually visiting those facilities.

SCY (Supporting Community Youth) Program Update: The SCY Program is a dual diagnosis outpatient program for youth (to age 21 in Winona. The program is up and running and there have been several recent referrals to the program.

Juvenile Court Timelines: Nicole Young (Carmaine's intern) has compiled a list of various timelines applicable to juvenile court matters. Carmaine will be providing the results of Nicole's work after she has had a chance to review it.

Adjourned 12:40 p.m.

Next Meeting Date: July 21, 2011 at the DOC Conference Room at noon.

Technical Assistance Brief



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

est. 1937

KEY PRINCIPLES FOR IMPROVING COURT PRACTICE IN JUVENILE DELINQUENCY CASES

Congressional leaders, federal agencies, and private foundations have long-recognized the need for a national effort focusing on improving court practice in juvenile delinquency cases. In response to this need, the NCJFCJ, with funding from the Office of Juvenile Justice and Delinquency Prevention, launched a national initiative to develop, refine, publish, and disseminate a set of comprehensive guidelines for improved court and systems handling of juvenile delinquency cases. After three years of work by over 100 experts in juvenile justice and allied fields, the *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases (DELINQUENCY GUIDELINES)* was published in 2005 for use by judges, prosecutors, defense counsel, child advocates, probation officers, law enforcement, and service providers nationwide. The Guidelines are framed as sixteen key principles.

1. JUDICIAL LEADERSHIP

Juvenile delinquency court judges should engage in judicial leadership and encourage system collaboration.

The juvenile delinquency court judge should regularly convene system stakeholders and the community to promote mutual respect and understanding within the juvenile delinquency court system, and to work together to improve the system.

2. ADEQUATE RESOURCES

Juvenile delinquency systems must have adequate staff, facilities, and program resources.

Juvenile delinquency courts must have sufficient numbers of qualified judicial officers and staff, adequate courtrooms, separate and safe waiting areas for victims and offenders, secure holding facilities, private meeting space, and the necessary array and quantity of services.

3. ONE FAMILY, ONE JUDGE

Juvenile delinquency courts and juvenile abuse and neglect courts should have integrated one family-one judge case assignments.

One juvenile court judge should handle the delinquency and abuse and neglect hearings of all members of one family from the beginning to the end of all juvenile delinquency court processes.

4. JUDICIAL STATUS

Juvenile delinquency court judges should have the same status as the highest level of trial court in the state and should have multiple year or permanent assignments.

The *DELINQUENCY GUIDELINES* recommends six continuous years as the minimum time for a judge or

judicial officer to spend on the juvenile delinquency court bench.

5. RESPECT AND UNDERSTANDING

All members of the juvenile delinquency court shall treat youth, families, crime victims, witnesses, and others with respect, dignity, courtesy and cultural understanding.

The juvenile delinquency court must be accessible, understandable, and respectful to persons of all ages, cultures, and abilities, in its processes, its written materials, and its verbal and non-verbal communications.

6. DIVERSION

Juvenile delinquency court judges should ensure their systems divert cases to alternative systems whenever possible and appropriate.

Juvenile delinquency courts should encourage law enforcement and prosecutors to consider diversion for every status offender, every first-time, non-violent misdemeanor offender, and other offenders as appropriate.

7. LEGAL REPRESENTATION

Youth charged in the formal juvenile delinquency court must have qualified and adequately compensated legal representation.

Alleged and adjudicated delinquent youth must be represented by well trained attorneys with cultural understanding and manageable caseloads. Juvenile delinquency court administrative judges should ensure that counsel is available to every youth at every hearing, including post-disposition reviews and reentry hearings.

8. VICTIM ACCESS

Juvenile delinquency court judges should ensure crime victims have access to all phases of the juvenile delinquency court process and receive all services to which they are entitled by law.

Juvenile delinquency court judges should ensure that crime victims are encouraged to participate in the juvenile delinquency court process by providing safe and separate waiting rooms, providing assistance in submitting victim impact statements, and making enforced orders of restitution.

9. TIMELY AND JUST DECISIONS

Juvenile delinquency courts should render timely and just decisions and trials should conclude without continuances.

Timeliness includes the days between when a youth is charged, adjudicated, and disposition orders are made and implemented as well as the hours parties wait between the time their hearing is scheduled and when it actually begins.

10. ENGAGE AND ENCOURAGE FAMILIES

Juvenile delinquency system staff should engage parents and families at all stages of the juvenile delinquency court process to encourage family members to participate fully in the development and implementation of the youth's intervention plan.

The juvenile delinquency court judge should strongly encourage delinquency system staff to involve the family in developing the case plan and make sure that the case plan includes services for the family that will enhance family skills to improve the youth's chances of success.

11. ENGAGE COMMUNITY SUPPORT SYSTEMS

The juvenile delinquency court should engage the school and other community support systems as stakeholders in each individual youth's case.

The juvenile delinquency court enhances a youth's chance for success by working with school systems and other community support systems.

12. INDIVIDUALIZED DISPOSITIONS

Juvenile delinquency court judges should ensure court dispositions are individualized and include graduated responses, both sanctions and incentives.

Juvenile delinquency court staff should hold youth and families accountable for illegal behavior, deliver clear consequences when youth violate the law, and teach youth necessary behavior change.

13. EFFECTIVE POST-DISPOSITION REVIEW

Juvenile delinquency court judges should ensure effective post-disposition review is provided to each delinquent youth as long as the youth is involved in any component of the juvenile justice system.

Active and meaningful post-disposition review should occur until all court requirements are completed, including the process of successful reentry into the community if the youth has been placed.

14. SYSTEM AND STAKEHOLDER ACCOUNTABILITY

Juvenile delinquency court judges should hold their systems and the systems of other juvenile delinquency court stakeholders accountable.

Juvenile delinquency court judges should ensure that the juvenile delinquency system has measurable goals, key principles, and objectives that serve as standards against which system performance is measured, and that an annual delinquency system "report card" is made available to stakeholders and the public.

15. ADEQUATE INFORMATION SYSTEM

Juvenile delinquency court judges should ensure the court has an information system that can generate the data necessary to evaluate performance, facilitate information sharing with appropriate agencies, and manage operations information.

Juvenile delinquency court staff should regularly generate aggregate data for monitoring and managing court performance.

16. TRAIN JUDGES AND COURT STAFF

The juvenile delinquency court judge is responsible to ensure that the judiciary, court staff, and all system participants are both individually trained and trained across systems and roles.

The focus of all training should not only be on knowledge transfer, but also attaining demonstrable skills so that system participants not only know what to do, but how to do it.

MINNESOTA JUVENILE DELINQUENCY COURTS GUIDELINES
(Draft 6-09-11)

Table of Contents

- I. Introduction**
- II. Juvenile Delinquency Courts Guidelines Advisory Committee**
- III. Guiding Principles**
- IV. Diversion**
- V. Petty Offenses**
- VI. Detention**
- VII. Petitions**
- VIII. Legal Representation**
- IX. Initial Hearing**
 - A. Stay of Adjudication**
 - B. Continuance for Dismissal**
 - C. Plea Bargaining**
- X. Pre-Trial Motions**
 - A. Competency**
 - B. Extended Jurisdiction Juvenile (EJJ)**
 - C. Adult Certification**
- XI. Trial**
- XII. Disposition**
 - A. Placement**
- XIII. Probation Violation**
- XIV. Revocation Hearing**
- XV. Appeals**
- XVI. Expungement**
- XVII. Interstate Compact**
- XVIII. Collateral Consequences**

INTRODUCTION

Overview

The Minnesota Juvenile Delinquency Court Guidelines serves as a resource and guidelines to Minnesota's juvenile justice community to promote consistency, use of successful practices and an efficient and effective system. Reflected in the manual are guiding principles developed by the Juvenile Justice Coalition of Minnesota (JJC) and Juvenile Delinquency Guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ).

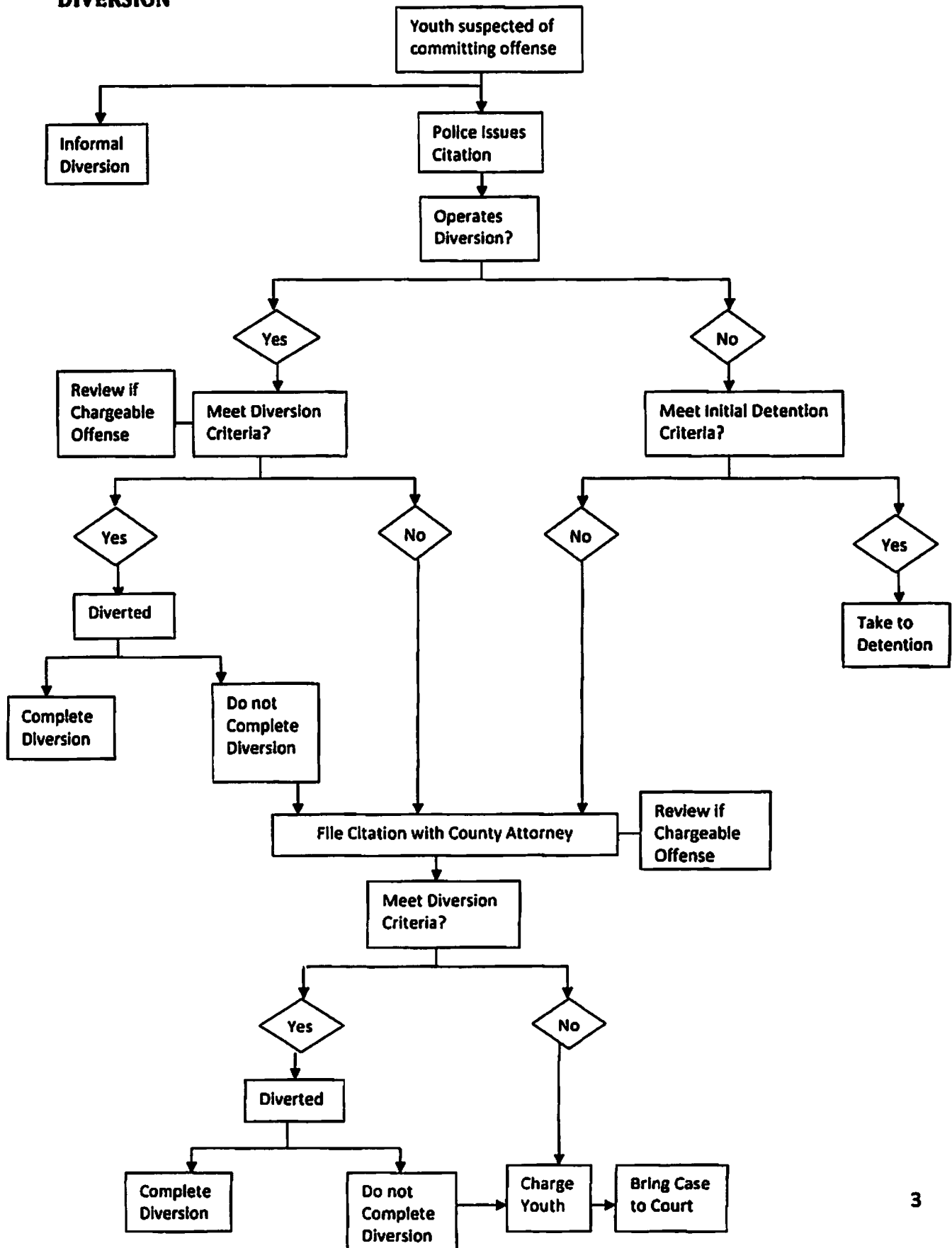
The JJC is a systems change and advocacy-based organization that promotes state-level justice improvements throughout Minnesota. The NCJFCJ is a highly respected membership organization that provides judicial training and juvenile justice technical

assistance. The NCJFCJ developed the national guidelines in 2005 to promote juvenile delinquency systems improvement.

Advisory Committee

The Minnesota Juvenile Delinquency Courts Guidelines were developed with the assistance of a statewide Advisory Group and NCJFCJ staff. The statewide Advisory Committee included membership from the bench, county attorney offices, public defense and corrections, as well as students from Minnesota's four area law schools through a partnership with the Minnesota Justice Foundation.

DIVERSION



DIVERSION

Definition

Juvenile diversion is a community's response to offending behavior of youth. Diversion affords youth the opportunity to acknowledge the harm they have caused and holds them accountable to the victim and community, while forgoing the formal juvenile court process. Diversion connects youth to resources to prevent future offenses, while promoting public safety and encouraging responsible citizenship. The process of diversion may be administered by law enforcement, county attorney offices, corrections organizations, educators or community-based organizations.

Purpose (Minn. Stat., Section 388.24)

Each county is required to develop and implement a pre-trial diversion program for juveniles. The program must be designed and operated to further the following goals:

1. To provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;
2. To reduce the costs and caseload burdens on juvenile courts and the juvenile justice system;
3. To minimize recidivism among diverted offenders;
4. To promote the collection of restitution to the victim of the offender's crime;
5. To develop responsible alternatives to the juvenile justice system for eligible offenders; and
6. To develop collaborative use of demonstrated successful culturally specific programming, where appropriate.

Decision (Minn. Rule Juv. Proc. 6.01, subd. 2.)

Referring an offender to diversion can be the decision of law enforcement, the county attorney's office or corrections. The delinquency petition against the offender will be dismissed or not filed if the offender successfully completes the conditions of diversion. Before a tab charge or citation may be filed with the court by the peace officer or attendance officer who issued the charges, it shall be endorsed by the prosecuting attorney to permit screening for diversion programs.

Recommended Criteria

1. The youth must be under 18 years of age.
2. There is enough evidence from case investigation to show the youth committed a chargeable offense.
3. Diversion will be offered even if the youth previously participated in diversion. Prior traffic or status violations will not interfere with eligibility for a diversion program.
4. Diverting a youth for a particular incident shall recognize the community's values related to public safety and personal accountability and shall not be limited by offense level.

5. The decision to divert a youth shall take into account each youth's unique circumstances, history, strengths, risks and needs. However, the community shall address and prevent any unequal treatment of youth with similar offenses and circumstances that may arise from individualizing all responses.

6. The offender's parent/s (guardian) must approve of the youth being diverted from the juvenile justice system.

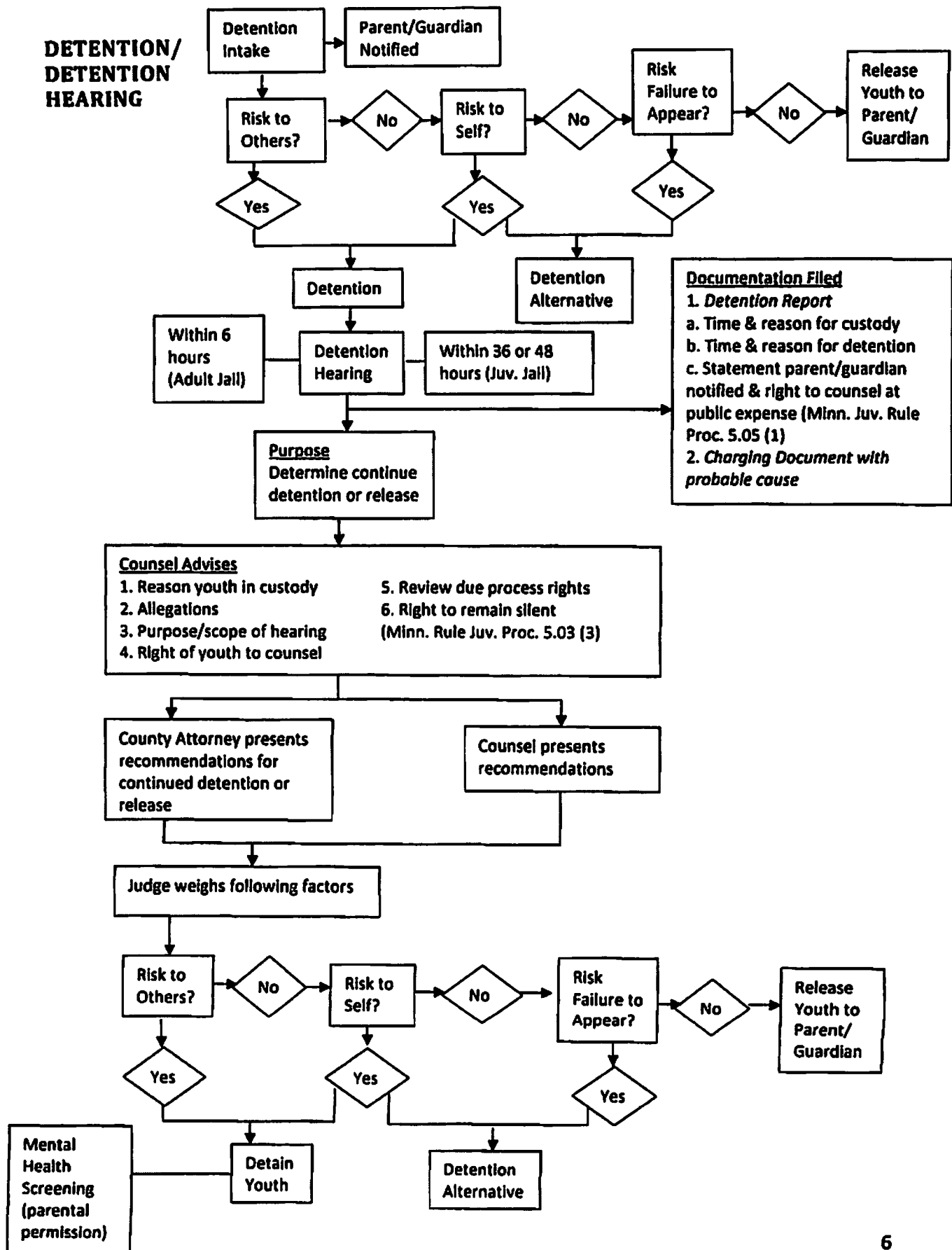
7. The youth must:

- **Admit to committing the offense.**
- **Exhibit a cooperative attitude throughout the assessment and contract development process.**
- **Sign a written agreement or contract with the diversion program.**

Data Reporting (Minn. Stat. 388.24, subd. 4 and federal statute)

Every county attorney shall report information regarding diverted youth to the Bureau of Criminal Apprehension.

DETENTION/ DETENTION HEARING



DETENTION/DETENTION HEARING

Authority Minn. Stat. 260B.178

Purpose (Minn. Stat. 260B.176)

To determine whether a youth should remain in secure detention or released.

Detaining Authority Discretion (Minn. Rule Juv. Proc. 5.03(3))

Detaining authority has broad discretion to release the child before the detention hearing, if less restrictive measures are available.

Admitting Evidence (Minn. Rule Juv. Proc. 5.05(4))

The court may not admit evidence of privileged communications, but may admit any evidence, including reliable hearsay and opinion evidence, that is relevant to the decision of whether to detain the child.

Advise Youth of Rights (Minn. Rule Juv. Proc. 5.07 (3))

Information Needed

1. Petition
2. Prior involvement, pending charges, child protection jurisdiction
3. Adjustment to detention
4. Intake screening results
5. Pertinent probation information
6. Culturally/disability communication issues
7. Is youth receiving services in care?

Initial Court Checklist

1. With whom does the youth live and who has legal custody?
2. If a parent or custodian is not present, why not? How can he or she be located to ensure parental presence at the next hearing? What are the names and phone numbers of close relatives or other significant individuals who may be information sources, act as a parental substitute, or provide possible places for the youth to stay temporarily?
3. Has the youth had access to, and been appointed qualified legal counsel?
4. Does the youth require an *in loco parentis*, and if so, has an appropriate individual been appointed?
5. Are there any indicators the youth is not competent to stand trial?
6. Has an adult certification or EJJ motion been filed?
7. Is the youth receiving any current services?
8. Do the detention screens, youth's behavior, or probation information indicate any physical or mental issues that need to be immediately addressed?
9. Does the youth have an assigned judge from previous court involvement?
10. Is there reliable information to support the youth needs to remain detained in secure or non-secure detention or can the youth be released with or without restrictions?

Available Decisions

1. Release Child

- a. Parent/guardian or custodian
(Presumption to Release (Minn. Rule Juv. Proc. 5.05(5)))
- b. Detention Alternative

2. Continue Detention

Criteria for Continued Detention (Minn. Stat. 260B.176 (1) and (Minn. Rule Juv. Proc. 5.03)

- Endanger to self or others
- Child risk for failure to return for a court hearing
- Run away from the child's parent, guardian, or custodian or not remain in the care or control of the person to whose lawful custody the child is released
- Child's welfare immediately endangered

Additional Criteria for Detention (Minn. Rule Juv. Proc. 5.03(2))

- Child charged with misdemeanor, gross misdemeanor or felony offense or arson, assault, prostitution or a criminal sexual offense.
- Child taken into custody for an offense which would be a presumptive commitment to prison offense if committed by an adult, or a felony involving the use of a firearm.
- Child taken into custody for additional felony charges while other delinquency charges are pending
- Child taken into custody for a felony and, as a result of prior delinquency adjudication(s), has received an out-of-home placement
- Child was an escapee from an institution or other placement facility to which the court ordered the child
- Child demonstrated recent record of willful failure to appear at juvenile proceedings
- Child is a fugitive from another jurisdiction
- The above factors are not met, but the detaining authority documents in writing, objective and articulable reason why the child's welfare or public safety would be immediately endangered if the child were released

Questions to Consider

1. Is there reason to believe the youth might present a danger to the physical safety of the community, or to reoffend upon release?
2. Is there reason to believe the youth might have contact with the alleged victim or potential witnesses upon release?
3. Is there reason to believe the youth may not appear for juvenile delinquency court proceedings, attend probation meetings or other obligations, or otherwise fail to comply with the juvenile delinquency court's orders?
4. Does the youth have a history of engaging in behaviors that will endanger him or her, or has the youth made statements leading to a reasonable belief he or she will engage in such behaviors?

5. Does the youth have any medical, physical, or mental health issues, including a trauma history that places the youth's safety in question in a detention setting?
6. Is there an environment adequately structured by family, community, school, or other support systems to enable the youth to avoid harmful behaviors and associations?
7. If the youth will continue to be detained, have the parent's or guardian's questions about detention, including visitation, been answered?

Best Practices

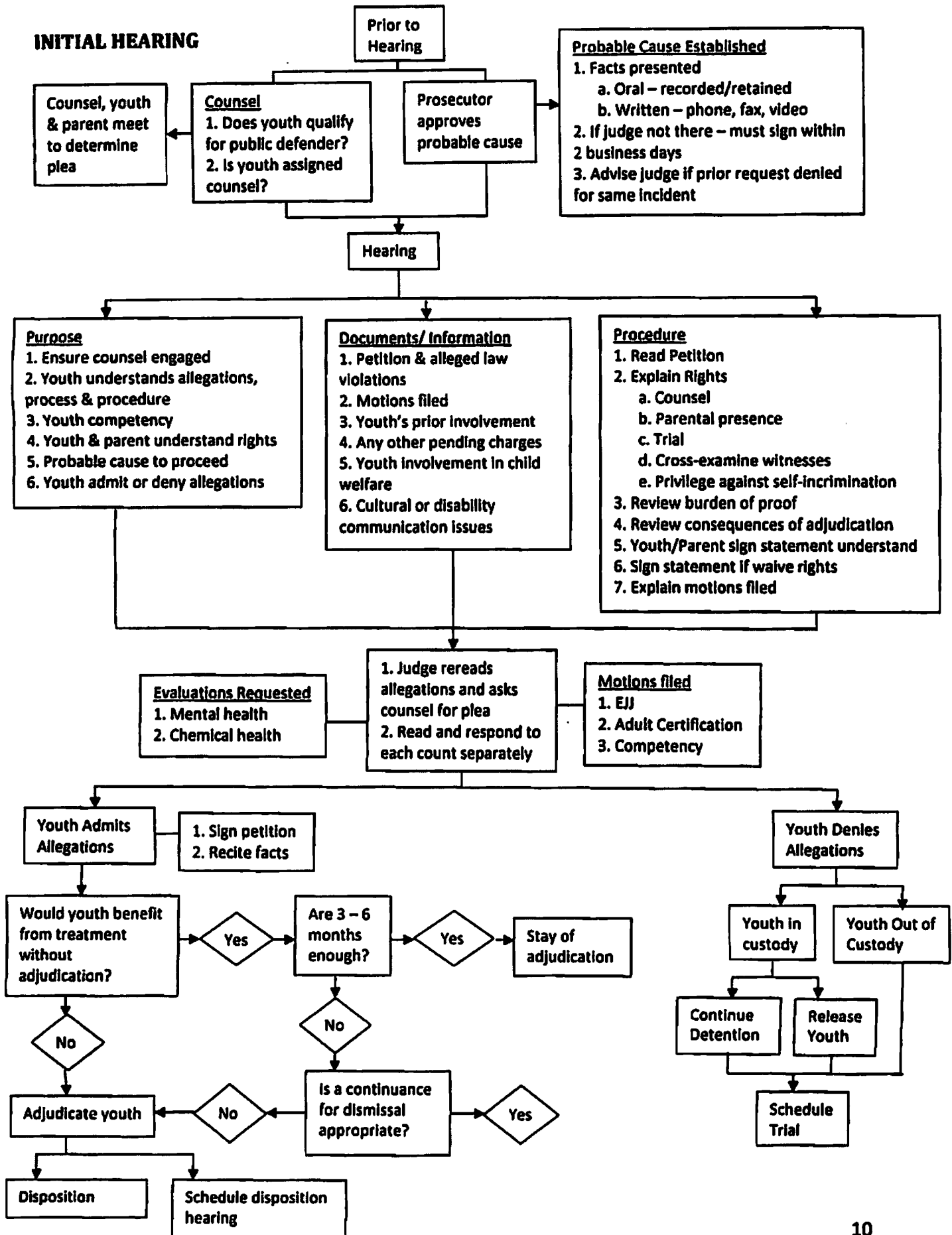
Victim Notification

If the youth is released and the victim is not in court when this decision is made, the prosecutor or probation officer should notify the victim of the youth's release.

Reducing Disproportionate Minority Contact in Detention Population

- Collect and analyze data on daily detention population based on race, ethnicity, gender, offense type, and residency.
- If a specific population is over represented within the daily detention population based on their representation in the overall population, analyze data further to determine potential factors contributing to the over representation, such as issue of warrants for low level offenders, youth failing to appear, absence of parents at detention hearings, etc.
- Use a valid Risk Assessment Instrument (RAI) and only detain youth who pose a risk to public safety or failure to appear.
- Utilize Detention Alternatives in place of secure detention or release to home to address risk factors for failure to appear or public safety concerns for youth who cannot be safely released to home, but do not meet criteria for secure detention- Examples of successful Detention Alternatives - Electronic Home Monitoring, Community Shelters, Community Reminder Calls, Evening Reporting Center, culturally specific community-based responses

INITIAL HEARING



INITIAL HEARING

Purpose (Minn. 260b.178)

1. Determine whether youth admits or denies the allegations
2. If youth admits, determine whether a separate disposition hearing should be set
3. If the youth denies the allegations, address pre-trial issues and set the case for trial

Family Involvement

The initial hearing sets the stage for a positive or negative engagement between the family and the juvenile delinquency court process. To create an atmosphere of respect, dignity, courtesy, and cultural understanding:

1. Provide a clean, orderly, attractive, and safe waiting area for the youth and family.
2. Provide private areas for the family to meet with counsel.
3. Provide materials that explain the juvenile delinquency court process in languages youth and families can understand.
4. Provide accessible certified court interpreters to family members who do not speak English or are hearing impaired.
5. Ensure all delinquency system participants show respect for everyone who comes into the juvenile delinquency court.
6. Begin the hearing at the scheduled time.
7. Involve all family members who are present in the courtroom in the hearing.
8. Ensure parties and key participants introduce themselves and explain their relationship to the youth.
9. Ensure parents, custodians, and other individuals pertinent to the issues are allowed to speak.
10. Youth and family receive copy of petition, affidavit and explanation of rights prior to hearing in simple language.
11. Counsel reviews petition and rights with youth and family.

Probable Cause and Entering a Plea (Minn. Rule Juv. Proc. 5.04(4))

No request for such probable cause determinations may proceed unless the prosecuting attorney has given approval.

Reading of the Petition and Explanation of Rights

- Be vigilant when reading petition and explanation of rights.
- Watch for indication youth and parents understand proceeding.
- Slow down process if verbal or nonverbal signs or lack of understanding appear.
- Assess issues of competency
- Use simpler language to ensure youth and parents understand if necessary

Court Checklist

1. Is there a parent, guardian, relative or other adult with a positive relationship with the youth at the hearing?
2. Has counsel had time to prepare and review the petition and rights with the youth and family?

3. Are there any indicators the youth is not competent to stand trial? If so, does the youth meet these additional criteria?

- a. The juvenile is under the age of 15**
- b. The juvenile has a history of developmental disabilities, mental illness or trauma**
- c. The juvenile's educational or medical records describe borderline intelligence or learning disabilities**
- d. The juvenile is exhibiting deficits in memory, attention or reality testing.**

Questions to Consider

- 1. With whom does the youth live and who has legal custody?**
- 2. If a parent or custodian is not present, why not? How can he or she be located to ensure parental presence at the next hearing? What are the names and phone numbers of close relatives or other significant individuals who may be information sources, act as a parental substitute, or provide possible places for the youth to stay temporarily?**
- 3. Has the youth had access to, and been appointed qualified legal counsel?**
- 4. Does the youth require an *in loco parentis*, and if so, has an appropriate individual been appointed?**
- 5. Has an adult certification or EJJ motion been filed?**
- 6. What are the youth's school grades, educational program, and school adjustment?**
- 7. Is the youth receiving any current services?**

Continuance/Stay of Adjudication Criteria

- 1. Youth's offending behavior is due to a mental health or chemical health disorder and the youth would benefit from treatment.**
- 2. Youth's offending behavior only occurred within the youth's family.**
- 3. The youth or the youth's family has a history of current or past child protection involvement.**
- 4. Youth's sex offending behavior occurs within the youth's family**
- 5. Mental health, chemical health or treatment for sex offender behavior is available.**
- 6. There is reason to believe the youth will successfully complete treatment and not reoffend.**
- 7. The victim is supportive of the youth receiving a stay of adjudication.**

PLEA AGREEMENTS

Authority (Minn. Rule Juv. Proc. 8.01(3))

Plea agreements cannot be accepted from any child subject to competency proceedings until the court determines the child is competent.

Guidelines for Accepting Guilty Plea

Court determines under the totality of the circumstances and based on the child's statements, that:

1. The child understands the charges stated in the charging document and the essential elements of each charge.
 2. The child understands his or her right to have a trial, where he or she:
 - a. Has the right to be presumed innocent
 - b. Will only be found guilty if proven beyond a reasonable doubt
 - c. Has the right to remain silent
 - d. Has the right to call witnesses to testify
 - e. Has the right to hear and cross examine the prosecution's witnesses
 3. The child understands the court has the power to, potentially, place the child in custody and other restraints on the child up until the age of nineteen.
 4. The child understands the potential future consequences of being found guilty, including:
 - a. The possible effects on the child if they commit a crime as an adult, and
 - b. The possible effects on the child if they commit another offense as a juvenile;
 5. The child understands their right to counsel, who could assist the child and provide advice, including on the decision to plead guilty
 6. Any plea the child is making is being made completely freely and not being coerced by anyone else
 7. The child is not, and does not believe they are, making any claims of innocence.
- Minn. Rule Juv. Proc. 8.04(1).

Petty or Traffic Offenses (Minn. Rule Juv. Proc. 17.06(1))

Court must conduct an evaluation similar to the above before accepting a guilty plea.

Timing to Accept Guilty Plea (Minn. Rule Juv. Proc. 8.04(4))

The determination of whether or not to accept the child's guilty plea must be done within fifteen (15) days of the plea.

Withdrawal of Guilty Plea (Minn. Rule Juv. Proc. 8.04(2))

The child may request to withdraw a guilty plea, and the court may accept that withdrawal if it is necessary to avoid "manifest injustice" or if disposition for the child has not yet occurred.

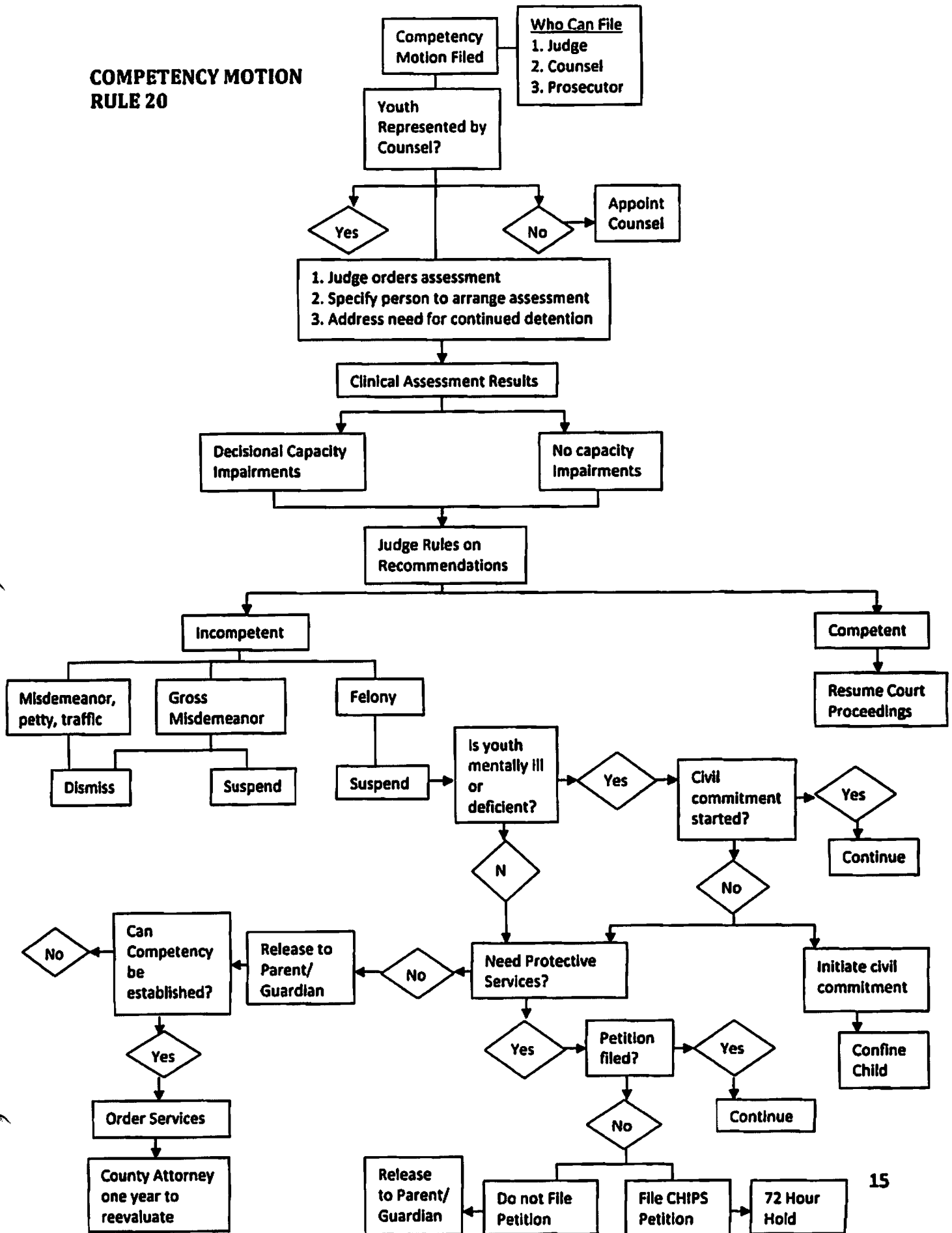
Guilty Plea to Lesser or Different Offenses (Minn. Rule Juv. Proc. 8.04(3))

- 1. Child shall be permitted to enter a guilty plea to a lesser offense or a different offense than what was alleged in the original charging document.**
- 2. Prosecutor must consent.**
- 3. Court must approve.**
- 4. Do not amend charging document if the new offense is a lesser-included offense or an offense of a lesser degree.**
- 5. Amend charging document on the record or file a new document if the child pleads guilty to a different offense.**
- 6. Prosecutor communicates with the victim when engaging in plea agreement discussions and permits the victim to provide input. The victim impact statement should be used and any monetary losses incurred should be identified during the negotiations. Restitution, when appropriate, should be included in any proposed plea agreement.**

NCJFCJ Recommendations

- **The juvenile delinquency court judge should not be involved in plea agreement discussions.**
- **Plea agreements may not include any agreements or promises with regard to the juvenile delinquency court's disposition.**
- **The juvenile delinquency court judge should have full discretion to order the disposition that best meets the needs of the youth and community.**
- **When a plea agreement has been proposed, the juvenile delinquency court judge should:**
 - 1. Address the youth directly regarding the nature of the allegations using appropriate language to communicate effectively with the youth**
 - 2. Explain to the youth the rights that are waived by a plea agreement and rights are lost by an admit plea.**
 - 3. Inform the youth of the possible consequences of the plea, including the range of dispositions available to the court;**
 - 4. Ask the youth open-ended questions to determine his or her level of understanding of this information (e.g., what made you decide to change your plea to admit? What do you think will happen to you if I accept your plea?)**
 - 5. Using open-ended questions, ask the youth if the youth knows what she or he agreed to.**
 - 6. Ask the youth whether any promises or inducements or any force or threats were used to obtain the plea and if not, accept the plea agreement.**
 - 7. In order to reinforce the youth's acceptance of responsibility for the behavior, the juvenile delinquency court may require the youth to take the stand, under oath, and state he or she committed the offense and state exactly how it was committed.**

COMPETENCY MOTION RULE 20



QUESTIONS OF COMPETENCY TO STAND TRIAL

Purpose

To determine if a youth meets the legal threshold requirement to retain decision-making power.

Obligation to Pursue (Minn. Rule Juv. Proc. 20.01 (3))

If counsel, prosecutor or the juvenile delinquency court judge observes indicators competency to stand trial may be an issue, each is obligated to pursue the question further.

Representation by Counsel (Minn. Rule Juv. Proc. 20.1(2))

Any child subject to competency proceeding must be represented by counsel.

Competency Definition (Minn. Rule Juv. Proc. 20.01 (1))

A child is incompetent and shall not be permitted to enter a plea, be tried, or receive a disposition for any offense, when the child lacks sufficient ability to:

1. Consult with a reasonable degree of rational understanding with the child's counsel;
or
2. Understand the proceedings or participate in the defense due to mental illness or mental deficiency.

Primary Issues

1. Youth's ability to understand the nature of the juvenile delinquency court proceedings
2. Youth's ability to assist counsel with his or her defense

Clinician Report

A clinician with specialized training and experience in forensic evaluation of juveniles must assess the decisional capacity of a youth. The clinician's report should include:

- Relevant negative impact on the youth's decisional capacity caused by situational factors that can be remedied or accommodated such as the individual's cultural background, primary language, communication style, physical or sensory impairments, motivation, attentiveness, or emotional factors.
- Description of impairment areas and recommend whether hospitalization, treatment, or service interventions will enable the youth to become competent.

Competency Criteria

1. Does the youth have intellectual disabilities (a low I.Q.)?
2. Does the youth have developmental immaturities?
3. Does a youth's mental illness interfere with the youth's ability to participate in the court process?
4. Is the youth capable of understanding the court process?
5. Is the youth capable of participating in their defense?

Questions to Consider

1. Is the youth mentally ill or deficient and incapable of understanding the proceedings or participation in defense?
2. Have civil commitments proceedings been started?
3. Does the court think civil commitment is necessary?
4. Does the court think the child needs to be confined?
5. Does the child need protective services?
6. Has a protective services petition been filed?
7. Does the child need to be held in a secure facility?
8. Can the child be safely returned to their parent/guardian or other family member?
(Minn. Rule Juv. Proc. 20.01(5).
9. Does the court think the youth will be competent in a year for reevaluation?

Guidelines for Dismissing or Suspending

Guidelines for Civil Commitment

Guidelines for Needing Protective Services

Guidelines for 72 Hour Hold

www.jcmmn.com

Cheryl Kreager
Director
ckreager@jcmmn.com
(763) 559-1063

Sarah Cheesman
Training Coordinator
scheesman@jcmmn.com
(612)834-6782

Juvenile Justice Coalition of Minnesota (JJC) Fact Sheet

The JJC is a systems change and advocacy based state-wide organization that seeks to create a more effective juvenile justice system in Minnesota to support the well-being of youth while holding youth accountable for their actions and promoting public safety. Representatives from state-wide professional organizations, state agencies, and key stakeholders lead our work. JJC's free Basic Membership provides access to research, resources and training opportunities. The Learning Center includes training materials, archived videos and technical assistance from JJC training providers. JJC Work Groups focus on diversion, aftercare, juvenile delinquency courts, substance abuse and legislation.

Minnesota's Juvenile Justice Guiding Principles

1. **Community Safety:** The safety of communities and individuals is a primary goal of Minnesota's juvenile justice system.
2. **Accountability:** The juvenile justice system encourages youth to accept responsibility for their offenses and make amends to victims and communities. Families, communities, and juvenile justice institutions are responsible for helping juvenile offenders achieve crime-free, productive, and meaningful lives through research-driven and outcome-based policies, practices, and treatment.
3. **Responsiveness:** The juvenile justice system responds to each individual youth's strengths, needs, risk to re-offend, race, culture, psychological development, age, and gender. It recognizes the developmental differences between youth and adults and responds to youth issues in proportion to the risks and needs of the individual youth, family, and community. The system is committed to remaining informed on current trends and needs and to use data to inform policy decisions.
4. **Fairness:** While taking into account each individual's unique circumstances, the juvenile justice system treats youth and families in an unbiased manner.
5. **Mutuality:** The juvenile justice systems' institutions value interconnectedness and collaborate to meet collective goals through shared information, responses, and commitments to youth, families, and communities.
6. **Competency:** The juvenile justice system helps families and youth develop independent living skills, provides opportunities for academic and work force development, and maintains a competent professional staff through on-going training.
7. **Equity:** The juvenile justice system ensures equal protections granted to victims and accused youth under the U.S. Constitution and Minnesota law.
8. **Inclusivity:** Youth, family members, and communities are involved in the design, decision-making and implementation of system policies and programs. These constituents hold the juvenile justice system accountable.
9. **Transparency:** The juvenile justice system is accessible, understandable, and user-friendly to families, community members, youth, and other key stakeholders.

10. Sustainability: Elected officials, public and private entities, and community stakeholders commit to an investment of leadership, resources, and fiscal support to maintain a juvenile justice system based on these guiding principles.

National Affiliation: JJC belongs to the National Juvenile Justice Network (NJJN), and as a model site with the National Council of Juvenile and Family Court Judges (NCJFCJ).

SAVE THE DATE FOR THESE UPCOMING JJC TRAININGS

June 27th - *Incorporating Positive Youth Development Framework into Juvenile Justice* with Dr. Jeffery Butts- Justice Research and Evaluation Center at John Jay College of Criminal Justice City University of New York; Alicia Wilson-Ahlstrom and Amy Croll Nicole Yohalem - Forum for Youth Investment; Gordon Bazemore - School of Criminology and Criminal Justice, Florida Atlantic University

September 22nd - *Minnesota Showcase: Successful Models in Juvenile Justice*

Juvenile Justice Coalition of Minnesota (JJC) Training Support

Purpose: To assist registered attendees with implementation strategies or if you have questions you want to pose to the speakers

Dates Available: 30 days after the training

Instructions

- 1) Submit your support question(s) to Sarah Cheesman, JJC Training Coordinator at scheesman@jjcmn.com
- 2) The speakers will respond through the on-line JJC Community Learning Center.

To Access JJC Community Learning Center

1. Enter your email and individual password.
2. Select Learning Center from the top menu.
3. Support questions will be listed under the training topic.
4. Read submitted questions and replies and provide your own comments and questions.

Non-Members: Required to join JJC Community as a free Basic Member.

a. Log-on to www.jjcmn.com/jjc-community/

b. Select "Become a Member"

If you have an email address on file, do not enter a second address

c. Sign up for Basic Membership Level – complete application form and submit

d. Please allow 24 hours for membership to become active.

Questions about Training Support and JJC Community Learning Center – contact Sarah Cheesman at scheesman@jjcmn.com.

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

July 21, 2011

Persons Present: Rena Patterson, Katie Johnson, Susan Cooper, Teri Henderson, Carmaine Sturino, Judge Mary Leahy, Jessica Radke

Fines/Restitution: Court Administration has been sending out a letter to juveniles, for several years, saying the court has ordered the restitution to be docketed as judgment. The issue is the Committee believes there needs to be a hearing for this before it is ordered as a judgment against them. Carmaine will find out if the juvenile has a right to a hearing or if it can be done as Court Admin is currently doing it. Carmaine will also discuss this with Sally.

Juvenile Transport: There are recurring issues with the timeliness of juvenile transports arriving for court hearings. The DOC has addressed this issue with the Sheriff's Department. It was determined that a log of juveniles transports, to track when the juvenile is arriving and who transported them, will be kept for several months to track this issue. Susan recommended that the transport order include language that the juvenile arrive 15 minutes before the court hearing. Rena will recommend the language to Sally.

Foster Care There is an issue of where to place juveniles who are brought in pending a hearing and a family preservation conference. The family preservation conference must occur prior to the juvenile being placed in foster care. Carmaine requested that the family preservation conference be scheduled at the detention hearing to allow for quicker placement of the juvenile into foster care. This will be discussed at a future meeting when a DHS representative is present.

Juvenile Payables The new Juvenile Payable Rules went into effect July 1, 2011. When Court Admin receives a citation which qualifies as a payable, Court Admin sends out the court documents along with the payables option document. Court Admin said the juvenile must pay the full \$100.00 in one payment or they have to go to court. The Committee is concerned because the juvenile could go through diversion and have the citation off their record or they can pay the fine, but the charge will be on their record. The Committee will get a copy of the form that Court Admin sends to the juvenile.

Juvenile Diversion Jessica R. is getting many emails regarding juveniles who are currently on probation who are seeking diversion for a new charge. These juveniles are not eligible for diversion as they are in violation status of their probation. The same issue is occurring with juveniles who are currently in the diversion program and seeking diversion for a new charge. These juveniles are not eligible because they are in violation of their diversion agreement. These issues need to be clarified with the different agencies involved.

Juvenile Justice Training Self-Assessment This will be done at the next meeting when more people are present who attended the training and when a prosecutor and DHS representative is present.

Placement Binder This will be discussed at the next meeting.

Other Discussion was held on changing the meeting date to Wednesdays.

Adjourned 12:45 p.m.

Next Meeting Date: August 18, 2011 at the DOC Conference Room at noon.

Add a new subdivision 3 to Rule 6.06 as follows:

Subd. 3. Payment of Citation in Lieu of Court Appearance. When a child is charged by citation with an offense or offenses listed on the Statewide Payables List, the child may enter a plea of guilty before the scheduled arraignment date by paying the fine amount established by the Judicial Council, and any applicable fees and surcharges, and by submitting a Plea and Waiver Form signed or acknowledged by the child and the child's parent.

The Plea and Waiver Form shall advise the child that payment constitutes a plea of guilty and an admission (a) that the child understands the nature of the offense alleged; (b) that the child makes no claim of innocence; (c) that the child's conduct constitutes the offense(s) to which the child is pleading guilty; (d) that the plea is made freely, under no threats or promises, and (e) that the child has the following rights which the child voluntarily waives:

- (1) the right to the appointment of counsel if the child is subject to out-of-home placement as provided in Minnesota Statutes, section 260B.235, subdivision 6;
- (2) the right to trial;
- (3) the presumption of innocence until the prosecuting attorney proves the charges beyond a reasonable doubt;
- (4) the right to remain silent;
- (5) the right to testify on the child's own behalf;
- (6) the right to confront witnesses against oneself;
- (7) the right to subpoena witnesses;

The Plea and Waiver Form shall also advise the child that mandatory disposition requirements for a third or subsequent offense may require an appearance in court and may result in the imposition of certain dispositions including, but not limited to, those provided in Minn. Stat. § 260B.235, subd. 6.

The Plea and Waiver Form shall be developed and maintained by the State Court Administrator.

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

August 18, 2011

Persons Present: Susan Cooper, Teri Henderson, Carmaine Sturino, Stephanie Nuttall, Jessica Radke, Kalene Engel

Minutes by: Kalene Engel

Juvenile Justice Training Self-Assessment: The Committee spent the majority of the meeting completing the first section of the National Council of Juvenile and Family Court Judges "Juvenile Delinquency Guidelines Self-Assessment Tool." The tool is designed to assist jurisdictions in determining whether their current practices conform to the principles and recommendations articulated in the NCJFCJ Juvenile Delinquency Guidelines. The first section contained the sixteen key principles that form the foundation for a model delinquency court. The review prompted several recommendations for system improvement. The remaining portion of the assessment will be completed at a future meeting.

Juvenile Payables: Jessica Radke inquired as to whether it was DOC's responsibility to inform juveniles of their right to simply pay a fine on a payable, rather than go through diversion. Stephanie will research the issue and report back at the next meeting. Kalene also suggested contacting Emily Baxter of the Council on Crime and Justice, who may have a brochure or other information regarding collateral consequences of a juvenile offense which could be given to the juvenile.

Adjourned 1:15 p.m.

Next Meeting Date: September 15, 2011 at the DOC Conference Room at noon.

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

September 15, 2011

Persons Present: Susan Cooper, Teri Henderson, Carmaine Sturino, Stephanie Nuttall, Jessica Radke, Kalene Engel, Julie Thompson, Nelson Rhodus, Judge Leahy

Minutes by: Kalene Engel

Introductions: Committee members were introduced to Nelson Rhodus—the newly hired Winona County Assistant Attorney who will be handling the juvenile caseload.

System Response Review: Julie Thompson requested that the committee discuss the charging and treatment of developmentally disabled children, including law enforcement response, charging decisions and defense. The request was prompted by a case involving a 10 year old DD child who was arrested and later charged with disorderly conduct. The review demonstrated several areas where increased communication would likely have resulted in a different, more positive result. It also demonstrated the importance of involving Community Services early on in the process.

Strategic Planning: The committee reviewed the Committee Action Plan distributed by Kalene. After discussion, the committee adopted the following as its direction for 2012:

- Local, non-secure foster care options
- Coordination of transition circles with Family Group Decision-Making
- Review obligations/services provided by out-of-home placement facilities
- Re-entry services for 18-year old delinquents
- Streamline juvenile transport process

Adjourned 1:05 p.m.

Next Meeting Dates: All meetings will take place at DOC Conference Room, 5th Floor Courthouse

- Thursday, October 20, 2011 at 12:30 p.m.
- Thursday, November 17, 2011 at 12:30 p.m.
- Wednesday, December 14, 2011 at noon

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

October 20, 2011

Persons Present: Rena Patterson, Susan Cooper, Teri Henderson, Carmaine Sturino, Craig Heinrich, Jessica Radke, Kalene Engel, Judge Leahy

Minutes by: Kalene Engel

Juvenile Justice Grant Opportunity: Kalene informed committee members of a grant opportunity that was just released by the Minnesota Department of Public Safety, Office of Justice Programs. The grant provides up to \$60,000 in funding (no match required) for juvenile justice programs in the following areas:

- Programs focused on youth development addressing status offense behaviors and eliminating the need for detention of status offenders;
- Programs that evidence a reduction in juveniles entering the juvenile justice system via school referral to police;
- Programs showing positive interaction between schools and the juvenile justice system;
- Programs based on the trauma informed care model for juvenile offenders;
- Disproportionate minority contact (DMC) reduction efforts.

Several ideas that have been discussed by the committee and the CJCC appear to be good possibilities for the grant. One such idea is local shelter care/foster care for youth. Another is an anti-bullying partnership between the school district and justice system members. After discussion, the committee recommended that Kalene forward the grant opportunity and committee's thoughts to Family and Children's Center, Julie Thompson, Karen Sonneman and Kevin Kearney for further consideration.

Juvenile Transports: Although the committee previously addressed juvenile transports, it appears to once again be an issue of determining the lines of authority. Recently, a child was ordered to go to secure detention but was taken to a non-secure facility. Judge Leahy will arrange a meeting between the judges and Ron Ganrude, Steve Buswell and Doug Stokes. If that fails to resolve the problem, the committee will discuss other options, including a LEAN request.

Adjourned 1:15 p.m.

Next Meeting Dates: All meetings will take place at DOC Conference Room, 5th Floor Courthouse

- Thursday, November 17, 2011 at 12:30 p.m.
- Wednesday, December 14, 2011 at noon

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

November 21, 2011

Persons Present: Susan Cooper, Teri Henderson, Carmaine Sturino, Kalene Engel, Karin Sonneman, Nelson Rhodus

Minutes by: Kalene Engel

Juvenile Justice Grant Opportunity: On November 4, 2011, Karin, Kalene, Nelson and Tom Schramm (intern) met with Joannette Robertson to discuss the juvenile justice grant opportunity. Prior to the meeting, Tom had conducted research regarding evidence-based programs which fit within the two areas of interest to the JJC: local shelter care and anti-bullying programs. After reviewing the grant purpose areas, those present concluded that the proposals probably would not fit within those purpose areas.

Local Juvenile Placement Options: The remainder of the meeting was spent discussing possible local juvenile placement options, both for short-term holdover placements and longer term placements. At the grant opportunity meeting, FCC had expressed an interest in accommodating Winona's needs for local placement options, but wanted to see the data as to what was needed. Following that meeting, Nelson pulled together statistics for the previous 2 months' detention hearings. The group felt it would be important to have local options for short term holdover placements (pre-detention hearings); pre-disposition and post-disposition. The following questions/issues were raised during the discussion:

- There is apparently a rule or funding requirement that a Family Preservation Conference must first be held in delinquency cases before a child can be placed in foster care. This means that the child either has to go home or to an out-of-home placement facility until the conference can take place. Is there a way to work around this?
- Besides lack of training, what happened to cause the therapeutic foster care option to falter?
- It seems like some youth do relatively well in out-of-home placement facilities, but then receive no transition care. Could FCC or another facility provide transition care?
- Would FCC consider doing a smaller version of the group home?
- Would surrounding counties be interested in referring youth to a Winona-based placement facility? (i.e. Wabasha, Houston, Fillmore) What kind of numbers do they have for each type of placement? What efforts have been made so far to determine regional interest in a facility?
- Can the appropriate evaluations be completed in a Winona-based placement facility?
- What kind of legal/licensing requirements would exist for a facility? Would the requirements change if it were only short-term?
- Could a risk assessment instrument be developed (similar to what is used in JDAI) to aid in release decision-making?
- Does HCO (Home and Community Options) have any housing that could be used for this purpose?

Prior to the next meeting, Nelson will add all pending and new cases to his spreadsheet. Kalene will speak with Julie Thompson regarding the therapeutic foster care issues and regional interest in a local facility.

Adjourned 12:45 p.m.

Next Meeting Dates: All meetings will take place at DOC Conference Room, 5th Floor Courthouse

- Wednesday, December 14, 2011 at noon

Winona County Criminal Justice Coordinating Council
Juvenile Justice Committee Meeting

December 14, 2011

Persons Present: Teri Henderson, Kalene Engel, Rena Patterson, Judge Mary Leahy, Sherri Brekke, Kalene Engel, Melissa Murphy (WCCS Intern)

Minutes by: Kalene Engel

Local Juvenile Placement Options/Foster Care: Julie Thompson responded via e-mail to some of the questions raised at the November meeting about local placement options. She noted that the therapeutic foster care program was not successful because due to lack of available therapeutic foster care homes and lack of training. She suggested that Winona County might be better off training current foster family homes to handle these types of children. She further noted that regional interest in a Winona based shelter would probably be lukewarm because many counties are reluctant to place children and, if placed, the stays are short. A regional center would probably encounter the same problems at the Winona group home, which closed due to lack of referrals. Other current options for foster care include PATH and Family Focus. Since none of the committee members had a great deal of information about the current number/type of foster care families in Winona County or about what was being done to recruit more families, the group decided to invite Andrea Ulrich and Jenny Losinski to the next Juvenile Justice meeting to discuss foster care.

Scheduling for Violations/Placement: Carmaine (via e-mail) questioned whether it was possible to have emergency time built into the juvenile calendars for more timely hearings on violations/placement. At this point, the scheduling does not appear to be a big concern for Corrections and they would not resort to an A&D order (unless an A&D was otherwise warranted) to secure more timely hearing dates.

SCY Brochure: Terri will send out a SCY brochure so committee members are better informed as to the SCY program.

Placement Facility Review: One of the things the committee has planned to do is to review Carmaine's binder of placement options to determine exactly what is being provided at each facility. Kalene will have her new intern, Tom Schram, review the binder, obtain current information (if necessary) and compile a table/spreadsheet to summarize the information. This will be shared with anyone interested in the information. If possible, a discussion with representatives of the facilities could be arranged—perhaps during a committee meeting.

Juvenile Transports: Judges Leahy and Buytendorp met with Doug Stokes, Steve Buswell, Teri Henderson, Nelson Rhodus, Sally Cumiskey and Renee Rumpca to discuss continuing problems with juvenile transports. Several case examples of transport problems were reviewed. As a result of the meeting, a new procedure was developed. On the Thursday before the Tuesday juvenile calendar, the County Attorney's Office will send a list of children due to appear in court that Tuesday to the Jail Administrator, Shift Commander, DOC, Sherri Brekke, Carmaine and Doug via e-mail. The list will include the time of the hearing and current placement location. Those receiving the list have 24 hours to respond to correct any known inaccuracies on the list (such as a change in location). Transport issues will be tracked by Court Administration and the procedure will be reviewed in a few months.

Adjourned 12:45 p.m.

Next Meeting Dates: All meetings will take place at DOC Conference Room, 5th Floor Courthouse at 12:30 p.m.: Fri., January 13, 2012; Tues., February 7, 2012; Tues. March 6, 2012