



FOURTH JUDICIAL DISTRICT

**Analysis of Felony Delinquency Cases Charged in Hennepin County, Minnesota
(January 1, 2008 through April 30, 2009)**

September 21, 2009
(Revised January 26, 2010)
Additional Analyses conducted
February 25, 2010
Finalized July 27, 2010

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Executive Summary

- Hennepin County is a JDAI (Juvenile Detention Alternative Initiative) site and as such has chosen to analyze the charging practices for delinquency felony cases. In particular, the JDAI committees are interested in determining if juveniles are kept in custody until charging at differential rates by race, gender or location of offense.
- **Felony Offense Type**
 - This sample includes all delinquency felonies charged in Hennepin County in a sixteen month period; January 1, 2008-April 30, 2009. Felony cases are categorized into three seriousness levels: Most Serious Felonies (36%), Serious Felonies (27%), and Other Felonies (37%), see Appendix A. Table 1 describes the types of crimes that are included in each category.
 - When the Most Serious and Serious Felonies are combined together into one category they represent the offenses that are on the ‘mandatory hold’ list at the Juvenile Detention Center upon arrest. The Most Serious Felonies by themselves are the ‘mandatory hold’ felonies for the Courtroom Detention decision.
- **Offense/Location**
 - Forty-six percent of all Minneapolis felonies are classified as Most Serious while 26% of all felonies charged from the Suburban communities are Most Serious Felonies (see Table 2).
- **Offense/Race**
 - Seventy-six percent of all Most Serious Felonies are charged against youth of color, 12% to white youth and 12% to youth whose race was unknown, refused or unavailable (see Table 3).
 - Of all white youth charged with a felony offense during this time frame, 53% are charged with the lowest category of felony, Other Felonies. Of all minority youth charged with a felony offense during this time frame, 34% are charged with an Other Felony, 29% with a Serious Felony and 37% with the Most Serious Felony offense (see Table 4).
- **Offense/Gender**
 - The largest proportion of girls (49%) falls into the Other Felony category whereas boys are evenly distributed across each of the three categories (see Table 5).
- **Offense/Custody**
 - Nearly 80% of all Most Serious Felonies are charged while the youth is still in custody and the remaining 20% are charged out of custody either because they were never arrested or were already released prior to charging (see Table 6). As opposed to this, 27% of the Other Felonies and 56% of the Serious Felonies are charged while in custody.
- **Offense/Custody/Race**
 - The percent of youth being charged while in custody or out of custody differs depending on the youth’s racial background and the level of felony offense. Of all white youth charged with a Most Serious Felony, only 52% are charged in custody compared to 83% of the youth of color charged with these same offenses (see Table 7). White youth charged with offenses categorized as Other Felony are charged while in custody 9% of the time compared to 34% of all the minority youth whose offense are categorized as Other Felonies. Youth in the middle category of ‘Serious Felony’ offense showed no statistical differences.
- **Offense/Custody/Race/ Location**
 - Examining cases originating in the suburban communities (see Table 8) the same pattern held as is evident in Table 7. White youth charged with crimes at either end of the

seriousness spectrum (Most Serious and Other Felonies) are charged in custody less frequently than minority youth.

- In comparison, both white and non-white children from Minneapolis are charged while in custody at a higher rate than the Suburban children across all three levels. However, there is only a statistically significant difference for youth, based on race, charged in the two most serious categories. Interestingly for those youth charged with a Serious Felony, white children are charged in custody **more often** than minority youth (92% compared to 68% of the minority children). For the Most Serious Felonies white youth are charged in custody less frequently than minority youth (52% compared to 88%, see Table 9).
- **Offense/Custody/Gender**
 - Females are charged while in custody at a lower rate than males for the two lower categories of offenses but do not differ from males significantly for the Most Serious Felony category (see Table 10).
- **Offense/Custody/Gender/Location**
 - For the Most Serious and Serious Felonies, there are no significant differences between the percent of males and females that are charged while in custody. However, youth charged with offenses that fit into the Other Felony category show a significant difference between boys and girls; about 2% of the girls are charged while in custody compared to 10% of the boys (see Table 11).
 - Minneapolis showed no statistically significant differences between boys and girls in any of the three offense groupings. Interestingly, girls are actually charged in custody at higher percentage than boys (although not statistically higher) for the lowest level of offenses (Other Felonies; 64% for girls and 54% for boys, see Table 12).
- **Offense/Continued Detention/Location**
 - For those youth originally detained, did their continued detention differ by the location of their original arresting agency? There are no differences between Minneapolis and the suburban locations for children charged with ‘Other Felonies’. However for those youth charged with the two more serious offense groupings, there are statistically significant differences geographically. Children arrested by Minneapolis police continued to be kept in custody at higher rates than those youth arrested by suburban community police departments (see Table 13).
- **Offense/Continued Detention/Race**
 - White youth continue to be detained 40% of the time compared to 78% of the minority youth for offenses categorized as Other Felonies – this is a statistically significant difference. At the other end of the spectrum (youth charged with the Most Serious offenses), white and minority youth’s continued detention does not differ statistically but youth whose race is unknown in the data do differ from those whose race is known (76% compared to 82% and 89%, see Table 14).
- **Offense/Continued Detention/Race/Location**
 - Minority youth originally detained in custody for less serious offenses (Other Felonies) and arrested by a suburban community, continued to be detained at a high rate (89%) compared to whites or youth of unknown race (0% for both) although the number of cases is quite small, see Table 15.
 - Minority youth who are originally detained in custody for less serious offenses (Other Felonies) and are arrested by Minneapolis police, continued to be detained at a high rate (74%) compared to whites or youth of unknown race (43% whites, 29% unknown, see Table 16).
- **Offense/Continued Detention/ Gender**
 - There are no significant differences between genders and continued detention, regardless of where the child is originally arrested (see Table 17).

Introduction

This analysis was originally requested by the Honorable Lucy Wieland, co-chair of the Juvenile Detention Alternatives Initiative (JDAI) in Hennepin County (Fourth Judicial District). It is an analysis of delinquency felony level charging in Hennepin County and includes cases charged by the Hennepin County Attorney's Office in all of 2008 and January through April of 2009 and filed in Minnesota's Fourth District Juvenile Court. Since starting JDAI in Hennepin County, the Juvenile Detention Center (JDC) has reached an all time low in the number of children being detained. Great care has been exercised by the JDAI committee to only detain those children that are being arrested for serious felony level offenses. The question that Judge Wieland originally posed was why does the JDC continue to be predominately non-white? Juveniles charged with new offenses being booked into JDC are only a subset of all felony level charging so the decision was to take one step further back and review all cases charged in Hennepin by race, type of felony, custody status and location.

A component of JDAI is to implement Risk Assessment Instruments (RAI) at key detention points. Besides identifying risk elements for pretrial failure, the RAI also identifies current offenses deemed worthy of detention in and of their own right. The JDAI Committee created the Mandatory Hold (MH) list for the JDC to identify offenses for which arrested youth should be detained until a Judge is able to review the detention decision. In other words, the court did not want to give the discretion to the JDC worker to release youth arrested for the offenses on the MH list but rather wanted these youth held until their first detention hearing. These MH offenses are mostly composed of serious person felonies (murder, assault, robbery, etc.) but also include some presumptive commit felony offenses (first and second degree drug felonies, gun cases listed under MN§609.11) and serious person offenses that are non-felonies (domestic assault and domestic related offenses).

The original analysis looked at issues related to the **felony level charged offenses only**. Charged offenses are cases filed with the court by the Hennepin County Attorney's Office (HCAO). Included in this analysis are a categorization of all felony charges, where they originate from (Minneapolis or Suburban communities), and the percentage charged while in

custody. The hypothesis was that the most serious offenses would be charged while they were in custody and that there would be no difference between races, geographic location or gender. Subsequent to the original analysis, the Hennepin County Attorney's Office requested and JDAI Data Committee agreed to look at a subset of offenses. This analysis included a more detailed look at the Mandatory Hold offenses to further pinpoint those offenses where guns were involved in some way. Unfortunately, the court information system did not provide a clear cut method to identify all 'gun cases' which included not only gun charges but offenses where guns were used (e.g., aggravated robbery with a firearm). The HCAO believed that their information system could identify 'gun cases'. After quite a bit of work analyzing and hand checking these cases against the JDC database and the police records, it turned out that a number of these cases were not in fact gun cases.

Unfortunately, subsequent analyses also highlighted problems with the definition developed for 'in custody' and revision was needed. As such, the current analysis focuses on all felony charged delinquency offenses using a new offense definition and a new 'in custody' definition including many cases that were reviewed by hand for custody status. Finally, subsequent analysis determined that some cases that appeared 'new' were actually cases transferred into Hennepin County from other counties. Although they had new Hennepin case numbers and filing dates they were not new cases because they were being sent to Hennepin for disposition only¹. There were 114 of these cases and the decision was to remove them from this analysis since they were not 'new cases' but had already been processed in another county. This reduced our sample from 1,313 to 1,199 newly charged delinquency felony cases during our 16 month time frame (January 1, 2008 through April 30, 2009).

The current analysis will start over and look at all felony delinquency cases filed in Hennepin County and classify them by whether they are within the Mandatory Hold category based on the JDC RAI or the Detention Courtroom RAI. Hennepin County has a two step risk assessment process. The first is the JDC RAI – administered by the JDC workers upon arrest and booking of a juvenile on a new offense. The second is the Detention Courtroom RAI – administered by the

¹ Cases are transferred to Hennepin County if the youth resides in Hennepin County but committed the delinquency offense in another county. The county where the crime was committed usually assesses jurisdiction while the county of residence usually handles the disposition.

judges handling the Detention Courtroom. The Courtroom RAI differs from the JDC RAI in a few ways: a) it classifies the instant offense as charged by the HCAO to determine whether it is a Mandatory Hold or not (as opposed to the police arresting information), b) a few of the ‘other risk factors’ were removed from this version, and c) the Mandatory Hold list was split into the ‘most serious’ and ‘serious’ offenses. The ‘most serious’ offenses continue to be detainable while the ‘serious’ offenses could be released to an alternative detention option (such as Electronic Home Monitoring (EHM) or to a shelter). Appendix A lists the offenses that are 15 point Mandatory Hold offenses by statute and those that are 10 point offenses and possibly releasable under the Courtroom RAI. To aid in the reading of this report, Table 1 provides a summary of the type of offenses classified as ‘most serious’ and ‘serious’.

Table 1. Classification of Charged Offenses

--Using the Detention Courtroom RAI classification system--

Most Serious Felonies (15 points)	Serious Felonies (10 points)	Other Felonies (6 points or 3 points)
Mandatory Hold	Releasable (depending on total score)	Releasable (depending on total score)
Murder/Manslaughter	Assault 2 nd -5 th (no gun)	Non-felony person offenses (domestic and domestic related) 6 pts
Assault 1 st /2 nd degree (use of gun)	Terroristic Threats	All other Felony offenses Theft, Drugs, lower level Assaults 6 pts
Aggravated Robbery (gun)	Simple Robbery	All other non-felony non-person offenses 3pts
Kidnapping	Criminal Sexual Conduct 3 rd -5 th	
Criminal Sexual Conduct 1 st /2 nd	Burglary 2 nd	
Felony Solicitation of children	Escape/Fugitive from Justice	
Arson 1 st degree/Burglary 1 st	Aiding an Offender on 15 point offense	
Dangerous Weapons	Failure to register	

To reiterate, both the Serious Felonies and Most Serious Felonies are mandatory holds for the arresting offense during the JDC RAI whereas only the Most Serious Felonies are Mandatory Holds by the charged offense presented by the Hennepin County Attorney’s Office. The analysis below will look at all felonies by these three categories and will review the custody status at charging, location of arresting agency and race and gender of the child. Because this analysis is restricted to felony offenses the two shaded categories in Table 1 are not included here.

Location

Of all the felony charges brought against juveniles in Hennepin County, 37% were for cases that meet the criteria of Other Felony and the remaining 63% fit the criteria used of either Serious Felony or Most Serious Felony offenses (Table 2). Breaking these two serious categories down shows that 36% of Hennepin’s youth are charged as Most Serious Felonies and 27% are charged within the Serious Felony category.

Table 2. Number and Percent of Charged Felonies in Hennepin County by Location

			Location of Police Agency			Total
			Downtown	Suburban	All County/ State Agencies	
Classification of Delinquency Felony Cases	Other Felonies	Count	174	257	14	445
	(6 pts)	Column %	28.2%	47.2%	38.9%	37.1%
	Serious Felonies	Count	159	146	18	323
	(10 pts)	Column %	25.7%	26.8%	50.0%	26.9%
	Most Serious Felonies	Count	285	142	4	431
	(15 pts)	Column %	46.1%	26.1%	11.1%	35.9%
Total	Count	618	545	36	1,199	
	Column %	100.0%	100.0%	100.0%	100.0%	

Table 2 also shows that the vast majority of Suburban cases are not mandatory hold offenses (Other Felonies: 47.2%) compared to less than 40% of the County or State agency cases and only 28% of the Minneapolis cases. For cases originating in the downtown area 46% fall into the Most Serious Felony offenses category while slightly more than one-quarter are charged as Serious Felony cases and about 28% are Other Felony cases.

Racial groups

Table 3 shows the minority/non-minority² status of the youth charged with felony level crime in Hennepin County. Of those charged with Most Serious Felony offenses, 12% are white children, 76% are minority children and 12% are of a racial background that was unknown, the child refused to present their background or it was unavailable at data collection. This compares to 26% white youth charged with Other Felonies, 67% minority youth and 7% youth with no racial group available. Within each of the offense categories, the vast majority of the children charged are minority children, particularly in the Serious Felony and Most Serious Felony categories.

Table 3. Of Each Type of Felony Charge, What Percentage is Charged to White versus Minority Offenders?

			Racial Group of Child Charged			Total
			White	Minority	Unknown, Refused, or Unavailable	
Classification of Delinquency Felony Cases	Other Felonies (6 pts)	Count	117	297	31	445
		Row %	26.3%	66.7%	7.0%	100.0%
	Serious Felonies (10 pts)	Count	52	256	15	323
		Row %	16.1%	79.3%	4.6%	100.0%
	Most Serious Felonies (15 pts)	Count	52	327	52	431
		Row %	12.1%	75.9%	12.1%	100.0%
Total		Count	221	880	98	1,199
		Row %	18.4%	73.4%	8.2%	100.0%

Looking at this **same data the other way around within each racial group**, Table 4 shows that of all the white youth, 53% of them are charged with offenses that are Other Felonies. More than half (53%) of those youth whose race could not be determined are being charged with the Most Serious offenses. Minority youth were fairly evenly spread between the three categories.

However, if one considers that the bottom two categories (Most Serious and Serious) are two versions of Mandatory Hold offenses then the view changes; of all white children charged with a

² Court race data is self-reported and captured at first appearance most of the time. A child or a child's parent is able to decline giving race data if they choose; therefore we do not have complete race data. For the purposes of this report, Hispanic is included with minority as are youth who identify with more than one race.

felony case during this time period, 47% were charged with a Mandatory Hold offense, compared to 66% of minority youth and 68% of the youth whose race is not determined.

Table 4. Within each Racial Group, What Percentage is Charged with Each of the Felony Classifications?

			Racial Group of Child Charged			Total
			White	Minority	Unknown, Refused, or Unavailable	
Classification of Delinquency Felony Cases	Other Felonies (6 pts)	Count	117	297	31	445
		Column %	52.9%	33.8%	31.6%	37.1%
	Serious Felonies (10 pts)	Count	52	256	15	323
		Column %	23.5%	29.1%	15.3%	26.9%
	Most Serious Felonies (15 pts)	Count	52	327	52	431
		Column %	23.5%	37.2%	53.1%	35.9%
Total	Count	221	880	98	1,199	
	Column %	100.0%	100.0%	100.0%	100.0%	

Gender

Not surprisingly, girls have a different offending pattern than boys (see Table 5). The largest percentage of girls is charged with Other Felonies whereas the boys are fairly evenly disbursed across each of the three case categories. Girls of different races do not differ statistically from each other in their offending pattern but boys do – white males are more similar to the girl’s pattern (highest percentage of the white boys charged with Other Felonies) whereas minority males follow the overall male pattern (fairly evenly split between each of the categories).

Table 5. Within each Gender, What Percentage is Charged with Each of the Felony Classifications?

			Gender		Total
			Female	Male	
Classification of Delinquency Felony Cases	Other Felonies (6 pts)	Count	80	365	445
		Column %	48.5%	35.3%	37.1%
	Serious Felonies (10 pts)	Count	42	281	323
		Column %	25.5%	27.2%	26.9%
	Most Serious Felonies (15 pts)	Count	43	388	431
		Column %	26.1%	37.5%	35.9%
Total		Count	165	1034	1199
		Column %	100.0%	100.0%	100.0%

Custody Status

Table 6 shows the difference between how a youth is charged and their custody status at charging³. Of all youth charged with a felony offense during our time frame, 54% were charged while in custody and 46% were not in custody at charging. This percentage changes depending on the seriousness of the charge. Nearly 80% of the youth charged with the Most Serious Felonies are charged while in custody compared to 56% of those charged with a Serious Felony and 27% of those charged with Other Felonies. The flip side of this is that a higher proportion of the less serious offenses are not charged in custody and for the Most Serious Felony offenses; 20% of the youth are never arrested or are released prior to charging.

³ The assessment of whether a child was in custody or out of custody is not straight forward because a single code does not appear in the court information system that identifies the custody status. Instead, at the first appearance one of two codes may appear: continue detention or release ordered. Of course, these codes would only appear if the child was currently held in detention. If a child was out of custody at the first appearance neither of these codes would appear. It was also determined that a child that was out of custody and showed up for their appearance would not be taken into custody at that time. So, the determination of 'charged in custody' was made if either a Continue to Detain or Release Ordered was affiliated with the first appearance or the child's first hearing was on the Detention Calendar (which was all in custody appearances at this time). This definition was vetted at a subcommittee of JDAI (the Risk Assessment Instrument (RAI) Committee) and agreed to by all members. After some exhaustive hand checking, other cases were flagged as in custody as well. These circumstances fell into a few categories: child was already in custody on different case and data entry errors where the detainment codes were not entered correctly. Only a select group of cases were hand-checked. It is still possible that there are errors with this indicator.

Table 6. Number and Percent of Cases Charged and Custody Status

			Charged In Custody?		Total
			No	Yes	
Classification of Delinquency Felony Cases	Other Felonies (6 pts)	Count	325	120	445
		Row %	73.0%	27.0%	100.0%
	Serious Felonies (10 pts)	Count	141	182	323
		Row %	43.7%	56.3%	100.0%
	Most Serious Felonies (15 pts)	Count	88	343	431
		Row %	20.4%	79.6%	100.0%
Total		Count	554	645	1,199
		Row %	46.2%	53.8%	100.0%

Custody Status and Racial Group

Table 7 looks at the same information and adds the racial group of the youth. Minority youth follow the basic pattern seen above in Table 4 although they show slightly higher percentages charged in custody for both the Other Felony offenses and Most Serious Felonies than the overall group. White youth show a different pattern: only 8% of youth charged with the Other Felony offenses are charged while still in custody, and surprisingly, a little over half (52%) of those youth facing the Most Serious Felony offenses are charged while in custody. Youth whose race is unknown are charged in custody similar to the minority youth.

Table 7 shows significant differences for children charged at either end of the spectrum of seriousness of felonies. For those children charged with Other Felonies, there are significant differences between the percentage of white children charged in custody (9%) compared to minority (34%) and those children whose race is unknown (26%); significant $p < .000$. Similarly, youth charged with the Most Serious Felony offenses showed differences in charging while in custody versus out of custody; whites are charged while in custody 52% of the time, while minorities are in custody 83% and other youth at 89%; significant, $p < .000$. Youth charged in the middle category of Serious Felonies are not charged in custody at statistically significantly different rates (see Table 7).

Table 7. Number and Percent of Cases Charged, Custody Status and Racial Group

Classification of Delinquency Felony Cases				Child Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	107	10	117
			Row %	91.5%	8.5%	100.0%
	Minority	Count	195	102	297	
		Row %	65.7%	34.3%	100.0%	
	Unknown, Refused, or Unavailable	Count	23	8	31	
		Row %	74.2%	25.8%	100.0%	
Total		Count	325	120	445	
		Row %	73.0%	27.0%	100.0%	
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	26	26	52
			Row %	50.0%	50.0%	100.0%
	Minority	Count	111	145	256	
		Row %	43.4%	56.6%	100.0%	
	Unknown, Refused, or Unavailable	Count	4	11	15	
		Row %	26.7%	73.3%	100.0%	
Total		Count	141	182	323	
		Row %	43.7%	56.3%	100.0%	
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	25	27	52
			Row %	48.1%	51.9%	100.0%
	Minority	Count	57	270	327	
		Row %	17.4%	82.6%	100.0%	
	Unknown, Refused, or Unavailable	Count	6	46	52	
		Row %	11.5%	88.5%	100.0%	
Total		Count	88	343	431	
		Row %	20.4%	79.6%	100.0%	

Custody Status, Racial Groups and Location

Is this difference between the races and genders in charging while in custody or out of custody the same whether the child is in the Suburban communities or Minneapolis? To answer this question and to simplify the analysis the discussion will be limited to each location: Minneapolis compared to the Suburban Communities. Table 8 shows that when looking at just the cases

originating from Suburban communities, patterns of the different racial groups are identical to the cases viewed as a whole (see Table 7). In essence, those youth charged with the least serious offenses (Other Felonies $p < .003$) and Most Serious Felony offenses ($p < .035$) show significant differences in being charged while in custody whereas those youth in the middle category are handled relatively the same. In each of these scenarios, minorities are charged in custody at a higher rate than whites.

Table 8. Number and Percent of Cases Charged, Custody Status and Racial Group

**** SUBURBAN Communities ONLY ****

Classification of Delinquency Felony Cases				Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	99	1	100
			Row %	99.0%	1.0%	100.0%
	Minority	Count	122	18	140	
		Row %	87.1%	12.9%	100.0%	
	Unknown, Refused, or Unavailable	Count	16	1	17	
		Row %	94.1%	5.9%	100.0%	
	Total	Count	237	20	257	
		Row %	92.2%	7.8%	100.0%	
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	16	14	30
			Row %	53.3%	46.7%	100.0%
	Minority	Count	64	45	109	
		Row %	58.7%	41.3%	100.0%	
	Unknown, Refused, or Unavailable	Count	3	4	7	
		Row %	42.9%	57.1%	100.0%	
	Total	Count	83	63	146	
		Row %	56.8%	43.2%	100.0%	
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	14	13	27
			Row %	51.9%	48.1%	100.0%
	Minority	Count	29	69	98	
		Row %	29.6%	70.4%	100.0%	
	Unknown, Refused, or Unavailable	Count	3	14	17	
		Row %	17.6%	82.4%	100.0%	
	Total	Count	46	96	142	
		Row %	32.4%	67.6%	100.0%	

In comparison, all children from Minneapolis are charged while in custody at a higher rate than the Suburban children (see Table 9 below). However, there are only statistically significant differences between the different racial groups for children charged with Serious Felonies ($p < .050$) and the Most Serious Felonies ($p < .000$). Interestingly, in the Serious Felony case type, white youth are charged while in custody at a **higher** rate than minorities.

Table 9. Number and Percent of Cases Charged, Custody Status and Racial Group

**** Minneapolis ONLY ****

Classification of Delinquency Felony Cases				Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	6	7	13
			Row %	46.2%	53.8%	100.0%
		Minority	Count	67	82	149
			Row %	45.0%	55.0%	100.0%
		Unknown, Refused, or Unavailable	Count	5	7	12
			Row %	41.7%	58.3%	100.0%
		Total	Count	78	96	174
			Row %	44.8%	55.2%	100.0%
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	1	12	13
			Row %	7.7%	92.3%	100.0%
		Minority	Count	45	95	140
			Row %	32.1%	67.9%	100.0%
		Unknown, Refused, or Unavailable	Count	0	6	6
			Row %	.0%	100.0%	100.0%
	Total	Count	46	113	159	
		Row %	28.9%	71.1%	100.0%	
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	11	12	23
			Row %	47.8%	52.2%	100.0%
		Minority	Count	27	200	227
			Row %	11.9%	88.1%	100.0%
		Unknown, Refused, or Unavailable	Count	3	32	35
			Row %	8.6%	91.4%	100.0%
	Total	Count	41	244	285	
		Row %	14.4%	85.6%	100.0%	

Custody Status and Gender

Table 10 reviews the custody status based on the level of seriousness of the charged offenses and the gender of the juvenile. It shows that for the Most Serious Felony offenses, boys and girls are treated very similarly (no statistically significant differences between 72% and 80%). However, for the less serious offenses, both the Other Felonies and the Serious Felony offenses, boys are kept in custody through charging at a significantly higher rate than girls. Specifically, girls that are charged with Other Felonies are charged in custody at a rate of 13% compared to 30% of the boys who are charged with Other Felonies (significant, $p < .001$). Similarly, girls are in custody when charged for Serious Felonies 43% of the time compared to 58% of the boys charged with Serious Felonies (significant, $p < .043$).

Table 10. Number and Percent of Cases Charged, Custody Status and Gender

Classification of Delinquency Felony Cases				Child Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Gender	Female	Count	70	10	80
			Row%	87.5%	12.5%	100.0%
		Male	Count	255	110	365
			Row%	69.9%	30.1%	100.0%
	Total		Count	325	120	445
			Row%	73.0%	27.0%	100.0%
Serious Felonies (10 pts)	Gender	Female	Count	24	18	42
			Row%	57.1%	42.9%	100.0%
		Male	Count	117	164	281
			Row%	41.6%	58.4%	100.0%
	Total		Count	141	182	323
			Row%	43.7%	56.3%	100.0%
Most Serious Felonies (15 pts)	Gender	Female	Count	12	31	43
			Row%	27.9%	72.1%	100.0%
		Male	Count	76	312	388
			Row%	19.6%	80.4%	100.0%
	Total		Count	88	343	431
			Row%	20.4%	79.6%	100.0%

Custody Status and Gender and Location

Recall that, in the overall analysis (Table 10), gender differences emerged in the two classifications of offenses that were the most minor – Other Felonies and Serious Felonies. In these two categories, females are not charged in custody as often as their male counterparts statistically. When we analyze just the Suburban communities the Other Felony category remains statistically significant. In other words, youth charged for Other Felony cases in the Suburban community show statistically significant differences in the percentage of youth who are charged while in custody by gender; males 10%, females less than 2% ($p < .017$). Table 11 shows these differences and also the non-significant differences in the more serious case categories.

Table 11. Number and Percent of Cases Charged, Custody Status and Gender
**** SUBURBAN Communities ONLY ****

Classification of Delinquency Felony Cases				Child Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Gender	Female	Count	65	1	66
			Row %	98.5%	1.5%	100.0%
		Male	Count	172	19	191
			Row %	90.1%	9.9%	100.0%
	Total		Count	237	20	257
			Row %	92.2%	7.8%	100.0%
Serious Felonies (10 pts)	Gender	Female	Count	13	6	19
			Row %	68.4%	31.6%	100.0%
		Male	Count	70	57	127
			Row %	55.1%	44.9%	100.0%
	Total		Count	83	63	146
			Row %	56.8%	43.2%	100.0%
Most Serious Felonies (15 pts)	Gender	Female	Count	5	6	11
			Row %	45.5%	54.5%	100.0%
		Male	Count	41	90	131
			Row %	31.3%	68.7%	100.0%
	Total		Count	46	96	142
			Row %	32.4%	67.6%	100.0%

Interestingly, Minneapolis shows no statistically significant differences between how boys and girls are treated regardless of the seriousness of the offense (see Table 12). One interesting finding is that girls are actually charged in custody at a higher rate than boys for the least serious offenses (Other Felonies, 64% girls compared to 54% boys) and girls are also charged in custody at a slightly higher rate for Other Felonies than they are for Serious Felonies (64% versus 60%). Theoretically, the more serious the offense, the higher the percentage should be of children charged while in custody. This observation works for the boys in Minneapolis but not the girls. Girls in Minneapolis are charged in custody at about the same rate (statistically) regardless of the seriousness of their offense (64% Other Felonies, 60% Serious Felonies and 71% Most Serious Felonies – $p < .355$).

Table 12. Number and Percent of Cases Charged, Custody Status and Gender

**** MINNEAPOLIS ONLY ****

Classification of Delinquency Felony Cases				Child Charged while In Custody?		Total
				No	Yes	
Other Felonies (6 pts)	Gender	Female	Count	5	9	14
			Row %	35.7%	64.3%	100.0%
		Male	Count	73	87	160
			Row %	45.6%	54.4%	100.0%
	Total		Count	78	96	174
			Row %	44.8%	55.2%	100.0%
Serious Felonies (10 pts)	Gender	Female	Count	6	9	15
			Row %	40.0%	60.0%	100.0%
		Male	Count	40	104	144
			Row %	27.8%	72.2%	100.0%
	Total		Count	46	113	159
			Row %	28.9%	71.1%	100.0%
Most Serious Felonies (15 pts)	Gender	Female	Count	7	24	31
			Row %	22.6%	77.4%	100.0%
		Male	Count	34	220	254
			Row %	13.4%	86.6%	100.0%
	Total		Count	41	244	285
			Row %	14.4%	85.6%	100.0%

Continued Detention and Location

Once a decision to detain a child at the JDC is made, what is the likelihood that the Judges will continue to detain a child after the child has been charged in court? This next step of the analysis focuses on continued detention during the course of a case. The two more serious offense categories show significant differences between locations. Suburban cases continue to be detained at a lower rate than Minneapolis or State/County Agencies cases for both Serious Felonies and the Most Serious Felony cases.

Table 13. Continued Detention after the Detention Hearing by Location

**** Charged In Custody Only ****

Classification of Delinquency Felony Cases			Continued Detention?		Total
			No	Yes	
Other Felonies (6 pts)	Downtown	Count	30	66	96
		Row %	31.3%	68.8%	100.0%
	Suburban	Count	4	16	20
		Row %	20.0%	80.0%	100.0%
	All County/State Agencies	Count	1	3	4
		Row %	25.0%	75.0%	100.0%
	Total	Count	35	85	120
		Row %	29.2%	70.8%	100.0%
Serious Felonies (10 pts)	Downtown	Count	24	89	113
		Row %	21.2%	78.8%	100.0%
	Suburban	Count	25	38	63
		Row %	39.7%	60.3%	100.0%
	All County/State Agencies	Count	1	5	6
		Row %	16.7%	83.3%	100.0%
	Total	Count	50	132	182
		Row %	27.5%	72.5%	100.0%
Most Serious Felonies (15 pts)	Downtown	Count	24	220	244
		Row %	9.8%	90.2%	100.0%
	Suburban	Count	21	75	96
		Row %	21.9%	78.1%	100.0%
	All County/State Agencies	Count	0	3	3
		Row %	.0%	100.0%	100.0%
	Total	Count	45	298	343
		Row %	13.1%	86.9%	100.0%

Continued Detention and Race

Youth brought in for the least serious felonies (Other Felonies) and the Most Serious Felonies are the two categories where there are significant differences between the races. For those youth detained for Other Felonies (the least serious category) white youth continue to be detained 40% of the time compared to 25% for youth of unknown racial groups while 78% of the minority youth ($p < .001$) continue to be detained, see Table 14.

Table 14. Continued Detention after the Detention Hearing by Race

**** Charged In Custody Only ****

Classification of Delinquency Felony Cases				Continued Detention?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	6	4	10
			Row %	60.0%	40.0%	100.0%
		Minority	Count	23	79	102
			Row %	22.5%	77.5%	100.0%
		Unknown, Refused, or Unavailable	Count	6	2	8
			Row %	75.0%	25.0%	100.0%
	Total		Count	35	85	120
			Row %	29.2%	70.8%	100.0%
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	9	17	26
			Row %	34.6%	65.4%	100.0%
		Minority	Count	36	109	145
			Row %	24.8%	75.2%	100.0%
		Unknown, Refused, or Unavailable	Count	5	6	11
			Row %	45.5%	54.5%	100.0%
	Total		Count	50	132	182
			Row %	27.5%	72.5%	100.0%
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	5	22	27
			Row %	18.5%	81.5%	100.0%
		Minority	Count	29	241	270
			Row %	10.7%	89.3%	100.0%
		Unknown, Refused, or Unavailable	Count	11	35	46
			Row %	23.9%	76.1%	100.0%
	Total		Count	45	298	343
			Row %	13.1%	86.9%	100.0%

Youth at the other end of the spectrum of seriousness (Most Serious Felonies) show a different pattern – whites (82%) and minorities (89%) continue to be held quite a bit more often than youth of unknown race (76%). The differences between whites and minorities is not significant but between minorities and those of unknown race are significantly different ($p < .035$, see Table 14).

Continued Detention and Location and Race

Table 15. Continued Detention after the Detention Hearing by Race

**** Charged In Custody SUBURBAN Cases Only ****

Classification of Delinquency Felony Cases				Continued Detention?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	1	0	1
			Row %	100.0%	.0%	100.0%
	Minority	Count	2	16	18	
		Row %	11.1%	88.9%	100.0%	
	Unknown, Refused, or Unavailable	Count	1	0	1	
		Row %	100.0%	.0%	100.0%	
Total			Count	4	16	20
			Row %	20.0%	80.0%	100.0%
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	6	8	14
			Row %	42.9%	57.1%	100.0%
	Minority	Count	16	29	45	
		Row %	35.6%	64.4%	100.0%	
	Unknown, Refused, or Unavailable	Count	3	1	4	
		Row %	75.0%	25.0%	100.0%	
Total			Count	25	38	63
			Row %	39.7%	60.3%	100.0%
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	4	9	13
			Row %	30.8%	69.2%	100.0%
	Minority	Count	12	57	69	
		Row %	17.4%	82.6%	100.0%	
	Unknown, Refused, or Unavailable	Count	5	9	14	
		Row %	35.7%	64.3%	100.0%	
Total			Count	21	75	96
			Row %	21.9%	78.1%	100.0%

Minority youth who are originally charged in custody for less serious felonies (Other Felony) are detained by the judges more often than white youth or youth whose race is unknown with similar offenses. This is true for both Suburban areas ($p < .012$, see Table 15) and for Minneapolis ($p < .013$, see Table 16).

Table 16. Continue Detention after the Detention Hearing by Race
**** Charged In custody Minneapolis Cases Only ****

Classification of Delinquency Felony Cases				Continued Detention?		Total
				No	Yes	
Other Felonies (6 pts)	Racial Group of Child Charged	White	Count	4	3	7
			Row %	57.1%	42.9%	100.0%
	Minority	Count	21	61	82	
		Row %	25.6%	74.4%	100.0%	
	Unknown, Refused, or Unavailable	Count	5	2	7	
		Row %	71.4%	28.6%	100.0%	
	Total		Count	30	66	96
		Row %	31.3%	68.8%	100.0%	
Serious Felonies (10 pts)	Racial Group of Child Charged	White	Count	3	9	12
			Row %	25.0%	75.0%	100.0%
	Minority	Count	19	76	95	
		Row %	20.0%	80.0%	100.0%	
	Unknown, Refused, or Unavailable	Count	2	4	6	
		Row %	33.3%	66.7%	100.0%	
	Total		Count	24	89	113
		Row %	21.2%	78.8%	100.0%	
Most Serious Felonies (15 pts)	Racial Group of Child Charged	White	Count	1	11	12
			Row %	8.3%	91.7%	100.0%
	Minority	Count	17	183	200	
		Row %	8.5%	91.5%	100.0%	
	Unknown, Refused, or Unavailable	Count	6	26	32	
		Row %	18.8%	81.3%	100.0%	
	Total		Count	24	220	244
		Row %	9.8%	90.2%	100.0%	

Continued Detention and Gender

No significant differences exist between boys and girls and whether judges continue to detain youth originally charged in custody (see Table 17). This is also true regardless of the charging agency (Suburban or Minneapolis).

Table 17. Continued Detention after the Detention Hearing by Gender

**** Charged In Custody Cases Only ****

Classification of Delinquency Felony Cases				Continued Detention?		Total
				No	Yes	
Other Felonies (6 pts)	Gender	Female	Count	4	6	10
			Row %	40.0%	60.0%	100.0%
		Male	Count	31	79	110
			Row %	28.2%	71.8%	100.0%
	Total		Count	35	85	120
			Row %	29.2%	70.8%	100.0%
Serious Felonies (10 pts)	Gender	Female	Count	7	11	18
			Row %	38.9%	61.1%	100.0%
		Male	Count	43	121	164
			Row %	26.2%	73.8%	100.0%
	Total		Count	50	132	182
			Row %	27.5%	72.5%	100.0%
Most Serious Felonies (15 pts)	Gender	Female	Count	3	28	31
			Row %	9.7%	90.3%	100.0%
		Male	Count	42	270	312
			Row %	13.5%	86.5%	100.0%
	Total		Count	45	298	343
			Row %	13.1%	86.9%	100.0%

Summary

This paper began as an exploration of the types of felony cases that are charged in Hennepin County or the Fourth Judicial District of Minnesota. The examination included types of offenses charged, types of children charged (what racial group and what gender) and where the charges originate. Of particular interest were which offenses and children were being detained, whether or not the child was charged while in custody, and if the child continued to be detained by the bench. The categorization of offenses selected mirrored the ‘hold’ decisions that are currently being used at the JDC upon arrest and at the Detention Hearing once charged. The idea behind using this classification system was that there should be a difference in the custody status based on these types of offenses; the Most Serious Felonies should be detained at the highest level, Serious Felonies next and Other Felonies (those that do not meet the ‘mandatory hold’ criteria for the JDC RAI or the Courtroom RAI) should be detained the least. Additionally, in the analysis of custody status there should be no differences between how boys/girls, suburban/downtown, and minority/white children are handled by the system if their offenses are similar.

As hypothesized, the Most Serious Felonies are detained prior to charging at a much higher rate than the other offenses (80% compared to 56% and 27% respectively, see Table 6). The data do suggest a difference in the how children are handled based on race. In the suburban areas, white children are charged with their crimes while in custody at a lower rate than minority youth for the Most Serious Felony offenses and the least serious Other Felonies (see Table 7). In Minneapolis, all youth are detained prior to charging at a much higher rate than youth from the Suburban communities which may be a function of the proximity to the Juvenile Detention Center located in Downtown Minneapolis. In addition, there is a statistically significant difference between how children of different races are handled; for the Most Serious Felony offenses, minority children are detained prior to charging at a higher rate than white children (88% compared to 52%, see Table 8). For Serious Felonies charged out of Minneapolis there is an opposite finding; white children are detained prior to charging at a higher rate than minority children (92% compared to 68%, see Table 9).

Across Hennepin County the system does not differentiate between female and male youths charged with the Most Serious Felony offenses. However for the lower levels of offenses, females are detained prior to charging at a lower rate than are males (see Table 10). In the Suburban communities, only the Other Felony category shows a significant difference between gender by custody status; girls are detained at 2% while boys are detained at 10% (see Table 11). By contrast, Minneapolis did not statistically differentiate between boys and girls at any of the offense levels (see Table 12). Although there were **no statistically significant differences between how boys and girls were handled by Minneapolis**, there were a few other interesting findings. First, girls were actually detained at a higher rate than boys for the lowest level offenses (64% versus 54%, see Table 12). Second, although boys are detained in the manner hypothesized; most often for the Most Serious Felonies, second most for Serious Felonies, and least often for Other Felonies – girls are detained at a similar rate regardless of their offense (Most Serious Felonies-77%, Serious Felonies-60%, and Other Felonies 64%). These differences in the percent of girls in custody are not statistically significant across offense severity as one would expect.

Once children are detained, do they continue to be detained at the next step in the process; by a judge at the detention hearing? Minority children charged with the least serious offenses continue to be detained at a higher rate (78%) than white youth (40%) and youth whose race is unknown (25%), see Table 14. At the Most Serious Felony level, youth whose race is unknown are detained less often (76%) than white youth (82%) and minority youth (89%), see Table 14. Girls do not continue to be detained differently from boys and this is true regardless of where the charge originated (see Table 17).

Recommendations

This analysis suggests that Hennepin County has an opportunity to continue to improve their juvenile justice system. Differences between how locations handle similarly situated youth suggest that communications should be enhanced between Minneapolis and the Suburban communities to discuss coordinating booking policies. The Hennepin County Attorney's Office should lead these discussions along with the affiliated police agencies. The Juvenile Court bench should continue to monitor youth at the detention hearing for the possibility of finding a safe

alternative to detention. The next step should be a similar examination for more current data. The current analysis examined new cases being process in Hennepin County from January 1, 2008 through April 30, 2009. A more current 16 months of data is now available and would provide some additional information as to what changed or stayed the same. Many new approaches and initiatives have begun in Hennepin during this most recent 16 month period and it would be very interesting to document and analyze the impacts. For example, the alternatives to detention expanded by the use of the 'Bridge' for first time domestic assault offenders and Community Coaches was implemented as an alternative to secure detention. Use of electronic home monitoring is being recorded differently by the Juvenile Court administration so that it can now be distinguished from regular detention in the data. In addition, renewed emphasis on training of data-entry of elements crucial to JDAI and this analysis was gladly accepted by Juvenile Court, therefore there is a strong possibility that the data elements are more precise.

Appendix
FELONY OFFENSES CLASSIFICATION BY CHARGING STATUTE

15 POINTS MOST SERIOUS FELONIES

609.185	Murder in the 1 st Degree
609.19	Murder in the 2 nd Degree
609.195	Murder in the 3 rd Degree
609.20	Manslaughter in the 1 st Degree
609.205	Manslaughter in the 2 nd Degree
609.21	Criminal Vehicular Homicide and Operation
609.2661	Murder of Unborn Child in the 1 st Degree
609.2662	Murder of Unborn Child in the 2 nd Degree
609.2663	Murder of Unborn Child in the 3 rd Degree
609.2664	Manslaughter of an Unborn Child in the 1 st Degree
609.2665	Manslaughter of an Unborn Child in the 2 nd Degree
609.221	Assault in the 1 st Degree
609.222	Assault in the 2 nd Degree (gun only)
609.267	Assault of an Unborn Child in the 1 st Degree
609.2671	Assault of an Unborn Child in the 2 nd Degree
609.2672	Assault of an Unborn Child in the 3 rd Degree
609.268	Injury or Death of Unborn of Child in commission of crime
609.245	Aggravated Robbery (gun only)
609.25	Kidnapping
609.342	Criminal Sexual Conduct in the 1 st Degree
609.343	Criminal Sexual Conduct in the 2 nd Degree
609.352	Solicitation of Children to Engage In Sexual Conduct
609.322S1	Solicitation, Inducement & Promotion of Prostitution of minors only
609.561	Arson in the 1 st Degree
609.582S1	Burglary in the 1 st Degree
609.66	Dangerous Weapons (Felony only)
609.67	Machine Guns and Short Barreled Shotguns
624.713	Prohibited Persons in Possession of Firearms

10 Points SERIOUS FELONIES

609.222	Assault in the 2 nd Degree (NO gun)
609.223	Assault in the 3 rd Degree
609.224S4	Assault in the 5 th Degree IF Felony
609.2242S4	Felony Domestic Assault
609.2247	Strangulation
609.713	Terroristic Threats (toward/against school)
609.245	Aggravated Robbery (NO gun)
609.24	Simple Robbery
609.344	Criminal Sexual Conduct in the 3 rd Degree
609.345	Criminal Sexual Conduct in the 4 th Degree
609.582S2	Burglary in the 2 nd Degree (if unoccupied or a home)
609.485	Escape from Justice, Fugitive from Justice
609.496	Aiding an Offender (for 15 pt offenses)
617.247	Child Pornography
243.166	Failure to Register as a Sex Offender

6 POINTS **OTHER FELONY OFFENSES** NOT ALREADY LISTED INCLUDING BUT NOT LIMITED TO....

- 609.2231 Assault in the 4th Degree
- 609.224 Assault in the 5th Degree (if NOT felony)
- 609.255 False Imprisonment
- 609.377 Malicious Punishment of a Child
- 609.232 Assault of a Vulnerable Adult
- 609.233 Criminal Neglect
- 609.2325 Criminal Abuse
- 609.378 Child Abuse Neglect/Endangerment
- 609.746 Interference with Privacy (peeping)
- 617.23 Indecent Exposure
- 609.3451 Criminal Sexual Conduct 5th Degree
- 152.021 Controlled Substance 1st Degree
- 152.022 Controlled Substance 2nd Degree
- 152.023 Controlled Substance 3rd Degree
- 152.024 Controlled Substance 4th Degree
- 152.025 Controlled Substance 5th Degree
- 609.562 Arson 2nd Degree
- 609.563 Arson 3rd Degree
- 609.582S3 Burglary 3rd Degree
- 609.52 Theft
- 609.52S3(i) Theft from Person
 All Felony Theft offenses
- 169A.24 Felony DWI
- 609.687 Food Adulteration
- 609.495 Aiding an Offender (for 6 pt offenses)