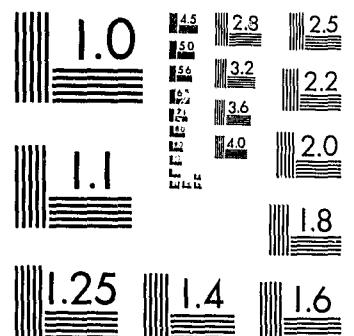


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## Crime Control Agenda

by the Crime Control Planning Board/1981

# CRIME CONTROL AGENDA

Prepared By

CRIME CONTROL PLANNING BOARD

Robert J. Griesgraber  
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Chairman of the Board

JANUARY, 1981

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# Crime Control Agenda

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### ACKNOWLEDGEMENTS

We wish to thank all advisory groups for their cooperation and assistance: Law Enforcement, Victims, Corrections, Judicial Planning Committee, Juvenile Justice Advisory Committee and Board members.

We also wish to thank the Crime Control Planning Board staff who spent long hours preparing this Agenda. Without their valuable efforts none of this would have been possible.

Robert J. Griesgraber, Executive Director  
Thomas Z. Green, Assistant Director — Administration  
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NCJRS

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ACQUISITIONS

## Introduction

The Minnesota legislature created the Crime Control Planning Board (CCPB) in 1977, replacing the Governor's Crime Commission. The legislature (Minn. Stat. § 299A.03) charged the CCPB with criminal justice planning, research, and technical assistance responsibilities, as well as administration of federal and state criminal justice grant programs.

This Agenda was prepared in accordance with Minn. Stat. § 299A.03, subd. 9(h), which states, "The Crime Control Planning Board, in cooperation with regional crime control advisory councils...and any other regional or local crime control planning units, shall study and recommend to the Governor and legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement."

In anticipation of the 1981 legislative session, the board authorized the staff to prepare a draft of the *Agenda*, including background information, problem statements and recommendations for legislative or gubernatorial action. Chapters II and III of this report present the staff recommendations and the Crime Control Planning Board's action on each recommendation, as well as comments relevant to their deliberations.

To prepare this document we utilized the following:

- previous agency plans, research and evaluation,
- input from the Governor, legislature, practitioners, local elected officials and citizens, and
- existing advisory committees and ad hoc advisory committees.

We have had extensive input from across the state and from the criminal justice system; nonetheless, we realize that there are honest, legitimate differences as to the best way to proceed on certain criminal justice problems. Although this document has been reviewed by a large number of groups and individuals, not all have endorsed all of the recommendations.

This *Agenda* should be read for what it is: a staff report by the CCPB, a state agency designated by law with responsibility for developing plans to control crime and for studying and recommending to the Governor and legislature improvements in criminal and juvenile justice. We believe this *Agenda* can be a useful tool for decision makers — not the end of a process but a beginning.

  
Robert J. Griesgraber  
Executive Director

## I Criminal Justice In Minnesota

As we contemplate the economics of the 1980s the need for organized forethought becomes critical if we are to intelligently use and coordinate existing resources. Large federal grants and state surpluses may be a thing of the past. The challenge ahead is to effectively manage what we have. Planning and research therefore become vital tools for the Governor and legislature in addressing the complex problem of crime.

The structure of Minnesota's criminal justice system underscores the need for a statewide, systemwide perspective. The "system" is unique as component elements (police, courts, corrections) are spread across levels of government and are vested constitutionally in autonomous branches of government.

The CCPB, as a board and as an agency, can provide this systemwide perspective.

Recognizing that major components of the system are not subject to administrative or political controls at the state level, the CCPB encourages cooperation and coordination among various branches and levels of government toward resolving criminal justice problems.

In its report, "Criminal Justice Planning in the Governing Process," the National Academy of Public Administration (NAPA) states:

"An effective criminal justice system is at the very heart of our constitutional system of government. The dispersion of power within that system has been largely deliberate in order to protect the rights of the individual from any inordinate exercise of power by the state. Yet, the effective, fair administration of justice requires that the relatively autonomous components of the system act in concert toward achieving justice."

The purpose of this *Agenda* is to provide the Governor and legislature with specific recommendations for improving system problems identified in Minnesota's criminal and juvenile justice systems. Minnesota has a justly deserved reputation as a national leader in the criminal justice field; nonetheless, crime remains a significant problem of considerable public concern.

Crime affects all citizens; their tax dollars maintain the criminal justice system. Crime

affects how people feel about their neighborhoods, their cities and their government. It influences their respect for the law.

### Identifying the Problems, Targeting Priorities

*How do Minnesotans feel about crime control in their state?*

To answer that question the Crime Control Planning Board in June of 1980 sponsored a survey of 1,002 adults selected as a representative sample of the entire state. Citizen responses obtained in personal interviews are summarized below.

*Controlling crime.* Adults surveyed said the best ways to control crime in Minnesota are: 1-Surer punishment for criminals; 2-Better coordination within the criminal justice system; and 3-More juvenile delinquency programs.

*Comparing crime to other problems.* Crime was cited as the fourth greatest problem facing Minnesota today, according to the survey. Problems most frequently named as the biggest were: 1-Inflation, 2-Energy, 3-Taxes, 4-Crime, 5-Housing, 6-Other.

*Is crime increasing?* Most adults surveyed (70 percent) believe crime in Minnesota is increasing either "somewhat" or "a great deal," an opinion verified by most recent data. About 20 percent saw no change, and very few thought crime is decreasing.

More rural citizens than metro-area citizens interviewed perceive an increase in crime, which is consistent with the increased rural crime rate in recent years.

### Citizens, Practitioners and Priorities Improving the systems for criminal and juvenile justice

In order to improve Minnesota's criminal and juvenile justice system, the Crime Control Planning Board in the Fall of 1979 began an extensive process designed to set statewide priorities for the federal grant program under the Justice System Improvement Act of 1979. These priorities were based on an assessment of statewide problems and needs. By soliciting input from local and regional criminal justice advisory councils throughout the state, the Judicial Planning Committee, the legislature,



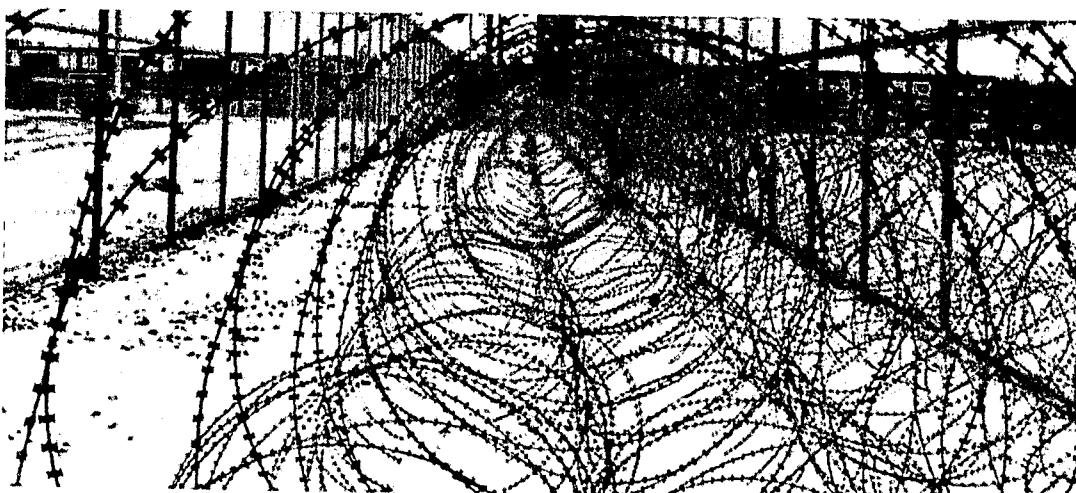
*Photo by Mark Nelson*

the governor's office and members of the Crime Control Planning Board, statewide priorities were formulated for 1981-83.

Designated as "High Priority" items by the Crime Control Planning Board are:

- Consolidation of rural law enforcement services.
  - Improved investigation services for urban law enforcement agencies.
  - Improved caseload management in Minnesota trial courts.
  - Uniform personnel policies and standards for nonjudicial court personnel.
  - Improved court records management.
  - Improved fiscal management of the state court system.
  - Uniform statewide juvenile court rules and procedures.
  - Alternatives to secure detention for juvenile status offenders.
  - Victim/witness assistance.
  - Uniform formal restitution policies and procedures for adult and juvenile offenders.
  - Improvements in Minnesota's public defender system, especially for juveniles.
  - Improved chemical dependency screening and services in local jails.
- Not all priorities are appropriate for legislative or executive action. Those that will require the attention of the Governor or the legislature in the next few years are discussed in more detail in Chapters II and III of this Agenda, along with specific recommendations for needed improvements.

*Photo by Dan O'Brian*



Reported Serious Crimes (X1,000)

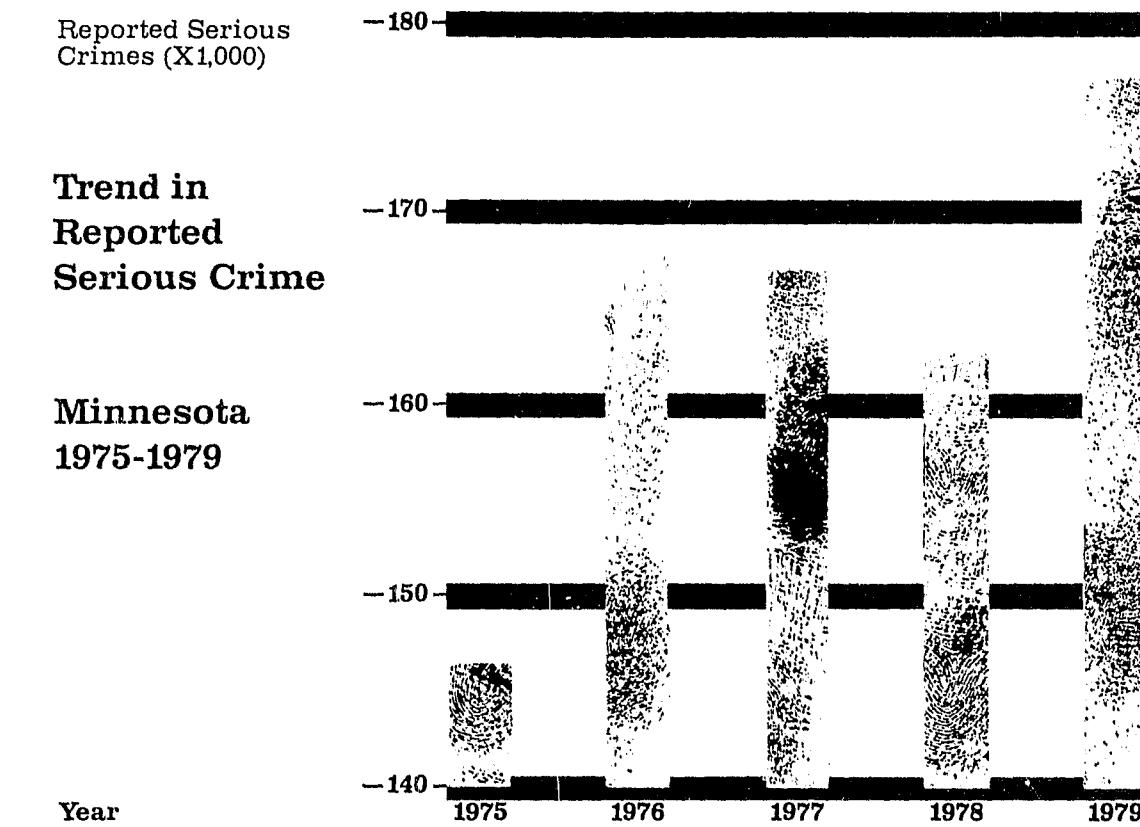


Figure 1

### Crime And Criminal Justice Financing

#### *Crime—a continuing concern*

As we enter the 1980s we find that crime, rather than fading as an issue, remains a large and increasing problem in Minnesota. These are the dark statistics:

- In 1979 over 342,000 crimes were reported, an equal number of crimes likely went unreported.
- Crimes classified as "serious" are on the increase, reversing a downward trend seen in 1977 and 1978. In 1979, serious crimes represented half of all crimes reported, an 8 percent increase still growing in 1980 (See Figure 1.)
- The number of persons arrested indicates the size of the impact that crime has on the criminal justice system. In 1979, 31,000 persons were arrested for serious crimes—half of those arrested were juveniles.

• Crime in Minnesota is predominantly an urban occurrence, but the rate of serious crime in rural Minnesota has been climbing much faster than in the cities. The net increase was 12 percent in rural areas over the last five years compared to 2 percent in the cities. Theft and vandalism are the fastest growing and most costly rural crimes—costly especially in the threat people see to their way of life.

The level of crime in Minnesota, while lower than many other states, nevertheless will affect a greater proportion of our citizens in the years to come. In Minneapolis, for example, the current burglary rate implies that two of every five households will be burglary victims in the next 10 years.

The losses to crime victims in Minnesota are staggering. The value of goods taken in burglaries, robberies, and thefts was \$39 million in 1979. The fear of crime and psychological harm to crime victims are difficult to measure but are real nonetheless.

### *The high cost of justice*

Minnesota tax payers spend over \$300 million each year for criminal justice. It is a complex financial picture: Law enforcement, the most costly of the criminal justice functions, is paid for primarily by municipal governments; court-related services, including prosecution and defense, are funded mainly by county governments; and corrections costs are shared by state and local governments. (See Figure 2.)

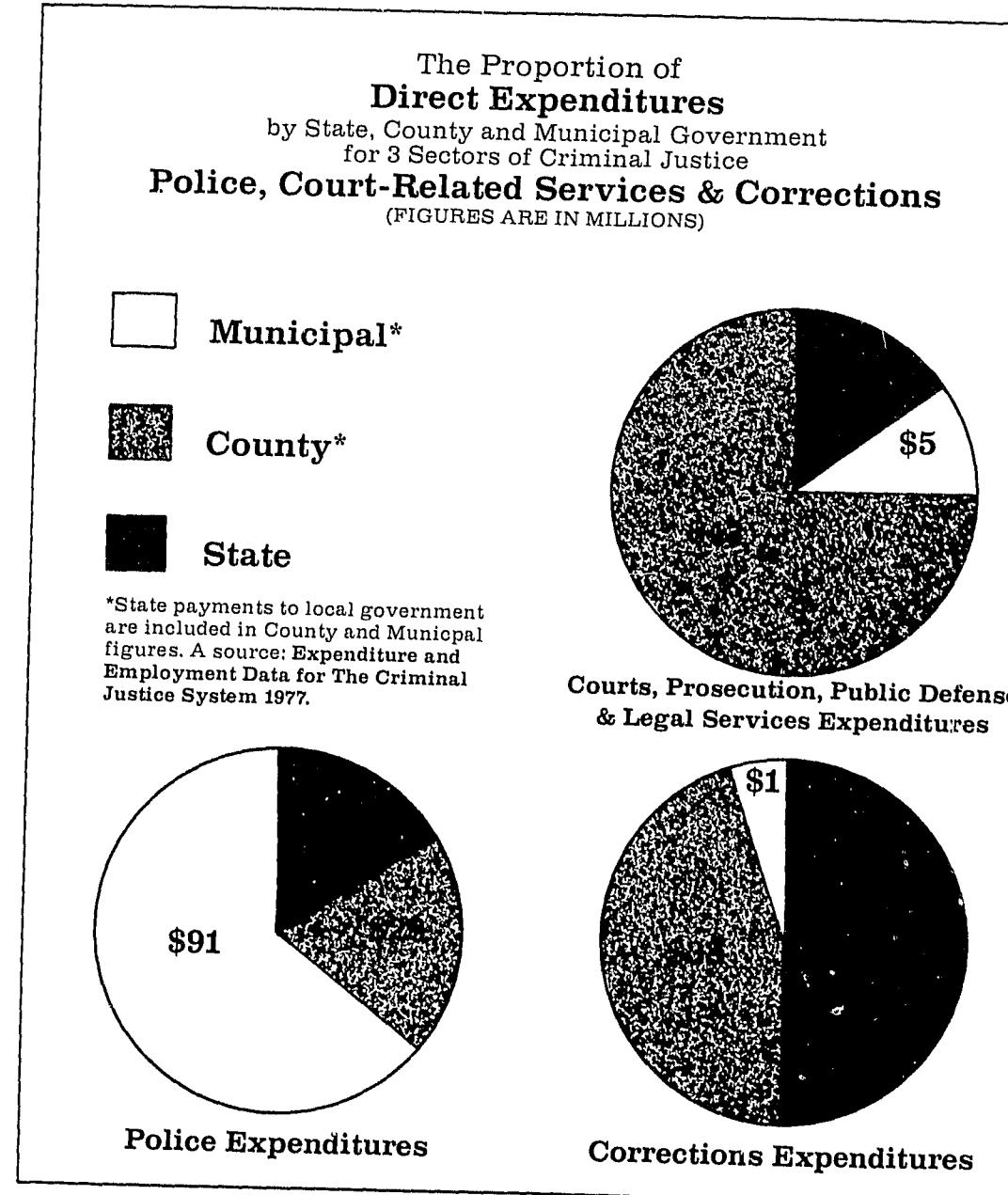
With nearly all governmental units involved in criminal justice financing, it is obvious that

equitable funding and balance among the various branches of criminal justice is a massive coordination problem. Indeed, it is a problem that cries out for statewide planning.

### *Who pays the bill?*

Another central issue is the reliance of local governments on the property tax to support the bulk of municipal and county criminal justice services. Local units of government have historically been required to implement legislation and standards without due regard for the

Figure 2



fiscal and programmatic costs of these charges to local units of government. In practice, this method of financing and passing legislation fails to put criminal justice resources where they are most needed. The areas with the highest crime rates typically are those areas where property values are declining, namely the state's largest cities. An examination of

financing should include the development of a statistical and budgetary data base to aid in the preparation of fiscal impact notes for both state and local criminal justice agencies. An examination of financing might also include long-range planning for capital expenditures and, perhaps, a coordinated review of state agency criminal justice budgets.

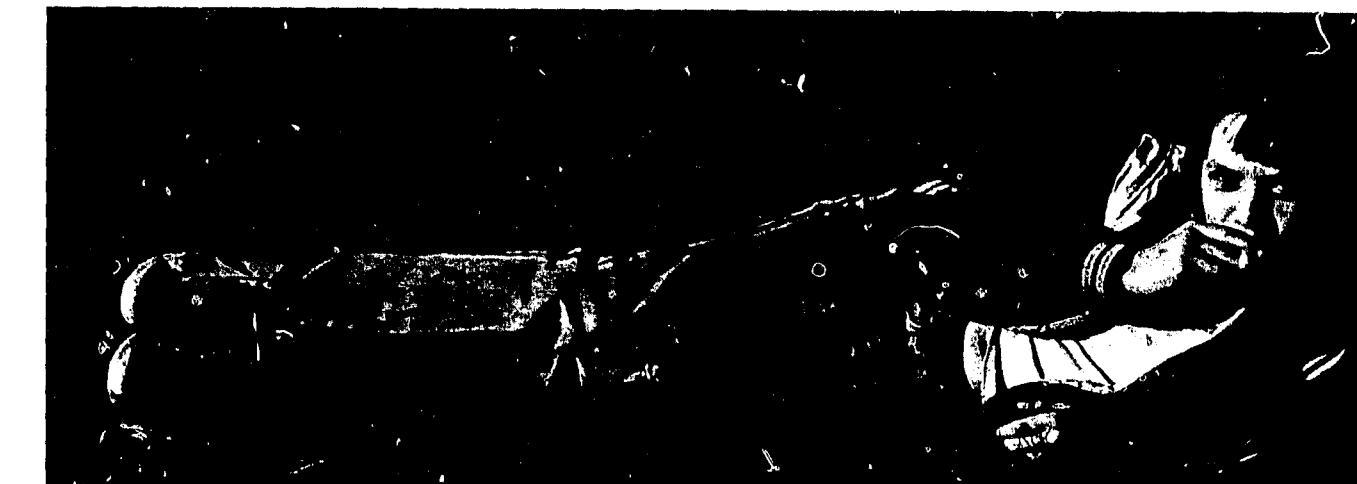


Photo by Georgianna B. Dunn

### **Future Criminal Justice Problems**

*"Like a snake trying to swallow a grapefruit, the baby boom has caused continuous consternation for society as it passes from one age to the next. When this mass of youngsters simultaneously reached school age, they caused a crisis at the school house, and when they became of college age, a crisis in higher education... When the baby boom hit puberty in the early Sixties, there began an unprecedented rise in youth crime. Some saw in this crime wave a harbinger that the moral fiber of America had snapped. Astute demographers saw a natural and predictable effect of a change in the proportion of young people in society."*

— Charles Friel, Fourth SEARCH International Symposium

Problems associated with the aging of the "baby boom" generation represent a graphic example of why the criminal justice system, along with the rest of society, needs to anticipate and prepare for the future. This section of the Agenda discusses changes that will likely impact the system in the years ahead and the urgency for advanced planning aimed at potential problem areas.

### *Aging of the "baby boom"*

Arrest figures indicate that the types of crimes people commit change as they grow older. Property crimes, for example, are most

often associated with juveniles (those under 18), while chemical dependency-related arrests (such as driving under the influence) are associated heavily with adults. Given expected changes in the age composition of Minnesota's population, the composition of Minnesota crime will change if past arrest patterns continue in the future.

As the so-called "baby boom" generation matures (see Figure 3), the volume of juvenile arrests should decrease, due simply to a sharp decrease in the total juvenile population. For the same reason, the number of property crimes may also drop. Since arrests related to chemical dependency and alcohol abuse have the highest incidence among adults, the bulging population of young and middle-aged adults may mean a marked increase in the number of such arrests and a need for more treatment programs. The total number of crimes may not decrease. Violent crimes, for instance, are not likely to decrease significantly. These crimes are least associated with age and may be more influenced by other factors such as economic and social conditions.

Finally, growing numbers of people over 65 years of age may bring an increase in crimes committed by the elderly. The criminal justice system should be prepared to deal with elderly offenders whose needs may vary from those of younger criminals.

#### *A continued increase in rural crime*

Serious crime in rural Minnesota has been climbing at a much faster rate than in the state's urban areas. If predictions are valid, more and more people will move from the cities to rural parts of the state. Therefore, much more attention will need to be paid to rural crime problems.

#### *Inflation and the economy*

Although it is hard to demonstrate a direct relationship between unemployment and crime, there is no question that current economic problems place increased pressures on a greater share of our population. Should economic problems persist, we may see an increase in middle class crimes such as employee theft, traffic in stolen goods, etc. We may also see an increase in crimes by the elderly, as those on fixed incomes are priced out of the legitimate market place.

#### *Cutback management in criminal and juvenile justice*

If budgets in a governmental environment do not keep pace with inflation, the consequences are clear: strategic choices regarding resource tradeoffs must be made. Careful planning and analysis will become even more important if such organizations are to make cuts based on long-range goals vs. expediency.

As each organization makes strategic choices it must also anticipate choices made in related criminal justice system agencies. In essence, each criminal justice agency operates in a criminal justice system "infrastructure." A corrections agency, for example, assumes a flow of offenders from law enforcement

agencies and the courts. If inflation reduces the productivity of "feeder" agencies, other criminal justice system agencies also are affected.

#### *Energy*

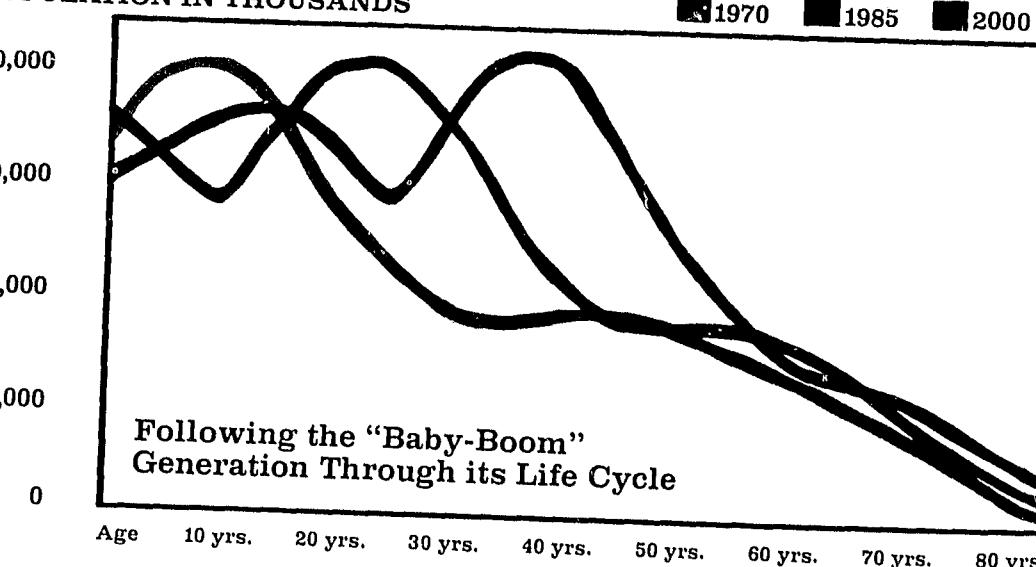
The dramatic rise in fuel costs and uncertainty over future energy availability may cause major problems for criminal justice agencies in Minnesota. By the year 2000 fuel costs for the St. Paul and Minneapolis Police Departments will rise by over \$7.6 million (778 percent) due to price increases alone, according to recent projections by the CCPB. Statewide, the increase will be much larger. Adding to the problem is a projected 45 percent increase in law enforcement personnel levels statewide between 1980 and 2000. In view of state Energy Agency's forecast that Minnesota petroleum demand will outstrip supplies by 1985, criminal justice agencies must start to plan for future energy problems.

#### *Need for long-range planning*

The problems discussed above clearly cry out for long-range planning so that criminal justice practitioners and policy-makers can develop strategies for dealing with future problems, rather than just react to crises as they occur. Long-range planning can stimulate policy-makers to envision alternatives to what is likely to happen in the absence of changes and thus encourage efforts to bring about changes that will result in a better future. Such efforts become increasingly important as agencies are required to provide anticipated budgets. (State agencies in Minnesota must now provide six-year budget supplements as part of the state's biennial budget process.)

Figure 3

#### **POPULATION IN THOUSANDS**



## II Recommended Cross-Systems Improvement In The Minnesota Criminal Justice And Juvenile Justice Systems



Photo by Jacqueline Mudge

Some problem areas are not confined to a single "component" of the criminal justice system. Arson, family violence, juvenile justice and victims services cut across component boundaries. They are examined in this chapter of the *Agenda*. A section on criminal justice information systems addresses problems that touch all components of the criminal and juvenile justice systems.

The Juvenile Justice Advisory Committee helped develop the Juvenile Justice section of this chapter. An "ad hoc" committee also assisted with the development of the Victims section. (Appendix A lists the membership of the advisory groups.)

Recommendations in this chapter were presented to the Crime Control Planning Board for review, discussion, and vote for endorsement. The board adopted a rule of 60% of current membership required for endorsement. Accordingly, 9 votes in favor of a recommendation were required for endorsement. The recommendations presented here are followed by the board's action, including any amendments, the vote, and comments based upon the board members' discussion. (Recommendations were presented to the board over a series of meetings. Hence, vote totals vary according to the number of members present and voting.)

Many recommendations in this section will require funding from the legislature. Ideally, each state program should be considered in the ordinary budget review process. However, this process is already in motion; state programs which may be affected if recommendations are adopted have not planned for these changes. Although direct appropriations may be the only source of revenue to support some recommended changes, where possible the Crime Control Planning Board has suggested alternative funding sources.

#### **FAMILY VIOLENCE**

Violence within families is a major social and criminal justice issue in Minnesota. Appropriate responses on the part of all criminal justice and social services agencies is imperative if family violence problems are to be solved.

In 1978 the Crime Control Planning Board made family violence its number one priority for planning and research. Since then two major planning documents and one research design have been implemented. This section of the *Agenda* presents problems and recommended solutions identified over the past two years.

### **Governor's Council On Inter-Agency Coordination For Family Violence Services**

Lack of coordination and cooperation among agencies, professionals and practitioners seriously hinders intervention and delivery of services to families and individuals who are victims of family violence. At the state level alone there are at least 13 departments, boards, and councils whose activities affect family violence in Minnesota. The involvement and commitment of state employees at the policy-making level is now essential to improved service delivery.



**Recommendation:** It is recommended that the Governor create an inter-agency coordinating council which mandates directors of all state agencies whose rules may directly or indirectly affect families: a) to review all policies and rules of those agencies to determine where conflicts exist which hinder the delivery of services to families; b) to develop a coordinated cohesive plan utilizing their individual agency resources to address family violence over the next 3 years; c) to address the serious problem of fragmentation of services and duplication of responsibilities among state agencies; and d) to develop policies for collection and use of data on individual cases which will enhance service delivery without violating individuals' rights to privacy.

**Board Action:** Endorse recommendation. (11 in favor, 0 opposed) **Comments:** There exists a need for an ongoing study to determine how society should deal with this problem.

*Photo by Jacqueline Mudge*



### **Need For A Comprehensive Child Protection Act**

Many professionals at the local level are reluctant to intervene in child abuse and incest cases because of lack of knowledge regarding community resources available to the victim and family. Child abuse teams promote the sharing of general topical knowledge as well as individual case elements. Professionals find it much easier to justify intervention and treatment development when it is agreed upon by fellow care providers and system professionals. In the 1979-80 legislative session, a Comprehensive Child Protection Services Program (H.F. 0096) was introduced, but not passed.



**Recommendation:** Passage of a Comprehensive Child Protection Act similar to H.F. 0096. This bill mandates that each county: 1) designate a staff person responsible for processing reports of child abuse; 2) develop a 24-hour program; 3) assess each report of child abuse; 4) establish procedures for intervention; 5) provide for referral to a physician; 6) offer counseling services to families; 7) develop a written treatment program for each child; and 8) disseminate public information. This bill allows for the appointment of child abuse teams by county boards to carry out these responsibilities under the supervision of the commissioner of welfare.

Child abuse teams shall receive copies of all reported cases of physical or sexual abuse of children in their counties. Child abuse teams shall review all cases and their case plans. No case plan shall be changed significantly without the approval of the child abuse team. No out-of-home placement shall be made without child abuse team approval, except in case of emergency.

**Board Action:** Endorse recommendation. (11 in favor, 0 opposed) **Comments:** A concern was raised over small counties' need for a 24-hour answering service and the costs involved with implementing the full recommendation. The response was that every county sheriff already provides a 24-hour answering service. This recommendation simply assigns this responsibility to these existing services. Additional funding has not been needed in the counties that have already implemented the recommendation. It was also clarified that the recommendation does not mandate counties to create child abuse teams.

### **Training For Criminal Justice Personnel**

The trial court judge, prosecution, and defense play key roles in determining disposition in cases of family violence. Judges and court personnel often express frustration in dealing with these cases due to their complexity and the lack of available innovative approaches. Family violence training through the Office of Continuing Legal Education can provide much

needed training and stimulate innovative approaches to family violence court cases.

The Crime Control Planning Board has just completed a research project designed to document the needs of family violence professionals in Minnesota. By far the most pressing need is training. The Table on this page shows percentages of professionals who reported having received some specialized training in the areas of child abuse, incest and spouse abuse.

### **Respondents Reported Having Received Specialized Training In Child Abuse, Incest, Spouse Abuse**

RESPONDENTS	CHILD ABUSE		INCEST		SPOUSE ABUSE	
	Yes	No	Yes	No	Yes	No
Courts-Prosecution	36.2	63.8	36.6	63.1	22.0	77.7
TOTAL	50.3%	49.6%	44.8%	55.2%	32.9%	67.1%



**Recommendation:** It is recommended that all judges in Minnesota who preside over family violence cases of any kind attend eight hours of family violence training during the next three years. The Family Violence Training Project now active in the state provides the appropriate training and is available to all criminal justice professionals, although it is geared toward the judiciary. The training does give CLE credits and is POST certified.

**Funding options:** Direct appropriation of \$60,000 to the Supreme Court for the purpose of continuing the Family Violence Training Project.



**Board Action:** Withhold endorsement. (8 in favor, 3 opposed) **Comments:** Costs and funding source for implementation were discussed. There is a training program, however, it will require refunding if this recommendation is approved. Funding sources mentioned were legislative appropriation or training fees. While the JPC, judges and police associations have received these recommendations, it was suggested that their input be solicited further before presentation to the legislature.

### **Marriage License Tax To Fund Battered Women's Offender Treatment Programs**

Funding new programs is always a problem. Institutionalized funding for offender treatment programs is needed to assure continued support. Florida and California have adopted a marriage license tax which is effectively serving a two-fold purpose—augmenting program budgets and raising public awareness of programs offered.



**Recommendation:** It is recommended that a marriage license tax of \$5.00 be adopted. This tax, which would generate approximately \$177,000 for 1981, would be used for the development and support of Battered Women's Offender Treatment Programs to be administered by the Department of Corrections.

**Board Amended Recommendation:** The board deleted the marriage license tax from the recommendation to read as follows: *The Crime Control Planning Board recommends the development and support of Battered Women's Offender Treatment Programs to be administered by the Department of Corrections.* **Board Action:** Withhold endorsement. (8 in favor, 2 opposed, 1 abstention) **Comments:** Cost concerns were reviewed in light of other states' experiences. Accordingly, collection costs were found minimal if other fees were currently processed. Earmarking fees for a dedicated fund versus placement in the general revenue was discussed along with county autonomy over programmatic decisions. It was also questioned whether the tax would be subject to ridicule.

*Photo by Jacqueline Mudge*



### **Child Witness And Victim Standards For Court Testimony**

In family violence crimes a child is often the victim or primary witness. Very serious cases often rely on the acceptance of testimony by a child under 10 years of age. Many courts have developed procedures to help a child witness comfortably recall relevant events; even so, the initial standards for determining whether the child can testify at all are inappropriate.

*Minn. Stat. § 595.02(6) (1978)* excludes from testimony "persons of unsound mind; persons intoxicated at time of their production for examination; and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined or relating them truly."

The language of this statute when broadly interpreted has been used to disqualify young witnesses in cases of incest, child abuse, and spouse battering.

Children who are victims of sexual and physical assault may not understand what has happened to them. The child who may "appear incapable of receiving just impressions of the facts" is able to describe what has happened to an attorney, judge, and jury, and that is what is important.



**Recommendations:** It is recommended that the language in *Minn. Stat. § 595.02(6) (1978)* should be amended to read "...children under ten years of age, who are not able to describe or relate the events or facts respecting which they are examined in language which is appropriate from a child of that age..." The recommended language would allow testimony in court by children who might not understand what they witnessed or experienced as victims but who could describe what happened. Then a judge and/or jury would have an opportunity to evaluate the testimony.

**Board Action:** Endorse recommendation. (9 in favor, 0 opposed) **Comments:** Board members expressed concern about the need for this statutory change and requested further discussion with county attorneys. Staff reported that, following these discussions, the recommended language would help clarify the conditions under which a child may testify.



*Photo by St. Paul Police Dept.*

### **VICTIMS**

Society historically has been very reluctant to accept responsibility for crime victims, an attitude clearly reflected within the present criminal justice system. Many crime victims do not receive fair treatment or respect from criminal justice agencies and organizations. Indeed, they are often ignored, financially burdened, traumatized, or stigmatized by such departments and groups. Understandably, many crime victims are reluctant to report offenses to law enforcement authorities, to testify against alleged offenders, or to cooperate in other ways with the criminal justice system.

Some Minnesota programs do manifest concern for victims. Noteworthy examples are the Crime Victims Reparations Board, victims of sexual assault projects, battered women's shelters, crime victims crises centers, and the Department of Public Safety's Crime Watch program, which provides crime prevention data and assistance to all citizens who could become victims.

An "ad hoc" committee met with Crime Control Planning Board staff to help prepare this section of the Agenda. Through the committee's discussions, the need for further research and planning for victims services was identified as the major problem.

### **Victim Support Funds**

An effective program requires a stable, consistent funding base. Such a base is essential to plan, deliver and evaluate crime victim services. Without it, local governments and communities cannot sustain programs—even with volunteer and paraprofessional help.

The Victim Support Fund, a self-sustaining resource, could be the cornerstone for statewide delivery of services, providing at the local level a funding base perpetuated by a surcharge on criminal offenses as defined in the "Criminal Code of 1963," and any amendments thereto. Significantly, this tool would support valuable services without an increase to taxpayers.

California, Arizona, Florida, and Delaware have instituted crime victim funds. In Minnesota, many proponents support the creation of such a broad-based fund.



**Recommendation:** It is recommended that the legislature adopt enabling legislation which would allow counties or groups of counties to establish a Victim Support Fund through an assessment on the offender via the fine system or other legal method.

**Board Amended Recommendation:** The board deleted the offender fine from the recommendation to read as follows: *The Crime Control Planning Board recommends that the legislature adopt enabling legislation which would encourage establishment of victim support funds. Funding mechanisms should be left to the discretion of the legislature.* **Board Action:** Endorse amended recommendation. (11 in favor, 0 opposed) **Comments:** The offender fine was viewed as a good idea by some members, however it was commented that collection of such fines is very difficult and not likely to raise much revenue.

### **ARSON**

The economic impacts of arson fires affect all Minnesotans. Burned out buildings represent losses in the tax base which must be recovered through increased taxes on other property owners. Insurance premiums for property owners rise to cover the claims for losses due to unidentified arson fires. Revenue losses from decreased tourist dollars are a result of numerous arson fires in Minnesota's recreational lands and forests.

### **Arson-For-Profit**

Profit is a major motive for arson fires. There are a variety of ways to profit from an arson fire. For example, through a paper trail of sales and resales of a building, one could greatly inflate the value of property, over-insure it, and collect a claim for an over-insured property which was burned. Over-insuring goods lost in a fire also would be a source of profit for the claimant. Filing a claim for insured goods removed prior to an arson fire would provide additional profit. Steps should be taken to ensure that arson is no longer lucrative for insured property owners.

First, current law (*Minn. Stat. §609.611* (1978), entitled "DEFRAUDING INSURER") requires that a defendant must be shown to have damaged real or personal property with the intent to injure or defraud an insurer in order to be convicted. However, this law does not apply to arson cases in which an individual removes or conceals goods prior to an arson with the intent to injure or defraud an insurer by claiming the goods as part of the fire loss.

Second, current insurance law requires that the insurer must pay the face value of the policy instead of the actual loss value if property is destroyed. This situation provides an incentive for arson-for-profit with respect to property that is over-insured.



Photo by Scott Bouman

Third, Minnesota law allows prosecution only where an individual gives "false apparent value to securities issued or to be issued by, or to the property of" an individual, corporation, or association. This statute, *Minn. Stat. §609.645* (1978), entitled "FRAUDULENT STATEMENTS," does not cover false claims against an insurance company unless such claims should include false apparent value to the property involved in the claim. For example, this statute does not cover false claims for property removed prior to an arson.

Fourth, a proof of claim shall consist of a "verified statement" that meets conditions of *Minn. Stat. §60B.38(1)* (1978). As this statute now reads, there is no criminal penalty attached to false claims with the exception of claims subject to *Minn. Stat. §609.645*. However, false claims could be subject to prosecution under *Minn. Stat. §609.48* (1978), entitled "PERJURY," if proof of loss statements were required by law to be notarized.



**Recommendations:** It is recommended:

- That *Minn. Stat. §609.611* (1978) be amended to read:  
"Whoever with intent to injure or defraud an insurer, damages, removes, or conceals property real or personal...."
- That *Minn. Stat. §609.645* (1978) be amended in order to make it criminal to submit false claims in any insurance claim.
- That the current insurance law be amended so that, upon total destruction, the insurer need only pay the value of the property destroyed.
- That *Minn. Stat. §60B.38(1)(a)* (1978) be amended to read:  
"(a) Proof of claim shall consist of a notarized statement that includes all of the following that are applicable...."

**Board Amended Recommendations:** The Board amended the last part of the recommendation by adding language to read as follows: That *Minn. Stat. §60B.38(1)(a)* (1978) be amended to read: "(a) Proof of claim shall consist of a notarized statement given under oath and subject to the penalties of perjury, that includes all of the following applicable..."

**Board Action:** Endorse amended recommendation. (11 in favor, 0 opposed)

under *Minn. Stat. §299F.051* (1978). Under provisions of this statute, training would be available to local fire fighters and law enforcement personnel on a reimbursement basis.

It should be noted that *Minn. Stat. §299F.051* excludes state agency personnel from the fire investigation course. Several state agencies, including the Bureau of Criminal Apprehension, the State Fire Marshall, and the Department of Natural Resources, have personnel who would benefit from such training. Although some state agency personnel have been training under this statute, *Minn. Stat. §299F.051* should be amended to allow participation of all state agency personnel involved in investigating suspicious fires.

*Minn. Stat. §299F.051* also encouraged the establishment of more advanced training in arson investigation. This training course would involve fire fighters, law enforcement officers and prosecution, working as a team, to investigate actual fire scenes and develop a case, from initial investigations to court appearances. At present, the state of Minnesota has no money available for development of this course.

Minnesota requires all attorneys who are members of the Minnesota Bar Association to attend refresher and training courses under the Continuing Legal Education (CLE) program. This program provides an ideal situation for an arson prosecution course. The course could be developed to fit into the CLE program and offered on a regular basis through this program.

The legislature should be aware of the potential impact of increased arson investigations as a result of improved training. Many local agencies rely on laboratory services provided by the Bureau of Criminal Apprehension (BCA) in the development of arson cases. As local investigators' skills improve, the case load for the BCA laboratory will increase. This may require increased staffing of the laboratory.



**Recommendations:** It is recommended:

- That the Minnesota Legislature appropriate \$47,000 per year to continue training local fire fighters and law enforcement personnel under *Minn. Stat. §299F.051*.
- That the Minnesota Legislature amend *Minn. Stat. §299F.051* (1978) to provide for participation of employees of state agencies involved in the investigation of suspicious fires.
- That the Minnesota Legislature appropriate \$20,000 for F.Y. 1982 for the development of an advanced arson investigation and prosecution course. If the course proves successful, that \$20,000 be appropriated for delivery of the training course in F.Y. 1983.

**Funding options:**

- Direct appropriations to the Department of Public Safety biennial budget request. The recommended funding for the basic course is included in the DPS request. The recommended funding for the advanced course represents an increase to the DPS request.
- Tax incentives to the insurance industry for development and presentation of arson investigation and prosecution course. Incentives could take the form of tax credits or tax deductions (up to a limit of \$2,000/company). Courses developed by the insurance industry must be approved by the State Fire Marshal to qualify for the tax credit or deduction.

**Board Action:** Endorse Recommendation. (10 in favor, 0 opposed, 1 abstention) **Comments:** The board encourages exploration of other funding sources, possibly fire insurance surcharges.

### Arson Investigation

Identification of arson is difficult. Many arson fires are incorrectly attributed to leaking natural gas pipes, faulty electrical wiring, or carelessly discarded cigarettes. Critical evidence may be buried under building debris or destroyed in an explosion of the fire. Using a time delay device the offender may be miles from the crime scene when the fire occurs. Very seldom are there any witnesses to an arson fire. Improved investigation is needed in order to increase identification of arsons.

In 1977, the Minnesota State Legislature passed legislation and appropriated monies to begin the task of training fire and law enforcement personnel in fire scene investigation

### JUVENILE JUSTICE



By statute, juvenile offenders are processed through the justice system separately from adult offenders. Within the juvenile justice system, distinctions are made between status offenders and criminal-type juvenile offenders and between these two groups and dependent or neglected children brought into court. Moreover, because juveniles may be petitioned into court for school behavior, e.g., truancy, and because courts may transfer custody to welfare

Photo by Georgianna B. Dunn

departments, the juvenile justice system goes beyond the traditional components of the criminal justice system to involve a whole network of justice, education, and social service systems.

Under the Juvenile Justice and Delinquency Prevention Act, Minnesota has a Juvenile Justice Advisory Committee (JJAC) composed of professionals, citizens, and youth who advise the Crime Control Planning Board on matters affecting juvenile justice in this state. The JJAC reviewed sections of this *Agenda* which pertain to juveniles and forwarded its recommendations to the Board.

#### Status Offenders

Existing legislation provides that three categories of children may be petitioned into juvenile court: delinquent, dependent, and neglected. A major concern is the question of whether status offenders should be placed in the delinquency category—as they now are—or be classified in the neglect or dependency categories, or be placed in a new category.

Categorizing status offenders as delinquent places children who have not committed any criminal acts into the same legal category with criminal-type offenders who have violated laws or ordinances. It should be pointed out that "pure status offenders" are children who have not committed acts which would be crimes if they were adults. They are typically adjudicated for behavior patterns counter to accepted norms and customs.

The issue is complicated by the dispositional options available to the courts for delinquent, dependent, and neglected children. In spite of differing opinions on the role of the juvenile court with respect to status offenders, most people agree that it is desirable for the court to protect the best interests of the child by ensuring that services needed to help the child are made available. Current Minnesota law makes these services available through the dispositional options for delinquent children. If status offenders are removed from the delinquency category, care must be taken to ensure that they will not be deprived of needed services.

Some important areas of agreement are shared by those who favor and those who oppose the delinquency classification for status offenders. First, the delinquency category clearly encompasses two distinct sets of juveniles—children who have committed criminal acts and status offenders brought to court for non-criminal behavior, e.g., truancy or disobeying one's parents or guardians. Second, in contrast to the juvenile petitioned into court for a single criminal act, the status offender is typically brought to court only when a pattern of

anti-social behavior has been exhibited. This behavior pattern may be symptomatic of underlying problems involving the status offender and his or her family, school, or community. These problems may be far more severe for status offenders than the reasons for which criminal-type offenders may commit crimes. So, third, status offenders clearly are children in trouble who need help. The juvenile court should, in some cases, intervene in a child's life to ensure that needed help will be available to the child.



Photo by Judy Chiu



Photo by Paul Hanoq



#### Recommendations:

Based upon analysis of status offender issues, it is recommended that status offenders be removed from the delinquency category in order to separate status offenders from criminal-type juvenile offenders. Implementation of this recommendation may be accomplished in one of two ways:

1. Elimination of status offenders from delinquency with placement of status offenders in dependency or neglect categories by adopting the legislative actions listed in Appendix C; or
2. Elimination of status offenders from delinquency with placement in a new Juvenile Status Offender category by adopting the legislative actions listed in Appendix D.

Each of these options removes status offenders from delinquency and provides for revising related statutes to reflect the intent of the option. Option (1) represents the position taken by the Executive Director of the CCPB, whereas option (2) represents the recommendation of the Juvenile Justice Advisory Committee.

**Board Action:** Endorse option (2). (10 in favor, 1 opposed) **Comments:** Concern was raised over temporary placement of status offenders in counties that lacked temporary shelter facilities. It is difficult to implement this recommendation if shelter care is not available. CCPB staff clarified that the board has helped, and will continue to help, counties provide temporary shelters. DOC opposes this recommendation. It was also commented that this recommendation removes juveniles' responsibility for their own actions.

#### Equal Protection Laws For Juvenile Court System

The question has been raised as to whether the Minnesota Statutes could be amended to disallow more severe or lengthy commitments for juveniles than could be imposed upon adults for the same violations of law, without doing violence to the underlying statutory scheme. Conduct not criminal for adults should be treated as a misdemeanor. Such a modification within the existing statutory framework, is both practicable and desirable.



#### Recommendation:

It is recommended that the following changes be made in the Minnesota Statutes.

1. Minn. Stat. 260.181, Subdivision 4,

##### Termination of jurisdiction:

- The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, the jurisdiction of the court shall continue until the individual becomes 21 years of age if the court determines it is in the best interest of the individual to do so, provided that, in cases of delinquency, the jurisdiction of the court shall not continue beyond the period of the maximum sentence provided for the same conduct under the laws in force governing the punishment for violations of statutes or local laws or ordinances.

2. Minn. Stat. 260.185, Subdivision 4:

All orders for supervision under subdivision 1(b) shall be for an indeterminate period unless otherwise specified by the court, and shall be reviewed by the court at least annually. All orders under subdivision 1(c) shall be for a specified length of time set by the court. However, before an order has expired and upon the court's own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual is no longer a minor, provided that the jurisdiction of the court shall not continue beyond the period of the maximum sentence provided for the same conduct under the laws in force governing the punishment for violations of statutes or local laws or ordinances. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.

It is further recommended that the legislature consider a bill for an act relating to juvenile court; requiring petitions alleging delinquency to be issued by judicial authorities and to be based on probable cause; amending Minnesota Statutes 1976, Section 260.131, Subdivision 2, and by adding a subdivision:

**Be It Enacted By The Legislature Of The State of Minnesota**

**Section 1:**

*Minn. Stat. 1976, section 260.131, subdivision 2,* is amended to read:

**Subd. 2.:**

A petition alleging dependency or neglect shall be verified by the person having knowledge of the facts and may be on information and belief. Unless otherwise provided by rule or order of the court, the county attorney shall draft a petition alleging dependency or neglect petition upon the showing of reasonable grounds to support the petition.

**Section 2:**

*Minn. Stat. 1976, section 260.131,* is amended by adding a subdivision to read:

**Subd. 2a.:**

A petition alleging delinquency shall be made upon oath before a judge, or judicial officer authorized by law to issue criminal process upon the violation of state or local law or ordinance charged by the petition.

The facts establishing probable cause to believe that a violation of state or local law or ordinance has occurred and that the child has committed the violation shall be set forth separately in writing in or with the petition or in supporting affidavits, except that facts establishing probable cause shall be required only when the child is placed in secure detention pursuant to *Minnesota Statute §260.171, 260.172, 260.173.*

**Board Action:** Endorse recommendation. (10 in favor, 1 opposed) **Comments:** This entire juvenile justice section was voted as a block and approved.

### Juvenile Restitution

In Minnesota the lack of clarity of intent of some laws in the juvenile code encourages misinterpretation. When implemented, these laws have the potential of raising unintended issues and ultimately cause confusion, particularly for the child concerned.

For example, MS 260.185 (subd. 1(e)) is the only law directly relating to juvenile restitution which states that a court may find that a child who is delinquent as a result of violating a state or local law or ordinance which has resulted in damage to the property of another, may order the child to make reasonable restitution for such damage.



**Recommendations:**

We recommend that the statute MS 260.185 be amended to include that standards for juvenile restitution be implemented to ensure that:

1. Juveniles paying restitution be guaranteed due process of the law;
2. Notice of the amount of damage the youth will be responsible for (or his/her pro rata share if there are multiple offenders);
3. There be a method of placing a value on the amount of damage and payment;
4. There are requirements imposed by the court to assure that the restitution order is complied with;
5. The juvenile should be assured a hearing to object to the above and to present evidence;
6. The juvenile court judge makes the final determination;
7. When a juvenile has failed to comply with the conditions of probation (i.e., restitution), that he/she be afforded due process at the time of the revocation of probation requiring:
  - (a) Written notice of the violation and the evidence against him/her;
  - (b) An opportunity to be heard and to present evidence;
  - (c) The right to confront and cross-examine witnesses;
  - (d) A hearing before juvenile court judge or referee;
  - (e) A written statement of facts stating the evidence relied upon in reaching the decision.

Additionally, we recommend that the legislature examine the issue of worker's compensation for a juvenile injured while performing court ordered service.

**Board Action:** Endorse recommendation. (10 in favor, 1 opposed) **Comments:** This recommendation was voted as a block with all of the other recommendations in the juvenile justice section. Both the Juvenile Justice Advisory Committee and the Crime Control Planning Board endorse this recommendation.



Photo by Dan O'Brian



**Recommendations:**

We recommend that the *Minn. St. 260.172, Subd. 1,* be amended to include specific conditions for an order of detention. These conditions should be:

1. That a petition has been filed in accordance with the provisions of section 260.131; and
2. That the judge or referee determines from the facts set forth separately in writing in or with the petition and any supporting affidavits or supplemental sworn testimony that there is probable cause to believe that the allegations of the petition are true; and
3. That the judge or referee determines from the evidence adduced at the hearing that there are reasonable grounds to believe that one or more of the following conditions exist:
  - (a) That the child is dangerous to himself or others;
  - (b) That the child will not return for subsequent court hearings; or
  - (c) That the child's health or welfare will be immediately endangered, in a case where dependency or neglect is alleged.

If unconditional release is not determined to be appropriate, the least restrictive alternative should be imposed. In any event, the court should also fix the amount of money bail without other conditions upon which the juvenile may obtain his release.

In determining whether there are reasonable grounds to believe that the conditions for detention exist, the court may consider:

- (a) The nature and seriousness of the alleged offense;
- (b) The juvenile's previous record of delinquency adjudications;
- (c) The juvenile's record of appearance or willful failure to appear at juvenile court proceedings;
- (d) The availability of noncustodial supervision, including a parent, guardian, or other suitable person who is willing and able to provide supervision of the juvenile and to assure his appearance at subsequent proceedings.

**Board Action:** Endorse recommendation. (10 in favor, 1 opposed) **Comments:** The availability of temporary placement to counties was an issue. The Crime Control Planning Board has helped, and will continue to help, counties provide temporary shelters. Both the Juvenile Justice Advisory Committee and the Crime Control Planning Board support this and other recommendations in the juvenile justice section of this report as designated.

### Revising The Juvenile Code

In Minnesota, the body of laws governing the juvenile justice system was at one time nearly a textbook sample of the *parens patriae* philosophy. It gave the judge full discretion at every stage of the proceedings to do what he thought would be best for the child and the child's rehabilitation. Its language reflected the optimism of turn-of-the-century social reformers and lawmakers who believed that the new system could, and would, work.



Photo by Paul Hancq

By 1959, it was evident to practitioners and legislators alike that changes were needed and several due process protections and standards were added—fully six years before they became mandatory. Since then the revision process has been ongoing; indeed it has accelerated.

As a result, the Minnesota Juvenile Code is a collection of changes and thus, has become a patchwork of laws which together straddle the fence between the *parens patriae* attitude of the old system and the due process philosophy of contemporary juvenile law.



#### Recommendation:

The Juvenile Justice Advisory Committee recommends that the legislature appoint a Juvenile Code Revision Committee to review, revise or rewrite the Juvenile Code and to present it to the 1982 legislative session. The Juvenile Code Revision Committee should include at least 11 but not more than 17 members with representation from the Minnesota House of Representatives and Senate, attorneys currently practicing juvenile law and attorneys representing the public prosecution and defense. Additional members should include the private sector; at least one attorney, who represents a child's legal advocacy project; representatives of the juvenile court judges who preside over juvenile courts in out-state and metropolitan Minnesota; and juvenile justice practitioners.

The committee should meet as necessary to study existing laws pertaining to juveniles in Minnesota, to examine legislation and programs of other states, to review the juvenile justice standards of the Institute of Judicial Administration and the American Bar Association, and to review recommendations of other study commissions, including the Minnesota Supreme Court Juvenile Justice Study Commission, the Correctional Services of Minnesota juvenile justice report, and the Crime Control Planning Board's Juvenile Services Delivery System Analysis, in order to present to the Minnesota Legislature a cohesive report outlining a coordinated working approach for our juvenile justice system.

In conjunction therewith, the following subject matters be seriously considered by the Juvenile Code Revision Committee:

- i. The status offender issue;
- ii. "Equal protection" laws for the Juvenile Court System;
- iii. Juvenile restitution;
- iv. Legal services for juveniles; and
- v. Alternatives to incarceration, i.e., detention criteria.

**Board Action:** Endorse recommendation. (10 in favor, 1 opposed) **Comments:** It should be noted that the juvenile justice section of the agenda was voted as a whole block rather than as individual recommendations. Both the Crime Control Planning Board and Juvenile Justice Advisory Committee endorse this and other recommendations in this section as designated.

### CRIMINAL JUSTICE INFORMATION SYSTEMS

Coordinated development of information systems can facilitate long-term cost savings while improving criminal justice services. Data processing technology can bring greater efficiency to current operations in line agencies and promote better management of the entire criminal justice system. However, the absence of a long-range system plan and incomplete coordination among the various state and local criminal justice information systems inhibits full realization of potential benefits and compromises the usefulness of data currently collected.

A formal coordinating body, the Minnesota Justice Information Systems Advisory Council (MJISAC), was established in 1975 by Executive Order. The Master Plan produced by this group contained three key elements for criminal justice information systems in Minnesota.

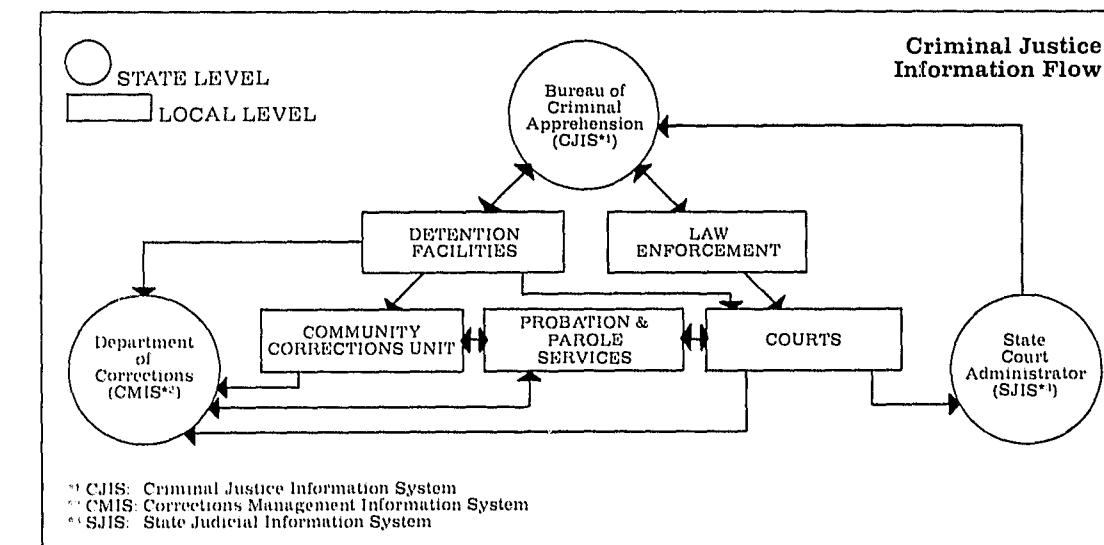
First, a statewide integrated Minnesota Criminal Justice Information System (CJIS) was proposed based on local criminal justice information systems. A standardized methodology was to be created for collecting and processing information about individual offenders at the local level and the transfer of such information to appropriate state agency-maintained files for statewide access and use. Local system development was a priority under the Plan.

Second, the statewide telecommunications network was to be the backbone of the statewide system and the mechanism to link the various local and state systems. Telecommunications connections were planned between each local criminal justice information system or agency and a state control center allowing agencies to share information among themselves (via mes-

sage switching) and report to various state files (via automated data transfer).

Third, the state's role was to set standards for local systems to ensure data, software, and hardware compatibility, to maintain the data repositories and the telecommunications links, and to perform appropriate and useful analyses of the systemwide data for management, evaluative, and planning purposes. These ongoing integrating and coordinating functions were to be key components of the implementation of the Plan.

The development of criminal justice information systems since adoption of the Master Plan has been partially successful but has deviated from the Plan in important ways. The telecommunications network and several operational state systems exist and work well. But development of other key components of the Plan has been slower and more difficult than expected. Since the demise of MJISAC, the coordinating function so necessary to establish a network of systems is informal and generally limited to state agencies. No long-range planning capability exists for the system as a whole. Fragmentation, overlap and gaps in information collected continue, particularly between local agency systems and the major state agency systems. Despite \$6.1 million in grants-in-aid since 1975 (including \$4.9 million of Federal LEAA monies and \$1.2 million of state and local funds), a local criminal justice system as specified in the Master Plan has not been implemented. Both state and local systems have been plagued with cost and time overruns. Most local reporting to state systems is still not automated; some is redundant and some important data is simply not reported.



These various problems postpone many of the benefits to be realized by the Governor, the legislature, individual agencies, and local units of government as well as the general public. Basic questions of a systemwide nature, such as information on the total number of individuals who pass through the criminal justice system in any given period of time, still cannot be answered. Other questions critical to good management, effective decision-making and long-range planning can be answered only with special effort and frequently with delay and compromises in accuracy.

The future will bring additional change in individual systems and state requirements for data reporting. Further, dramatic improvements in computer technology, particularly the proliferation of cheap and powerful small computers, will accelerate the rate of system change. Such rapid change could outstrip current attempts to coordinate systems and heighten the trend toward separately conceived applications.

The loss of federal funding for system development and technology transfer will further exacerbate this situation. Individual agencies and local units of government may choose to compensate for dwindling resources by concentrating on their own in-house operational needs. Systems which are in interim stages of development and lack sufficient local resources for continuation will stagnate. The results will be increased total system costs and forfeiture of many of the long-term systemwide cost, management and planning benefits foreseen for the Criminal Justice Information System.

Minnesota has a good developing Criminal Justice Information System, but a systemwide perspective to coordinate its various parts and prepare for the future is required to fulfill its real potential for operational and management benefits.



#### Recommendations:

1. It is recommended that a permanent Criminal Justice Information Systems Users Association be created to encompass the various user agencies of CJIS. This User's Group initially could be staffed by the Crime Control Planning Board. The primary purpose of this group would be to promote communications among all state and local users of CJIS, to identify common operational problems, to develop, recommend and prioritize solutions and to develop recommendations for the future of CJIS.

The means to these ends would be periodic membership meetings open to representatives of CJIS user agencies, persons who are familiar with the individual systems both conceptually and on a day to day basis. Presentations and workshops would be held to familiarize all with current and planned systems, changes in data reporting requirements, future needs and newly available technology. Task forces would report on assigned projects in problem identification and resolution. Open forums to discuss common problems, straighten out misunderstandings and reach consensus on future directions would be held. The writing and approval of a five-year plan for the future development and enhancement of CJIS should be a major task of the assembly.

2. It is further recommended that state aid for development of local criminal justice information systems supplant the loss in Federal funds. Recommendations made by the User's Group and its long-range plan may be used to guide state funding of any systems development. Administration of these funds should remain with the Crime Control Planning Board.

#### Funding options:

Direct appropriation of \$500,000 to the Crime Control Planning Board for local criminal justice information system development. This appropriation would represent an addition to the CCPB's biennial budget request.

**Board Amended Recommendation:** The board deleted the staffing, funding administration, and funding option from this recommendation. **Deletions:** 1. This User's Group initially could be staffed by the Crime Control Planning Board. 2. Administration of these funds should remain with the Crime Control Planning Board. 3. Entire funding option. **Board Action:** Endorse amended recommendation. (11 in favor, 1 opposed) **Comments:** Although members feel the system is currently functioning fairly well, they recognize the need for long-range planning. The funding recommendation was deleted due to a desire for further documentation.

## III Recommended Improvements In The Components Of The Minnesota Criminal Justice System

### LAW ENFORCEMENT

The law enforcement component contains the largest number of professionals in the criminal justice system. With approximately 7,000 full-time, certified peace officers licensed in Minnesota, it is imperative to address the quality of services provided, economy and efficiency of an officer's on-duty time, as well as the financial cost to the community.



Photo by St. Paul Police Dept.

This chapter of the *Agenda* addresses problems which arise within three "components" of the criminal justice system: law enforcement, courts, and corrections; and presents recommendations for action by the Governor and legislature.

As noted, the Judicial Planning Committee assisted with the development and review of the Courts section. Special advisory committees were appointed by the Executive Director for the Law Enforcement and Corrections sections of this chapter. (Appendix A lists the membership of the advisory groups.) Although advisory groups assisted greatly with the development of this *Agenda*, the recommendations in this chapter are those of the Crime Control Planning Board, not necessarily those of the advisory groups.

Recommendations were presented to the Crime Control Planning Board for review, discussion, and vote for endorsement. The board adopted a rule of 60% of current membership required for endorsement. Accordingly, 9 votes in favor of a recommendation were required for endorsement. The recommendations presented here are followed by the board's action, including any amendments, the vote, and comments based upon the board members' discussion. (Recommendations were presented to the board over a series of meetings. Hence, vote totals vary according to the number of members present and voting.)

Many recommendations in this section will require funding from the legislature. Ideally, each state program should be considered in the ordinary budget review process. Since this process is already underway, state programs which may be affected if recommendations are adopted have not planned for these changes. Although direct appropriations may be the only source of revenue to support some recommended changes, where possible the Crime Control Planning Board has suggested alternative funding sources.

An ad-hoc committee of state, county, and municipal law enforcement personnel was appointed by the chairman of the Crime Control Planning Board to help develop and review this part of the *Agenda*.

The *Agenda*, in its brevity, cannot address all the important issues facing the law enforcement community. It does identify and propose solutions for some of the more prominent concerns.

### **Returning Property To Legal Owners**

Minnesota current practice requires that recovered stolen property must be held by the responsible law enforcement authority until prosecution has been completed and time allowed for appeal has been exhausted. As a result, even in cases where property is eventually returned, victims often are deprived of their property for months. During this period, law enforcement agencies are required to provide a secure holding facility for recovered property. This requires adequate space, personnel, and procedures to properly handle recovered property. The longer this property must be held, the greater is the strain on both human and physical resources of law enforcement agencies.



#### **Recommendations:**

It is recommended that an administrative process be developed by county and local law enforcement agencies to facilitate the return of recovered stolen property to its legal owner. This process should include at a minimum the following provisions:

1. The property section of any county or municipal law enforcement agency shall provide adequate notice by publication, or other adequate means, of the recovery of stolen property. Such notice shall describe the property and specify the time within which persons claiming ownership of the property must file a request for release.
2. If within the time allowed only one person claims legal ownership and files a request for release, the property shall be released to him subject to the condition that he sign under penalty of perjury:
  - a) a declaration of legal ownership;
  - b) a statement that the property being released to him is without prejudice of the state, the accused, the person from whom custody was taken, or a person who may have a claim against the property; and
  - c) a statement that if the property is not perishable, it shall not be sold or disposed of until final determination of the action or proceedings for its alleged illegal taking or possession.

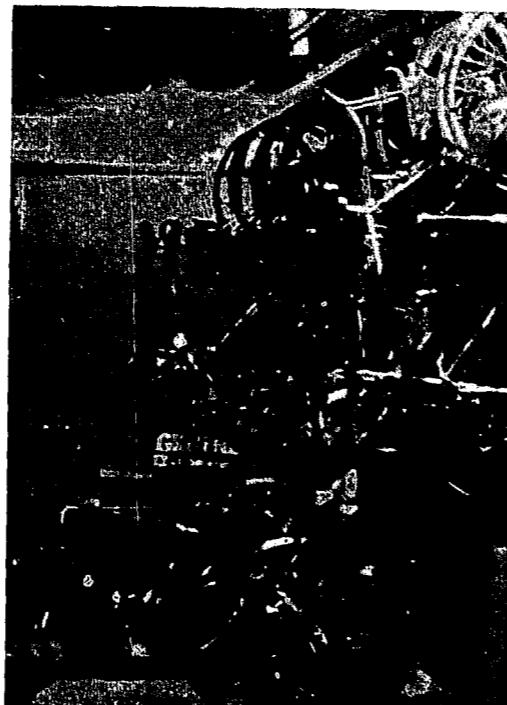


Photo by St. Cloud Police Dept.

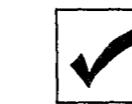
### **Revenue For Law Enforcement Training**

A crisis in the funding of law enforcement training has developed in Minnesota. The trend toward decentralized law enforcement training has coincided with substantial cuts in state and federal support of training. Training costs mount quickly when tuition, travel expenses, and overtime pay for replacements are taken into account. Many departments are finding it difficult to finance the training required to maintain officers' licenses.

A financial aid program for training is needed if the efficiency and effectiveness of law enforcement services in the state are to be improved. Penalty assessment is defined as a surcharge on fines and/or bail forfeitures that is placed in a special fund. This revenue would be redistributed to agencies throughout Minnesota to help meet the costs of in-service law enforcement. A ten percent surcharge on all fines (except for non-moving traffic violations) and forfeited bail could produce an estimated revenue of \$1,000,000 in Minnesota.

Revenue generated by such a program should be designated for law enforcement in-service training and allocated to local agencies based upon an acceptable formula.

The Florida Supreme court, in handing down its 1970 decision on penalty assessment, stated: "It is not unreasonable that one who stands convicted of such an offense should be made to share in the improvement of the agencies that society has had to employ in defense against the very acts for which it has been convicted."



#### **Recommendations:**

Establishment of a program to guarantee funds for law enforcement training.

#### **Funding options:**

1. Direct state appropriation for local law enforcement in-service training.
2. Direct state appropriation requiring local match.
3. Penalty assessment defined as a surcharge on fines and/or bail forfeitures.

**Board Amended Recommendation:** Funding options should include but not be limited to the three listed in the recommendation. **Board Action:** Endorse amended recommendation. (10 in favor, 0 opposed) **Comments:** The board supported exploration of all options which would ensure the continuation of law enforcement training.

### **Administrative Sanctions For Non-Moving And Selected Moving Violations**

The large number of outstanding warrants issued by the courts for failure to appear on non-criminal charges has resulted in a backlog of cases and significant loss of revenue to state and local governments. These charges generally involve moving and non-moving motor vehicle violations. State and local governments lost approximately \$2 million last year due to non-compliance by the public.

A major reason current procedures fail is the lack of sufficient manpower to aggressively serve and enforce traffic warrants. The costs associated with reducing the number of outstanding warrants is prohibitive.



#### **Recommendation:**

It is recommended that failure to answer a complaint or appear at a scheduled hearing for moving or non-moving traffic violations should result in flagging vehicle registration records for non-moving violations and flagging driver's license records for moving violations. New vehicle plates or tags and driver's license renewals should not be issued until the complaints have been resolved.

#### **Funding options:**

1. Direct appropriations for implementation of the required information systems.
2. Processing fee for each time a motor vehicle and/or driver's license record has been flagged.

**Board Action:** Endorse recommendation. (9 in favor, 0 opposed) **Comments:** It was pointed out that the costs of implementing the administrative process could be high. A previous legislative session had a similar bill including the use of hearing officers. Department of Public Safety (DPS) estimates for implementing that legislation were \$3.6 million for startup costs and \$2.8 million/year following startup. After further study, DPS estimates for the information and notification procedures required for an administrative process were \$1.3 million. The board requested that staff prepare further background information on state and local costs, including loss of fines and court and law enforcement expenses, for failures to answer complaints or appear at scheduled hearings.

### **Reduce Responses To False Intrusion Alarms**

The introduction of sophisticated intrusion or burglar alarms in the past decade has resulted in more false alarms requiring a police officer's response. This problem affects manpower resources as well as officers' attitudes when responding to alarms. After responding to numerous false alarms, officers begin to handle alarm calls in a relaxed, routine way. This behavior ultimately may expose unsuspecting officers to dangerous situations when responding to real alarms.

The following data from a 1976 St. Paul Police Department study on false alarms clearly illustrate the magnitude and severity of the problem: 1) The percentage of false burglar alarms, compared to the total number of alarms requiring a police response, was 95 percent. 2) Police responded to an average of 20 alarms per day. 3) The average service time per alarm was 15 minutes per squad. Man hours could be higher dependent on the ratio of two-man squads.

In a subsequent 14-day sample of alarms calls in 1979, officers responded to 280 alarms. Of these, 265 were unfounded or false, and only 39 of the 265 were related to employee or human error in triggering the alarm.

As the market for intrusion detectors expands to include more personal and residential users, the rate and frequency of false alarms will become an even greater problem for law enforcement agencies.



Photo: Police Dept. Alarm System

Communities throughout the nation have begun to respond to this problem by passing various ordinances that impose civil (and in some instances, criminal) penalties on owners of buildings that have more than a fixed number of false alarms in a year. Other states have passed legislation requiring the licensing of alarm equipment installation companies and prescribing codes for alarm systems (similar to building codes).

The pros and cons of these "solutions" point to the need for a more comprehensive study of this complex issue. Any final recommendation will be best developed with the involvement of alarm equipment manufacturers, installation companies, users of alarm systems and law enforcement agencies.



#### **Recommendations:**

It is recommended that a model ordinance be drafted containing the following provisions at a minimum:

- A requirement that any corporation, business or individual who has an intrusion alarm installed on commercial, industrial or residential property must file notice of installation with the law enforcement agency which has jurisdiction over that property.
- A provision for the issuance of citations to business or individuals whose incidence of false alarms exceeds that permitted by statute/ordinance.
- A succinct and carefully drawn definition of what constitutes a "false alarm."

It is further recommended:

- Further study on the feasibility of statewide licensing of alarm equipment manufacturers and installation companies.
- Development of an alarm system code containing specifications for alarm systems and their installation.

**Board Action:** Endorse recommendation. (11 in favor, 0 opposed) **Comments:** The board was concerned that it would be difficult to implement the recommendation because many false alarms are triggered by outside factors such as lightning, or phone line interference. The advantage, however, is that users of these systems would begin to bear these costs rather than the general public.

### **COURTS**

The courts component of the criminal justice system encompasses state, district, county, and municipal courts; state and local prosecution; and state and local public defense services. The judicial system in Minnesota consists of 10 judicial districts and 87 counties in which there are 72 district court judges, 108 county court judges, two probate court judges, and 28 municipal court judges.

This section of the *Agenda*, discussing problems and concerns of the courts, was prepared for the Crime Control Planning Board by the Judicial Planning Committee (JPC), a representative advisory body appointed by the Chief Justice of the Minnesota Supreme Court. The JPC's relationship with the Crime Control Planning Board has been to advise the board on funding of the courts projects and to develop the courts section of the board's comprehensive *Agenda*.

A variety of issues have been and now are being studied by the JPC. The committee believes the following problem issues need legislative action.



Photo by Mark Nelson

### **An Intermediate Appellate Court**

The number of appellate matters processed by the court has risen dramatically. In 1978, nearly twice as many matters were filed as in 1973, yet the number of written opinions issued remained relatively constant. Thus, fewer cases, on a percentage basis, receive written opinions. In 1978, approximately one of two cases filed received a written opinion. By 1978, that ratio had dropped to one of three. This means an increasing number of cases are disposed of prior to hearing. In 1973, only 44 percent of the matters were disposed of prior to hearings; in 1977 the figure rose to 60 percent.

Minnesota also experiences delay in processing appeals. The average time required to process an appeal in any appellate court is an indicator of that court's ability to dispose of its caseload. The mean processing time in Minnesota for all matters in 1977 was 15 months. Criminal, en banc matters disposed by opinion required more than 22 months.



#### **Recommendation:**

The Judicial Planning Committee recommends that the legislature reconsider and enact into law House File 692/Senate File 650, which were introduced during the 1979-80 legislative session. This bill would allow the people of Minnesota to amend the Minnesota Constitution so that the legislature could create an intermediate appellate court.

**Board Action:** Forward Judicial Planning Committee (JPC) recommendation to the legislature. (9 in favor, 0 opposed) **Comments:** All courts recommendations were considered as a block. Board members elected to forward the JPC recommendations to the legislature without endorsement of individual recommendations.

### **Make Public Defender Services Available To All Eligible Individuals As Provided By Law**

The Judicial Council, which is responsible for the administration of portions of the public defense system in Minnesota, requested the JPC to undertake a study of legal defense to indigents in the state and to make recommendations for improving the system. A JPC subcommittee held public hearings and solicited testimony from judges, defenders, prosecutors and the private bar to determine deficiencies in the system and to consider the recommendations of practitioners for improving that system.

The subcommittee concluded that changes in the public defender system were necessary to meet the following objectives: 1) provide legal services to all eligible individuals; 2) increase the independence of public defenders; 3) increase the involvement of county government and the local bar associations in the planning and delivery process of defense services; 4) remove the burden of defense administration from the judiciary; 5) upgrade the budget process for public defense; 6) provide local decision-making authority in the appointment, salary, and methods of service delivery of public defenders; and 7) establish statewide standards for delivery of public defender services. A bill (House File 1318, introduced during the 1979-80 legislative session) implementing the recommendations was prepared by the subcommittee.



#### **Recommendations:**

The Judicial Planning Committee recommends the enactment of House File 1318 which was introduced in the 1979-80 legislative session. This bill accomplishes the objectives listed above by defining the individuals who have a right to representation by a public defender and establishing a mechanism for providing this representation by: 1) creating a State Board for Public Defense; 2) creating District Committees for Public Defense; 3) creating District Public Defenders; 4) providing for the powers and responsibilities of 1, 2, and 3 above; and 5) establishing methods for funding the public defender system.

**Board Action:** Forward JPC recommendation to the legislature. (9 in favor, 0 opposed)

**Comments:** All courts recommendations were considered as a block. Board members elected to forward the JPC recommendations to the legislature without endorsement of individual recommendations.

### **Establish Legislative Policy For Utilization Of Para-Judicial Personnel**

Controversy surrounding the use of referees and judicial officers in Minnesota courts arose in 1977 when legislation abolishing the positions was enacted (L. 1977, Chapter 432, Sections 25 and 48). The debate continued through the following session when the persons serving as referees and judicial officers were "grandfathered" in (L. 1978, Chapter 750, Sections 2 and 3). This, however, did not resolve the issue, so the legislature required that the matter be studied further.

The Supreme Court designated the Judicial Planning Committee to conduct the study and prepare recommendations. Its *Report on the Use of Para-Judicial Personnel in the Minnesota Courts* provides the basis for these recommendations.



#### **Recommendations:**

The Judicial Planning Committee recommends:

##### **1. Consolidated Family Division:**

The County Court Act should be applied to Hennepin and Ramsey Counties, to permit reorganization of the family, juvenile, and probate courts to coordinate disposition of proceedings which arise out of the family relationship. The judicial district administrators of Ramsey and Hennepin Counties should have the power to reorganize and consolidate the separate clerks' offices in these jurisdictions.

##### **2. Referees:**

No vacancy in the office of referee, including probate referees, should be filled, nor new office created. Temporary referee positions authorized pursuant to Laws 1978, Ch. 750, Section 6 should terminate no later than July 31, 1981. Persons holding the office of referee full-time on June 30, 1977, in the Second and Fourth judicial districts should be permitted to continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. Referees should have the authority to hear contested matters unless either party objects. The ability of the judicial work force to meet the demands of the caseload should be re-evaluated whenever a referee position is vacated or terminated. If the Legislature is unable to create a judgeship(s) justified by the re-evaluation, the Chief Justice should be empowered to authorize the chief judge of

the district to appoint one temporary referee for a period not to exceed twelve months for each position vacated or terminated. The office of referee should be abolished when all "grandfathered" positions are vacated or terminated.

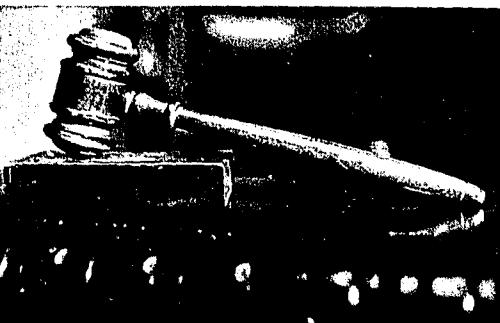


Photo by Mark Nelson

##### **3. Judicial Officers:**

No vacancy in the office of judicial officer should be filled, nor new office created. Temporary judicial officer positions authorized pursuant to Laws 1978, Ch. 750, Section 6 should terminate no later than July 31, 1981. Persons holding the office of judicial officer on January 1, 1980 and who were not appointed pursuant to Laws 1978, Ch. 750, Section 6 should be permitted to continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. The ability of the judicial work force to meet the demands of the caseload should be re-evaluated whenever a judicial officer position is vacated or terminated. If the legislature is unable to create a judgeship(s) justified by the re-evaluation, the Chief Justice should be empowered to authorize the chief judge of the district to appoint one temporary judicial officer for a period not to exceed twelve months for each position vacated or terminated. The office of judicial officer should be abolished when all "grandfathered" positions are vacated or terminated.

##### **4. Administrative Hearing Officer:**

The position of administrative hearing officer should be retained.

##### **5. Conciliation Court Referees:**

The position of per diem conciliation court referee should be retained.

##### **6. Retired Judges:**

The current practice of utilizing retired judges to complement the judicial work force should be continued.

##### **7. Court Commissioners:**

The office of court commissioner in all counties except Ramsey County should be abolished upon completion of the incumbents' terms of office. The person holding the office of court commissioner in Ramsey County on July 1, 1980 should be permitted to continue to serve at the pleasure of the county board under the terms and conditions of his appointment. No vacancy in the office of court commissioner in Ramsey County should be filled, nor new office created. When the office of court commissioner in Ramsey County is vacated, the office should be abolished and a re-evaluation made of the ability of the judicial work force to meet the demands of the caseload.

**Board Action:** Forward JPC recommendation to the legislature. (9 in favor, 0 opposed)

**Comments:** All courts recommendations were considered as a block. Board members elected to forward the JPC recommendations to the legislature without endorsement of individual recommendations.

do "dead time" in many facilities with no provision for constructive activities. In some areas, jailers also act as sheriff's dispatchers and "road" deputies, making staff coverage in the jail difficult. Jailers do not regard themselves as a distinct class of corrections professionals but rather as entry level personnel. And finally, while the state has developed a set of jail standards which include a regular inspection program, local jurisdictions usually are not able to make changes needed to meet the standards.

In the past, the legislature has mandated the development of standards and inspection of local secure facilities through the Department of Corrections procedures for agency rules (Minn. Stat. §241.02(1) (1978), originally enacted as Chapter 299-S.F. No. 551 Laws of Minnesota for 1976). These standards were adopted and statewide inspections have been implemented. Soon these standards will undergo review and revision. It is important that these standards be upgraded and fully consistent with nationwide standards such as the American Corrections Association (ACA) Commission on Accreditation standards for local facilities.

Photo by Paul Hancq



### **CORRECTIONS**

The corrections system is composed of state institutions, local secure facilities, probation/parole/court field services and community corrections. There are five major state institutions for adults, and most local jurisdictions operate some form of jail, lockup, holding facility or corrections center. Court field services, involving probation and often, parole activities, is a system with traditional county and district court services as well as a different structure in counties participating under the Community Corrections Act. Community corrections, a complex area, covers a wide variety of corrections services and treatment options available in the community, including halfway houses, non-residential care, crisis centers and programs for special offender groups.

This section was prepared by a special corrections advisory committee of the Crime Control Planning Board.

### **Improvement In Local Jails, Holding Facilities, Lockups, And Detention Centers**

Basic problems face Minnesota's local jail systems today. Many facilities are simply old, inadequate, or outmoded. Even physically adequate facilities often face overcrowding and lack recreational and program space. Inmates

Financing is another problem for local jurisdictions which report increasing difficulty in obtaining revenue to upgrade facilities or to meet existing standards. During the past legislative session, several bills were submitted to the legislature (H.F. 2470, H.F. 2469) providing for matching state assistance for the replacement of sub-standard jails, lockups and holding facilities.



#### Recommendations:

##### 1. Standards.

It is recommended that jail programming, treatment, and inmate services become fully defined through standards, and that the standards retain emphasis on pre-service and in-service jailer training as well as the professional administration of the jail. It is also recommended to the Commissioner of Corrections that the revision of the state jail standards include and stress the definition and enhancement of jail program, treatment, and inmate services, to emphasize the professional administration of local secure facilities and on-going jailer training, and to ensure that the standards are fully consistent with the ACA national standards for the local secure facilities.

**Board Amended Recommendation:** The board amended the clause, "...to ensure that the standards are fully consistent with the ACA national standards for the local secure facilities" to read "to ensure that the standards are based upon the ACA national standards for the local secure facilities."

**Board Action:** Endorse amended recommendation. (9 in favor, 0 opposed)  
**Comments:** Discussion focused on the role of the ACA national standards relative to state standards. The ACA national standards express ideals for local secure facilities, often giving maximum performance levels. In contrast, state standards are often stated in minimum compliance levels. Hence, it is not clear that state standards could be "fully consistent with" the ACA standards. Board support for the thrust of this recommendation was expressed by amending the language so that state standards would be based upon the ACA national standards.

##### 2. Financing for local facilities.

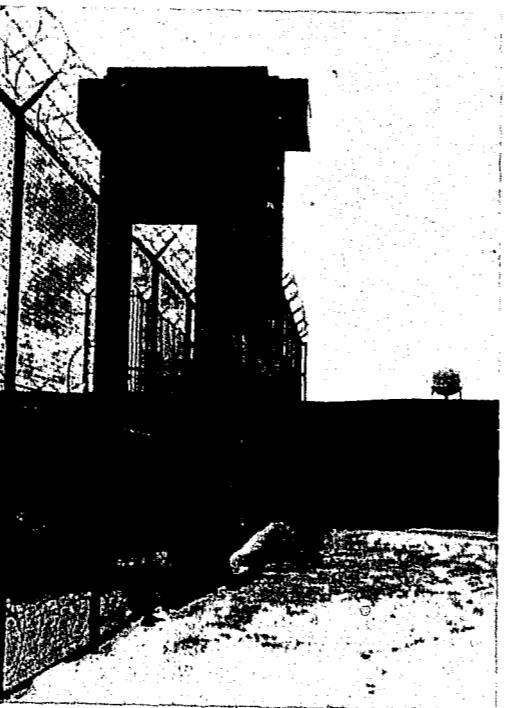
Some form of assistance is recommended for local jurisdictions that enables them to meet standards and to replace inadequate facilities. It is therefore proposed that the

appropriate legislative committees (House and Senate) should hold a joint hearing concerning the ability of local jurisdictions to meet standards. This hearing should take into account both present and proposed standards and address operating as well as capital expenditures. This hearing should be scheduled early in the session and be initiated through the re-introduction of 1980 H.F. 2469 and the consideration of the Department of Correction's (DOC) 1980 Jail Master Plan and jail inspection reports. If the group determines that a genuine need for assistance exists, then consideration should be given to the following options which are detailed in Appendix B:

- A. Grants-in-aid to counties for detention facilities;
- B. Special levy and bonding for jail improvement;
- C. Surcharges on sentenced offenders; and
- D. Sheltered workshops and charge backs to inmates.

**Board Action:** Endorse recommendation. (9 in favor, 0 opposed) **Comments:** Previous bills such as 1980 H.F. 2469 placed the financing burden on the counties. Given the number of persons held in jail under state laws and requirements, it should be noted that many county and local officials believe the burden of financing local secure facilities is the state's responsibility.

Photo by Dan O'Brian



## Improvement In Major State Institutions

The major state institutions have been making progress over the past 10 years in the development of programs and treatment for special groups of inmates, such as inmates with behavioral disorders, sex offenders, and chemically dependent offenders. Staff training has improved with the consolidation and improvement of the DOC training unit. Facility overcrowding, a recent phenomenon, is being addressed by construction of the new security prison, although there may not be sufficient funds to fully program and staff the new prison. Pending some conclusive research concerning

the impact of the sentencing guidelines on institutional populations, it is difficult to predict the future problem that facility overcrowding may present in Minnesota.

All major state institutions are undergoing accreditation with the ACA Commission on Accreditation. This commendable activity, which results in better operating, more "constitutional" institutions, requires much work and some funds to attain and maintain compliance with national standards. Thus far, the DOC has been able to proceed with accreditation without special legislative appropriations.



#### Recommendations:

It is recommended that when a new high security prison at Oak Park Heights is opened that it be fully programmed and staffed. The board recommends that the legislature appropriate funds to the Department of Corrections for both sufficient staff, including training, and a full range of programs and services for the inmates. This facility should undergo the accreditation process when feasible.

The accreditation process is viewed as a means of systematically assessing and improving the state institutions. It is recommended that the DOC continue to sustain the accreditation (and re-accreditation) process without making major new requests for state funds; however, it also recommends that the state legislature support the accreditation process for state correctional facilities by recognizing DOC regular budget items that contribute to the maintenance of accreditation as a high priority in the appropriations process.

It is also recommended that the DOC proceed to initiate the accreditation process with the two state juvenile facilities.

**Board Action:** Endorse recommendation. (9 in favor, 0 opposed) **Comments:** Concern was expressed about the timing for opening the Oak Park Heights facility and about whether opening the facility will increase the number of inmates in state institutions. When the facility is opened, the Department of Corrections (DOC) is likely to gradually phase into full operations. The phrase "fully programmed and staffed" is understood to be relative to the phasing-in schedule established by the DOC.

Photo by Dan O'Brian



### Programs For Female Offenders

The lack of services and programs for female offenders has caused a great deal of discussion both in the legislature and among criminal justice professionals. Very few services exist beyond one or two community corrections projects and the women's prison at Shakopee. Major urban jails and work houses may have a women's section but services vary drastically and often these facilities are custody—rather than treatment-oriented. In non-urban jails, women tend to be held or sentenced in small numbers, making aggressive treatment programs difficult to develop and implement and a secondary priority since most inmates are male. Many jails are reluctant to hold females because they require a matron and cell space separated by sight and sound from other inmate groups.

The female offender in the state institution also has been a major problem. The women's prison is understaffed and housed in a deteriorating physical plant. Information from institutional base files indicates that females sentenced to Shakopee tend to have a history of common problems such as incest and battering, lack of parenting and education skills, unemployment, chemical abuse, and, obviously, a criminal problem. Overcrowding has required housing some inmates at the Sauk Centre correctional facility. Inmate transfers disrupted inmate programs.

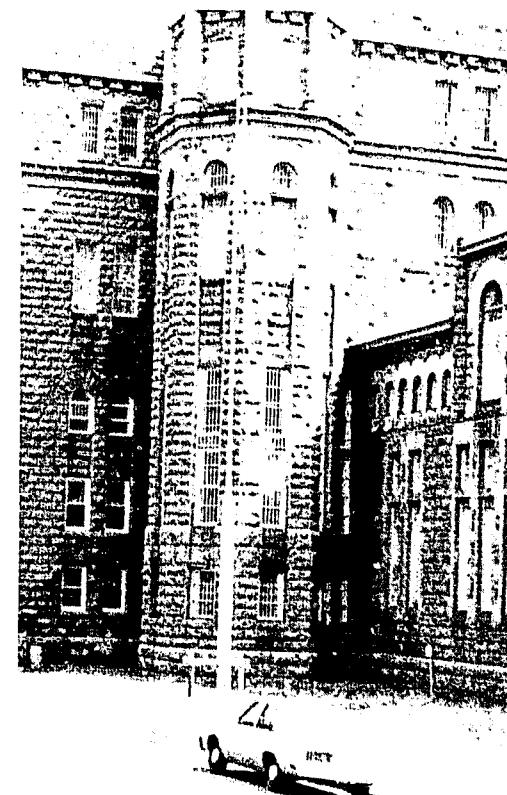


Photo by Tom Reid



#### Recommendations:

Local jurisdictions must begin to demonstrate that the needs of female offenders are being addressed in a systematic and comprehensive manner. It is recommended that the Commissioner of Corrections, in consultation with the Governor, legislature, and relevant professional and interest groups, require that the local plans for counties participating in the Community Corrections Act include a separate section documenting the needs and problems of female offenders and demonstrating that those needs and problems are being addressed. It is further recommended that the Department of Corrections' Task Force on Female Offenders develop plans for counties which are not participating in the Community Corrections Act. It is recommended that the legislature consider full funding for a treatment-oriented, "full service" women's prison that is fully staffed and housed in small group, therapy-based living units.

#### Funding options:

Direct state appropriations to the Department of Corrections' budget for a full-service women's institution.

**Board Amended Recommendation:** The board amended the recommendation so that the second paragraph reads: *"The Crime Control Planning Board recommends that the legislature continue the planning efforts for the development or improvement of the women's prison which would be adequate to meet the needs of the committed female offenders and, when such prison is constructed, that it be a treatment-oriented, "full service" women's prison that is fully staffed."* **Board Action:** Endorse amended recommendation. (9 in favor, 0 opposed) **Comments:** Concern was expressed that the original recommendation may be getting too far ahead, because the legislature and the Department of Corrections are still in the planning stages of modifying the women's prison. The board should support these planning efforts. It was also noted that the original recommendation, calling for "therapy-based living units," assumes that all women prisoners need therapy.

### Statewide Probation Standards

The area of probation, parole, and court field services is a large and vital part of any corrections system. Minnesota has not assessed the needs, strengths, weaknesses, and problems concerning these services.

Currently there are no statewide, systemwide mandated standards concerning probation and parole. There are no minimum qualifications for employment and requirements can vary between jurisdictions. The Community Corrections Act made participating counties responsible for all probation services in their areas. This has fostered the emergence of independent enclaves of field services systems and impaired statewide uniformity in probation.



#### Recommendations:

It is recommended that a statewide, systemwide study and analysis of the field services function be conducted. Such a study should provide information on all aspects of the topic and involve a wide variety of groups and individuals including judges, court personnel, field personnel, Community Corrections Act administrative structures, and Department of Corrections. It is further recommended that the legislature mandate the development and promulgation of statewide, systemwide standards for probation, parole, and field services in

Minnesota. The Commissioner of Corrections should be mandated to develop a broad-based commission to develop statewide standards through a public hearing process. This commission should include representatives of both the adjudication and correction systems and specifically include practitioners from county and district court services as well as representatives of the relevant professional organizations.

**Board Amended Recommendation:** The board amended the recommendation by deleting the second paragraph and by adding the language "for the purposes of developing statewide, systemwide standards for probation, parole, and field services in the state of Minnesota" to the last sentence of the first paragraph. **Board Action:** Endorse amended recommendation. (9 in favor, 0 opposed) **Comments:** Board members expressed concern that the study should be done prior to the development of state wide standards and be used as a basis for developing standards. There was some concern about the need for such a study. However, it was pointed out that the field services' role has evolved and changed (both in terms of responsibilities and training or educational needs) greatly over the years. Field services representatives on the "ad hoc" corrections committee supported this recommendation. The study should provide the background for the development of standards which will clearly define the roles of probation and parole officers.

### Lack Of Identification Of Chemical Dependency/Abuse And Coordination/Assessment Of Treatment In Criminal Justice System

Minnesota has made progress in the treatment of persons with chemical dependency problems. Many of these people appear in the criminal justice system for offenses precipitated by dependence on alcohol or drugs. Some are readily identified for help, specifically those with a conviction for driving while intoxicated or a drug-related crime. Others go through the system as criminal justice problems, their dependency not recognized or treated.

There is no systematic and comprehensive approach for assessing chemical dependency

problems and providing treatment (outside of alcohol and drug-related arrests/convictions). Some programs (e.g., Project REMAND) and professional groups (e.g., probation officers through the PSI procedure) attempt to fill this gap. Base file searches at Stillwater prison indicate that between 65 percent and 85 percent of the inmate population have severe problems with chemicals. Data from the Crime Control Planning Board jail study indicate that half of all inmates surveyed indicated a need for chemical dependency treatment. Currently,

## IV Major Agency Accomplishments And Future Activities



Photo by St. Paul Police Dept.

there is no systematic way to identify these persons quickly, accurately and professionally.

A second problem concerns the rather large network of chemical dependency treatment services available in Minnesota. It is difficult to evaluate the various treatment models since there is no reliable way to measure post-treatment success except by requiring random bodily fluid sampling during followup periods (which is very difficult). It is also difficult to ascertain which treatment model or program is most suitable for each chemical dependency problem. For example, there is no good way to assess who will do better in Alcoholics Anonymous or in a closed therapeutic community. There is also no good system for matching offenders leaving institutions (with varying degrees of chemical dependency services) with compatible programs in the community.



### Recommendations:

It is recommended that the legislature require thorough chemical dependency screening upon booking, or within 12 hours of booking, of all persons logged in the jail register. This screening assessment should be done by a trained professional and become part of the pre-sentence investigation report. This requirement also should mandate that treatment be made available to those screened as chemical problems at intake to a jail and could become part of the sentence for those found guilty of the original offense even if it is not an alcohol or drug-related offense. This treatment could become a condition of probation or part of the sentence to a local jail. It is also recommended that the relevant

agencies (Public Health, DPW-CD, Public Safety, DOC, CCPB, and others such as DPW-Mental Health and Department of Education) address the problem of the lack of assessment of effectiveness of programs, the lack of a good "matching" system between someone with an identified chemical problem and an appropriate treatment or service resource, and the lack of coordination between treatment resources.

### Funding options:

It is recommended that the legislature create a subsidy program to reimburse each local jurisdiction operating an approved secure facility for the initial startup and on-going expense of chemical dependency screening at intake for everyone booked in a Minnesota jail. The subsidy program could be supported by:

1. Direct state appropriations;
2. Surcharge on DWI convictions; or
3. Statewide "nickle-a-drink" surcharge for the on-sale of alcoholic beverages.

**Board Amended Recommendation:** The board amended the first sentence of this recommendation to read: "*It is recommended that the legislature require the thorough chemical dependency screening of all persons prior to being sentenced.*" **Board Action:** Endorse amended recommendation. (9 in favor, 0 opposed) **Comments:** There was concern that thorough screening of all persons logged in the jail register would put an excessive burden on local law enforcement resources. Moreover, thorough screening requires trained professional screeners. Preliminary screening, an alternative possibility, was not adopted because its utility and accuracy were questioned. Board members felt the screening should be thorough, but apply to persons who were found guilty or plead guilty to offenses and be available to judges in time for sentencing.

The Crime Control Planning Board has been a leader and innovator in criminal justice for more than a decade. Hundreds of programs and projects that got their start through the Crime Control Planning Board (CCPB) continue to serve Minnesota's criminal justice community. And thousands of households participate in programs such as "Operation Identification" and community crime prevention, originated by the CCPB.

During the last ten years citizens' perceptions of major problems have changed substantially. Crime was the number one concern in people's minds in the earliest part of the decade symbolized by riots and demonstrations. Now energy, inflation and the economy occupy the forefront of social concern. The crime problem, unfortunately, looms as a pervasive social ill. Double digit crime rates and fear of crime remain.

Photo by Tom Olmscheid



The role of the CCPB has changed dramatically. Started as a conduit for federal funds, the CCPB has evolved into a strong planning, research, assistance agency striving to improve Minnesota's criminal justice system.

Continuing its tradition of innovation and leadership the CCPB in the past years has undertaken a variety of planning and evaluation activities; these include:

- Comprehensive evaluation of Minnesota's Community Corrections Act, done in conjunction with the Department of Corrections.
- Evaluation of Minnesota's Automated Fingerprint Identification Network (MAFIN). Carried out at the request of the legislature and funded by the CCPB, this was the first system of its kind in the world.
- The Justice System Improvement Study (JSIS) to improve the administration of criminal justice by State agencies.
- The Juvenile Service Delivery Systems study to ascertain what information exists on services to juvenile delinquents and other troubled youths.
- An unparalleled planning and research program on family violence and the sexual abuse of children that is involving practitioners throughout the State in an attempt to deal with this most difficult problem.
- A scientific survey of 2000 adult Minnesotans for their perceptions of crime and crime related problems.
- Establishment of a jail resource center of national significance and the start of the Jail Coalition of those concerned with improving Minnesota jails.
- Staff support for the Governor's Task Force on Juvenile Justice.
- A resource assistance program to help financially strapped grantees.
- This Agenda itself.

Many of the Crime Control Planning Board's 1980 initiatives will be continued in 1981. These include follow-ups to the community corrections evaluation and the analysis of services to juveniles in trouble. New projects will also be undertaken, such as the evaluation requested by the legislature to assess the impact of changes in the law and how some juveniles are referred to adult court for trial.

In 1981 and beyond, the criminal justice system will face the harsh realities of limited public sector programs. Criminal justice is a reactive, awkward giant, ill-prepared to compete for scarce resources. This fragmented, interdependent system of law enforcement, courts, prosecution, juvenile justice and corrections resembles a complex assembly plant where any changes are felt up and down the line. Cutbacks, reductions and layoffs of criminal justice personnel will take their toll. We already know the impact of Proposition 13 on the California criminal justice system — rather than becoming "leaner and smaller" it became "meaner and harsher," less responsive and less humane.

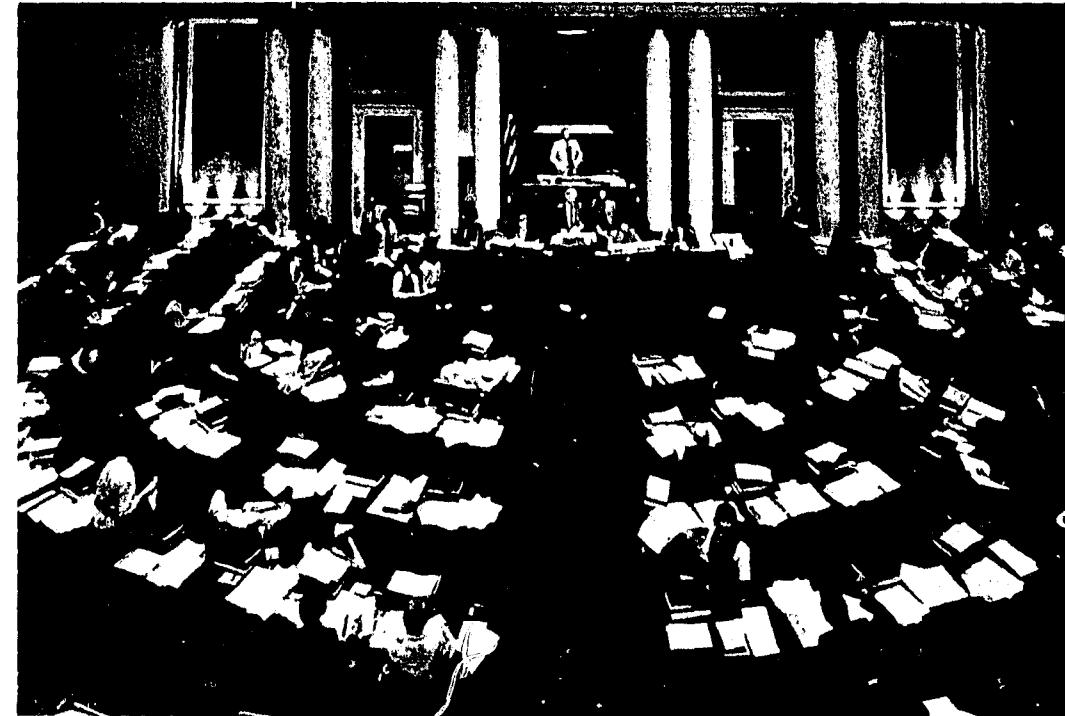


Photo by Tom Olmscheid

The role of the CCPB in this environment will be that of an independent, objective agency providing leadership, information and assistance to the Governor, legislature and practitioners on central criminal justice issues. This role may generate controversy and criticism as competing interests vie for scarce resources.

In order to make the best use of available revenue, it will require a keener understanding

of the economics and financing of criminal justice at all levels of government. The financial implications of criminal justice legislation throughout government and the system will be a vital consideration. These areas will be emphasized by the CCPB.

The CCPB also will be focusing on information, statistics and the overall performance of the system. Cost and performance information are vital products of an efficient and accountable system. Recent work by the CCPB in advanced computer technology and energy use suggest that technological advances may offer some potential increases in productivity for criminal justice agencies.

Finally, the CCPB will examine high priority issues identified through processes involving hundreds of practitioners, thousands of citizens, and numerous special interest groups and professional associations. We know, for example, that family violence and brutal victimization remain in the forefront of citizen's concerns. Juvenile justice issues — drugs, truancy, vandalism, social control — will remain issues

## APPENDIX A Agenda Advisory Committees

### Crime Control Planning Board Members

**Rosemary Ahmann**  
Olmsted County Commissioner, Rochester  
**Robert A. Barrett**  
Director, Division of Urban/Regional Studies Institute, Mankato State University  
**Gerald Benjamin**  
Sheriff, Jackson County  
**Elwood Bissett**  
Police Chief, St. Cloud  
**Robert V. Campbell**  
Judge, Duluth  
**Charlton Dietz**  
Vice President-Legal Affairs, 3M  
**Jimmy Evans**  
Faculty, Mpls. Community College  
**Robert J. Griesgraber**  
Executive Director, CCPB  
**Gary Hansen**  
Special Assistant Attorney General  
**Laurence C. Harmon**  
State Court Administrator  
**Robert Johnson, Sr.**  
County Attorney, Anoka  
**Helen I. Kelly**  
Corporate Attorney, Dayton Hudson Corp.  
**Kenneth D. Kraft**  
Counselor, Gilfillan Center, Bemidji  
**Frederick McDougall**  
Administrator, Bois Forte Reservation  
**James L. Pederson**  
Assistant Commissioner, Public Safety  
**Orville Pung**  
Deputy Commissioner, Department of Corrections  
**George M. Scott**  
Associate Justice, Minnesota Supreme Court  
**Bruce C. Stone**  
Judge, Hennepin County District Court  
**John D. Wunsch**  
Administrator, Best & Flanagan, Attorneys at Law

### Juvenile Justice Advisory Committee

**Ken Kraft (chair)**  
Juvenile Therapist, Gilfillan Center, Bemidji  
**Jane Nakken (vice-chair)**  
Family Therapist, Pioneer House, Plymouth  
**Roberta Block**  
Anoka School Administrator  
**Steve Borud**  
Student, Duluth  
**Barbara Bruer**  
University of Minnesota Student  
**Richard Gardell**  
Police Officer, St. Paul  
**William Gatton**  
Attorney, Minneapolis  
**Steven Geiger**  
Police Officer, Eden Prairie  
**Linda Gustafson**  
Lake Elmo  
**Betty Jane Haak**  
N. St. Paul School Board  
**Cheryl Indehar**  
Police Officer, St. Paul  
**Carl Johnson**  
State Representative, St. Peter  
**Robert Johnson Sr.**  
Anoka County Attorney  
**Howard Knutson**  
State Senator, Burnsville  
**Carol Lemcke**  
Social Worker, Blue Earth County  
**Don Leonard**  
Attorney, East Grand Forks  
**Steve Lepinski**  
Youth Action Director, Hennepin County  
**Connie Levi**  
State Representative, Delwood  
**David McBride**  
Insurance, Moorhead  
**Gene Merriam**  
State Senator, Coon Rapids  
**Tom Nelson**  
Police Officer, Inver Grove Heights  
**Jon Penton**  
Juvenile Justice Specialist, Dept. of Corrections

**Juvenile Justice Advisory Committee  
(Cont'd)**

**Gerard Ring**  
Judge, Dodge-Olmsted County  
**David Ross**  
Pope County Court Services  
**George M. Scott**  
Associate Justice, Minnesota Supreme Court  
**John Serre**  
Probation Officer, St. Louis County  
**David Snetsinger**  
Assistant Director Manpower, White Earth Reservation  
**Adele Thomas**  
Training Coordinator, Marshall  
**William Tibbets, Jr.**  
Administrator  
**Barbara Withers**  
Rochester

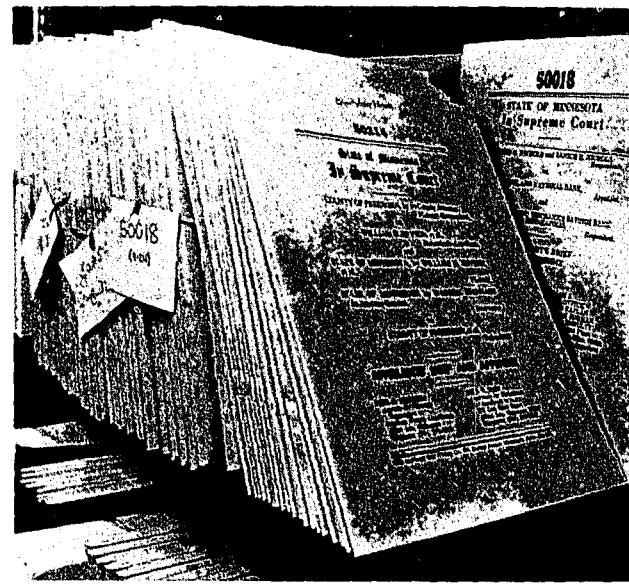


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**Willie Bridges**  
Coordinator, Minneapolis Victim Crisis Center  
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## APPENDIX B Options For Financing Local Facilities

(A) If state aid is deemed appropriate, it is recommended that 1976 Minnesota Statutes §241.022 (Grants-in-Aid to counties for detention facilities) be implemented through an appropriation by the legislature on a matching basis for the replacement or renovation of inadequate local secure facilities in accordance with the DOC 1980 Jail Master Plan. The amount of state vs. local contribution should be determined by the joint committees after the special hearing. Minn. Stat. §241.022 should be amended to include an optional subsidy program made available to local jurisdictions for the on-going expenses of meeting operational and programmatic jail standards.

(B) If state aid is deemed inappropriate, it is recommended that the legislature assist local jurisdictions in raising funds for the improvement of local jails by modifying the limitation on the local levy process to allow for special levy and bonding specifically for jail improvement.

It is recommended that the legislature amend

locally or through the state, and should be systematically returned to local jails for improvements and the expenses incurred in meeting standards. It is recommended that the legislature investigate this means of raising revenue and enact the appropriate enabling legislation for either a state- or locally-based system of surcharges.

(D) A fourth option, which could supplement any of the above, is the development of local jail work and industries programs based upon the sheltered workshop concept. As jails begin to develop work and industries programs, inmates can be paid wages and be "charged back" for room and board as is currently done for work release inmates. While this will not relieve major budget constraints, it can be a means of defraying some ongoing operational costs (and of teaching good work habits) through the development of the "Free Venture Industries Model" creatively applied to local jails.

It is recommended that the legislature amend



Photo by St. Paul Police Dept.

(C) A third option, which would be appropriate either for a state assistance program or the generation of local revenue, is to assess a tax, or surcharge, for each individual who is sentenced in a local facility. This tax, while it would not be appropriate for those not yet adjudicated and sentenced, could be accumulated either

Minn. Stat. §641.07 (Prisoner labor) to encourage the development of "free venture model," sheltered workshop, or industries programs in the local jails and to allow for a charge-back program for room and board for those inmates who are employed while in jail but not on formal work release.

## APPENDIX C Recommendations For Placing Status Offenders Under Dependency or Neglect

### Recommendations:

Based upon analysis of status offender issues, the following legislative actions are recommended:

#### 1. Defining "delinquent child":

- That the definition of "delinquent child" in Minn. Stat. §260.015(5) (1978) be revised by amending clause (a) to read:

"(a) Who have violated any state or local law or ordinance, except as provided in section 260.193, subdivision 1 or which imposes a curfew;"  
and by deletion of the following clauses:  
"(c) Who is habitually truant from school;  
or  
"(d) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient."

These deletions will remove status offenders from the definition of "delinquent child" and redefine delinquency so that it applies only to children adjudicated for criminal-type offenses, i.e., offenses which would be crimes if committed by adults, except for violations of smoking and drinking statutes.

#### 2. Detention:

- That Minn. Stat. §260.173 (1978) be revised by amending subdivisions 1 and 2 as follows:

"Subdivision 1: A child taken into custody pursuant to section 260.165, subdivision 1, clauses (b) and (d) and alleged to be delinquent may be detained..."

"Subdivision 2: A child taken into custody pursuant to section 260.165, subdivision 1, clauses (a), (c) and (d), and not alleged to be delinquent, may be detained only in a shelter care facility."

and by deletion of subdivision 3 and by renumbering the subsequent subdivisions. Subdivision 3 of §260.173 is concerned with placement of status offenders defined as delinquents in temporary custody in shelter care facilities. If status offenders are deleted

from the definition of "delinquent child," subdivision 3 of §260.173 should be deleted. The recommended changes would place status offenders in the same detention categories (i.e., no secure detention) as dependent children.

#### 3. Revising dispositions for delinquent children:

- That Minn. Stat. §260.185(1) (1978) be amended by deletion of the following language from clause (c) (4) and clause (d):

"Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d)."

This language refers to status offenders as delinquents. If status offenders are removed from the delinquent child category, as recommended, this language should be deleted from §260.185(1).

#### 4. Defining "dependent child":

- That the definition of "dependent child" in Minn. Stat. §260.015(6) (1978) be modified with the additional language.

"(e) Who violates a federal, state, or local law or ordinance, which imposes a curfew; or

"(f) Who is uncontrolled by a parent, guardian, or other custodian by reason of being wayward or habitually disobedient; or

"(g) Who has run away from a parent, guardian, or other custodian, or a detention facility in which he was placed as a result of acts described in this subdivision; or

"(h) Who, having been subject to conditions as a dependent child or, before enactment of this clause, as a delinquent child as a result of behavior described in this subdivision, violates a condition thereof by the commission of acts described in this subdivision, regardless of whether the acts constitute a contempt of court."

These additions to §260.015(6) add children with status offense behavior patterns to the dependent child category. The recommendation of (h) would prohibit finding dependent children who violate conditions of dependency in contempt of court. Habitual truants are excluded from this category unless they fall under (a)-(g).

5. Defining "neglected child":

- That the definition of "neglected child" in Minn. Stat. §260.015(10) (1978) be modified with the additional language:
  - "(i) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient because the parent, guardian, or other custodian neglects or refuses to control the child; or
  - "(j) Who, having been subject to conditions as a neglected child or, before enactment of this clause, as a delinquent child as a result of behavior described in this subdivision, violates a condition thereof by the commission of acts described in this subdivision regardless of whether the acts constitute a contempt of court."

These additions to §260.015(10) add children with status offense behavior patterns due to neglect to the neglected child category. The recommendation of (j) would prohibit finding neglected children who violate conditions of neglect status in contempt of court. Habitual truants are excluded from this category unless they fall under (a)-(i).

6. Revision to waiving the presence of child:

- That Minn. Stat. §260.155(5) (1978) be amended to read:

"Except in delinquency proceedings, dependency proceedings involving a child as defined in §260.015(6) (e), (f), or (g) [as recommended] and neglect proceedings involving a child as defined in §260.015, subdivision 10, (i) [as recommended], the court may waive the presence of the minor in court at any stage of the proceedings when it is in the best interests of the minor to do so. In a delinquency, dependency or neglect proceedings, after the child has been found delinquent, dependent, or neglected..."

Under current law, except in delinquency proceedings, the court may waive the presence of the minor at any stage of the proceedings. The recommended changes would apply the exception clause to status offenders who would have been involved in delinquency proceedings but would, in the future, be involved in dependency and neglect proceedings.

7. Revision of disposition for dependent or neglected children:

- That Minn. Stat. §260.191(1) (1978) be amended to include:
  - "(d) The court may order counseling for the child or his parents, guardian, or custodian."

This addition would add a dispositional option, which is currently available to delinquent children under Minn. Stat. §260.185(1), to the dependent and neglected child dispositions. It would continue the availability of this disposition to status offenders.

8. Revision of contempt:

- That Minn. Stat. §260.301 (1978) be amended to read:

"CONTEMPT Except for children as defined in section §260.015, subdivision 6, (h) [as recommended] or in section §260.015, subdivision 10, (i) [as recommended], any person knowingly interfering with an order of the juvenile court is in contempt of court."

This revision prohibits finding dependent or neglected juveniles who have not followed court orders in contempt of court. Under the referenced clauses of §260.015, such children would be treated as dependent or neglected children.

9. Emancipation of dependent or neglected child:

- That a statute be adopted which would allow for the emancipation of dependent or neglected minors 17 years of age or older who can demonstrate to the satisfaction of the juvenile court that they should not return to the homes of their parents, guardian, or other custodian; that they have the skills and abilities to live independently and support themselves; and that an alternative placement for a dependent or neglected child is unnecessary.

10. Statute against encouraging runaways:

- That a statute be adopted which would make encouraging runaways a misdemeanor.

"Any person over 18 years of age who knowingly or willfully causes, encourages, or aids a juvenile who has run away from a parent, guardian, other custodian, detention facility, or placement by the juvenile court shall be guilty of a misdemeanor. Upon a finding of guilt, the person shall be subject to a fine of not more than \$500 dollars and/or a jail sentence of not more than 90 days.

"Any person over 18 years of age who knowingly or willfully harbors a runaway juvenile in his place of residence shall notify law enforcement

of the location of the juvenile within 24 hours. Failure to do so shall constitute a misdemeanor."

11. Responsibilities of parents:

- That a statute be adopted providing the juvenile court with the following authorities with respect to parents in dependency and neglect proceedings:

- (a) The court may order the parent to provide transportation for a child to keep an appointment with counselors.
- (b) The court may order parents to participate in an evaluation or diagnostic process.
- (c) The court may order that parents participate in any treatment program recommended by a licensed psychologist or psychiatrist.
- (d) If the court finds the child to be in need of medical, psychiatric, psychological, or other treatment, the court may allow the parents, guardians, or other custodians to arrange for such care. If the parents refuse, neglect, or are unable to make such arrangements, the court may order the treatment or needed care, and the court shall order the parents, guardians, or other custodian to pay the costs of such care to the extent they are able; or if the court finds the parents are unable to pay the costs of such care, such costs shall be a charge upon the county when approved by the court.

Failure of a parent, guardian, or other custodian to participate in or comply with any of the above gives rise to a show cause for contempt where the court finds that personal service on the parent was obtained, provided that the court afford the parent a hearing to show cause as to why he should not be held in contempt.

12. Recommendation for implementation:

One of the keys to successfully implementing the proposed changes will be careful planning. The proposals require identification of existing programs or the development of new programs to ensure that services will be available to status offenders and their families. Careful planning requires lead time before implementation. It is recommended that implementation of the new legislation be targeted for either January 1, 1982 or July 1, 1982, in order to ensure that the planning can be completed.

It is recommended that the legislature designate the board as the department responsible for coordinating and completing the planning on schedule.

Statewide input into the plan should be acquired through a series of task forces. These



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task forces should include representatives of the governor's office, the legislature, juvenile court judges, local elected officials, education, service agencies, and citizens. The task forces will review the new legislation and its potential impact; identify existing resources available for dependent and neglected children with status offense behavior patterns; identify resource "gaps" which must be filled in order to provide services to these children and their families; and monitor implementation of the new legislation and report their findings to the legislature.

**Funding options:**

Direct state appropriations to supplement the CCPB budget in order to provide for the costs of the task forces.

## APPENDIX D

### Recommendations For A New Juvenile Status Offender Category

#### **Recommendations:**

Based upon our analysis of status offender issues and the proposed refocusing of the juvenile justice system, we recommend the following legislative actions:

#### **1. Redefinition of "delinquent child":**

- That the definition of "delinquent child" in *Minn. Stat. 260.015*, subdivision 5 be revised by deletion of the following clauses:
  - "(c) Who is habitually truant from school; or
  - "(d) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient."

These deletions will remove status offenders from the definition of "delinquent child" and redefine delinquency so that it applies only to children adjudicated for criminal-type offenses, i.e., offenses which would be crimes if committed by adults.

#### **2. Revisions in related statutes:**

- That *Minn. Stat. 260.185*, subdivision 1 be revised so that the language "Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d)." is deleted from (c) (4) and (d).

#### **3. Revisions in related statutes:**

- That *Minn. Stat. 260.173*, Subd. 3, shall be amended to read:
 

"Subd. 3. If the child has been taken into custody and detained as an alleged juvenile status offender, he may be placed only in a shelter care facility."

#### **4. Revisions in related statutes:**

- That *Minn. Stat. 260.111*, Subd. 1, should be amended to read:
 

"Except as provided in section 260.125, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, a juvenile status offender, neglected or

dependent, and in proceedings concerning any minor alleged to have been a delinquent or a juvenile traffic offender prior to becoming eighteen years of age..."

- That *Minn. Stat. 260.111*, Subd. 2, should be amended by adding a clause (e) to read as follows:

"(e) The emancipation of a child in accordance with the provisions of section (to be assigned upon adoption of Recommendation 10)

#### **5. Definition of "Juvenile Status Offender"**

- That a provision be added as *Minn. Stat. 260.015*, subdivision 19, with the language: A juvenile status offender is one:
  - "(a) Who is habitually truant from school; or
  - "(b) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient."

#### **6. Revision of classes for truants:**

With the elimination of truancy from the definition of delinquency:

- That *Minn. Stat. 120.15* be amended by change in the following language:
 

"All such children shall be deemed juvenile status offenders and the board may compel their attendance at such ungraded classes, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline."

#### **7. Revision to waiving the presence of child:**

- That *Minn. Stat. 260.015*, subdivision 5 be amended to read:

"Except in delinquency proceedings, and proceedings under 260.015, subdivision 19, the court may waive the presence of the minor in court at any stage of the proceedings when it is in the best interests of the minor to do so. In a delinquency, or juvenile status offender

proceeding, after the child has been found delinquent, or a juvenile status offender,..."

#### **8. Revision of dispositions:**

- That a new section be added to chapter 260 containing appropriate dispositions for children judged to be juvenile status offenders not to include commitment to the Commissioner of Corrections or placement in county home schools.

#### **9. Revision of contempt:**

- That *Minn. Stat. 260.301* be amended to read:
 

"Contempt. Except for children as defined in section 260.015, subdivision 19, any person knowingly interfering with an order of the juvenile court is in contempt of court."

This revision prohibits finding juvenile status offenders who have not followed court orders in contempt of court. Under the referenced clauses of 260.015, such children would be treated as juvenile status offenders.

#### **10. Emancipation of minor child:**

- That a statute be adopted which would allow for the emancipation of minors 16 years of age or older who can demonstrate to the satisfaction of the juvenile court that they should not return to the homes of their parents, guardian, or other custodian, that they have the skills and abilities to live independently and support themselves; and that an alternative placement for the child is unnecessary.

#### **11. Responsibilities of parents:**

- That a statute be adopted providing the juvenile court with the following authorities with respect to parents in juvenile status offender proceedings:

- (a) The court may order the parent to provide transportation for a child to keep an appointment with counselors.
- (b) The court may order parents to participate in an evaluation or diagnostic process and may order that they participate in a treatment program deemed necessary in the best interest of the child.
- (c) If the court finds the child to be in need of medical, psychiatric, psychological, or other treatment, the court may allow the parents, guardians, or other custodians to arrange for such care. If the parents refuse, neglect, or are unable to make such arrangements, the court may order the treatment or needed care, and the court shall order the parents, guardians, or other custodian to pay the costs of such care to the extent they are able; or if the court finds the parents are

unable to pay the costs of such care; such costs shall be a charge upon the county when approved by the court.

Failure of a parent, guardian, or other custodian to participate in or comply with any of the above gives rise to a show cause for contempt where the court finds that personal service on the parent was obtained, provided that the court afford the parent a hearing to show cause as to why he should not be held in contempt.



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#### **Planning Implementation**

One of the keys to successfully implementing the changes we propose will be careful planning for the changes. Careful planning requires lead time before implementation. We suggest that if the 1981 legislature passes the proposed changes, actual implementation of the new legislation be targeted for either January 1, 1982 or July 1, 1982, in order to ensure that the planning can be completed.

We suggest that the legislature designate the person, agency or department responsible for coordinating and completing the planning on schedule. This responsibility could be assigned to an existing agency or department, or the legislature could develop a contract with an individual or consulting agency for completion of the plan. However, we also suggest that the planning process not be assigned to one of the existing agencies or departments which will be responsible for providing direct services to juveniles and their families. Under assignment by the legislature or contract with the legislature, the person, agency or department would be responsible for keeping the appropriate committees and subcommittees informed of the progress of the planning process and for reporting the completed plan to the legislature by a date assigned by the legislature prior to implementation of new legislation.

**END**

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