



FOURTH JUDICIAL DISTRICT

**Decision Point Analysis: Juvenile Arrests and Juvenile Charged Offenses
Hennepin County, Minnesota
April 2008 through June 2009**

October 15, 2010

Shelly S. Schaefer, M.A. and Marcy R. Podkopacz, Ph.D.
612-348-2811
shelly.schaefer@courts.state.mn.us

Fourth Judicial District Research Division
Marcy R. Podkopacz, Ph.D., Research Director
Anne Caron, MLS, Research Analyst II
Shelly Schaefer, M.A., Research Analyst II

Table of Contents

Executive Summary	3
Introduction	5
Data and Sample	8
Demographic Variables	8
Offense Classification at Arrest and Charge	8
Table 1: Offense Classification of Arrested and Charged Cases	9
Prior History	10
Arresting Law Enforcement Agency	10
Analysis	10
Part One - All Arrests: Comparison of Non-Charged versus Charged Cases	11
Table 2. Non-Charged Cases vs. Charged Cases	11
Race: Table 3. Non-Charged vs. Charged Cases by Race	11
Table 4. Non-Charged Cases by Race and JDC Release Outcomes	12
Ethnicity:	
Table 5: Non-Charged vs. Charged Cases by Ethnicity	13
Gender: Table 6. Non-Charged vs. Charged Cases by Gender	13
Offense: Table 7. Non-Charged vs. Charged Cases by Offense Type	14
Part Two - Analysis of Arrested Offenses that are Formally Charged in Court	15
Sample Demographics:	
Table 8. Sample Demographics	16
Offense: Table 9. Arresting and Charging Offense Types	17
Table 10. Arrest and Charge-Level JDC RAI Offense Classification	18
Arresting Police Agency:	
Table 11. JDC RAI Offense Classification by Arresting Police Agency	19
Race: Table 12. JDC RAI Classification by Race at Arrest and Charging	20
Table 13. Within Racial Group: JDC RAI Offense Classification	21
Ethnicity: Table 14: Within Ethnicity Groups: JDC RAI Offense Classification	22
Gender: Table 15. Gender by JDC Offense Classification	23
Release Decisions	23
Table 16. How Charged Offenses Hypothetically Changes Release Decisions	24
Table 17. Change from Arrest to Charge by Race	25
Table 18. Change from Arrest to Charge by Ethnicity	26
Table 19. Change from Arrest to Charge by Gender	26
Table 20. Change from Arrest to Charge by Police Location	27
Summary	28
Recommendations	30
Appendix A: Detention Criteria	31
Appendix B: JDC RAI Arrested Offense Point by Statute	33
Appendix C: Arresting Police Agency Categories	35
Appendix D: Arrest and Charge Level Offense Types by Statute	36

Executive Summary

The Fourth Judicial District of Minnesota, which is synonymous with Hennepin County, is a JDAI (Juvenile Detention Alternative Initiative) site and supports the following study to analyze key decision points in juvenile delinquency processing: arrest decisions (as operationalized by being processed for a new offense at the Juvenile Detention Center (JDC)) and how these arrests translate into formal charges. This study will analyze offense changes from arrest to charging by race, gender, offense type, and arresting police location. Additionally, this analysis will include an examination of arrests for new offenses where a formal charge was not issued by race, ethnicity, gender, offense type and location. The sample includes all youths brought to the Juvenile Detention Center for a new offense in downtown Minneapolis from April 2008 to June 2009 (1,199 new offense arrests).

Because Hennepin County utilizes 'detention criteria' that restricts the cases brought to the JDC to fairly serious to very serious in nature, this sample of arrests is a subset of delinquent arrests in Hennepin County.¹ The only non-felony cases allowed to be processed in the JDC are misdemeanor level domestic assault or domestic related offenses or gross misdemeanor weapon offenses that occurred on school/public premises.²

Part One – All Arrests: Comparison of Non-Charged versus Charged Cases

- 77% of the arrests brought to the JDC in this sixteen month sample are subsequently formally charged by the prosecutor, while the remaining 23% did not result in formal charges (see Table 2).

Race

- There is a significantly higher percentage of minorities arrested and never charged (25%) compared to the percentage of non-minorities arrested and never charged (17%) (see Table 3).
- Of the arrests that were not charged, there is no significant difference in their release decisions, lending credibility to the use of the risk assessment tool at JDC (Table 4).

Ethnicity

- This analysis found no significant differences between Hispanic and Non-Hispanic juveniles and whether they were arrested and charged (Table 5).

Gender

- Although a majority of both the charged and non-charged cases are male, no significant differences exist by gender for cases charged versus non-charged (see Table 6).

Offense

- Certain offense types result in formal charges over 80% of the time: felonies against person, criminal sexual conduct felonies, and misdemeanor domestic offenses. Youths arrested for felony level weapon, drug, and property offenses are less likely to be formally charged; resulting in 65% of weapons, 66% of drug, and 68% of property offenses formally charged (see Table 7).

¹ See Appendix A for Hennepin County Juvenile Detention Center Detention Criteria

² If there is a warrant or a hold for another jurisdiction along with a minor offense, a child could be detained at the JDC but would not be included in this sample.

Part Two - Analysis of Arrested Offenses that are Formally Charged in Court

Sample Demographics

- Of the charged cases, 84% are male; 69% are African American, 19% are White; 11% are Hispanic youth, a little more than half (59%) of the sample is 16 years of age or older; and 59% of the referrals to JDC originated from downtown law enforcement agencies (see Table 8).³

Offense Type

- From arrest to charging, the number of felony person and domestic-type offenses was reduced and a large increase in non-felony type offenses were filed by prosecutors (see Table 9).
- Examining offenses using the JDC RAI criteria, there is an 18% drop in the number of mandatory hold⁴ type offense from arrest to charging resulting in 165 youths originally detained at arrest that could have potentially been released based on their charged offense (see Table 10).

Arresting Police Agency

- A majority of the 15-point mandatory hold offenses originate from downtown police agencies (65%) while more 6-point mandatory hold offenses originate from suburban police agencies (56%-see Table 11).⁵

Race

- Significantly more minority youth are arrested and brought to the JDC for 15-point and 6-point mandatory hold offenses (81%) compared to non-minority youth (see Table 12).
- Within the JDC RAI offense classifications, more minority youth are arrested for 15-point mandatory hold offenses (61%) than non-minority youth (42%), but more non-minority youth are arrested for 6-point domestic mandatory hold offenses (49%) versus 26% minority (see Table 13).

Ethnicity

- No significant differences exist between Hispanic and Non-Hispanic youth (Table 14).

Gender

- Significant differences by gender exist at both the arrest and charge level. Because there are more males in the sample, more males are arrested and charged for mandatory, other felony, and non-felony cases. However, proportionally more females are arrested and charged for 6-point mandatory hold offenses compared to males which are domestic and domestic related offenses (see Table 15).

Release Decisions from Arrest to Charging

- If the charged offense was used to determine release decision along with prior history and other risk factors rather than the arresting offense, less juveniles (n=174) would have been detained and four times more youths would have been released to either a detention alternative or guardian (see Table 16).

Change from Mandatory Hold Arrest to Non-Mandatory Charge

- Significantly more minorities were arrested for mandatory hold offenses that upon charging became non-mandatory offenses (Table 17).
- No other significant differences existed by ethnicity, gender, or geographic location of arrest.

³ The race data used for this analysis was extracted from the JDC RAI database at JDC Intake.

⁴ See Appendix B for offenses that require a judge's release decision (Mandatory Hold offenses)

⁵ See Appendix C for location of police agency classification.

Introduction

This study was originally requested by the Honorable Lucy Wieland, co-chair of the Juvenile Detention Alternatives Initiative (JDAI) in Hennepin County, Minnesota (Fourth Judicial District) as part of a larger Decision Points study initiated by JDAI steering committee and JDAI data committee. This study examines youths arrested on new offenses, brought to the Juvenile Detention Center (JDC), and subsequently formally charged in order to determine similarities and differences between level of offense at arrest and level of offense at charging by race, gender, offense and arresting police agency. In addition, this analysis examines those arrests where no formal charging occurs using the same demographic review.

In addition to Hennepin County's JDAI committee support for the project, the Minnesota Department of Public Safety, Office of Justice Programs identifies the decision point of arrests to charging as one of the five critical decision points that warrants additional data collection and analysis. Based on the needs identified by Hennepin County's JDAI committees and the Minnesota Department of Public Safety, the Fourth Judicial District Research Division completed the following analysis of juveniles arrested on new offenses and brought to Hennepin County Juvenile Detention Center from April 2008 through June 2009 in two parts:

- **Part One:** Comparison of non-charged (arrests that did not lead to a prosecutor filing charges) versus charged cases by race, ethnicity, gender and offense type.⁶
- **Part Two:** Analysis of all juvenile arrests at the JDC that subsequently led to formal charges by race, ethnicity, gender, offense type and originating police agency.

Initial contact with the juvenile justice system for many youth begins at the point of arrest. Nationally, the arrest rates for most juvenile crimes has been declining since 1999, however as arrest rates decreased, disparities by race increased for African American youth arrested for property crimes (double the rate compared to white juveniles) and violent crimes (five times the rate compared to white youths) increasing the potential for more youths of color to be detained before formal charging.⁷

Some scholars argue that arrest rates for minority youth are higher simply because they commit more crimes ("differential offending" hypothesis), but other scholars argue several other factors such as policing practices, the "get tough" movement, and socio-economic factors related to

⁶ For arrests that occurred toward the end of our sample period (June, 2009) over one year had elapsed since the arrest in which a child could have been formally charged and for some of the earlier arrests almost two years.

⁷ *Crime in the United States*. 2008. Washington, DC: U.S. Government Printing Office.

inequities in arrest (“differential treatment” hypothesis) to minority overrepresentation.⁸ It is important to note here that this study does not provide answers to questions surrounding arrest rates but rather this research examines **a portion of juvenile arrests** in Hennepin County, Minnesota in order to explore changes by offense and detention status from arrest to formal charging.

Studies that **are** central to this inquiry surround the impact of detention on subsequent court processing. In recent years, a considerable amount of national attention has focused on this issue and statistics show that the overall detention population increased over a ten year time period by 47% for all youth, disproportionately impacting minority youth who, during the same time had a staggering detention growth rate of 76%.⁹ In addition, juvenile justice research focusing on the impact of detention status on case processing finds that the detention status of a youth at first appearance negatively impacts subsequent court processing such as remaining in detention and more serious dispositional outcomes.¹⁰ Further, because more minority youth, in particular African American youth, are detained at arrest, scholarly research examining the interaction of race and detention status at six stages in juvenile court processing found that African Americans are more likely than Whites to receive more severe outcomes at detention, initial appearance, and adjudication. Thus, the youth’s initial detention status can serve to promote continued disparities throughout juvenile proceedings.¹¹

Understanding the significance that the arresting offense and detention status can have on youths’ juvenile court outcomes, this study was designed to analyze the beginning decision points of juvenile case processing in Hennepin County and explore if significant differences exist by race, gender, offense, and arresting law enforcement agencies for both charged and non-charged cases.

The reason that this research only examines a portion of the juvenile arrests is because Hennepin County has a ‘detention criteria’ restricting JDC arrests to serious and very serious offenses only (see Appendix A for the Detention Criteria policy). Officers in this county are not allowed to bring misdemeanor offenders to the JDC unless they are arresting youth for domestic

⁸ Frazier, Charles and Donna Bishop. 1995. “Reflections on Race Effects in Juvenile Justice.” Pp. 16-46 in *Minorities in Juvenile Justice* edited by Kempf-Leonard and Feyerherm. Thousand Oaks, CA: Sage.

⁹ Justice Policy Institute. 2002. “Reducing disproportionate minority confinement: The Multnomah County, Oregon success story and its implications.” Washington, DC: Justice Policy Institute.

¹⁰ Engen, R. Steen and G. Bridges. 2002. “Racial Disparities in the Punishment of Youth: A Theoretical and Empirical Assessment of the Literature.” *Social Problems* 49: 194-220.

¹¹ Lieber, Michael and Kristan Fox. 2005. “Race and the Impact of Detention on Juvenile Justice Decision making.” *Crime and Delinquency* 51: 470-497.

assault or domestic related misdemeanors. Likewise, gross misdemeanor weapon offenses are only allowed if the offense occurred on school or public property. Therefore, this research on arrests is restricted to the most serious alleged offenses occurring in Hennepin County.

In 2008, through the JDAI Steering Committee, the Fourth Judicial District implemented a risk assessment tool as a means for the JDC to make objective release decisions prior to a judge's decision at a detention hearing or first appearance. JDC staff use the Risk Assessment Instrument (RAI) tool to assess detention needs for all juveniles arrested on a new offense and brought to the JDC. Youth being brought to the JDC on outstanding warrants are not included in this analysis. The current JDC RAI¹² assigns points to the following categories:

- Current Offense: the arresting offense
- Residence: whether or not the youth resides within the seven county Metro area
- Attendance at work/school
- Age at first misdemeanor or felony adjudication is less than 16 years of age
- Prior adjudications
- Prior failure to appear
- Pending petitions

Based on a sum of the total points from each category, JDC staff make a decision to either detain the youth (point totals 15+), release to a detention alternative (11-14 points) or release to a parent or guardian (3-10 points). The JDC staff track all RAI results electronically which is archived with both Juvenile Corrections and the Fourth Judicial District Court Research Division. These extracts provide a unique opportunity for the Fourth Judicial District to examine arrest outcomes by matching them to court data on cases chosen for prosecution. Not only can the degree of the charge be assessed (e.g., does a mandatory hold at arrest remain a mandatory hold offense at charging?) but also the type of charge (e.g., does an arrest for a person crime stay a person crime at charging or does it change to a disorderly conduct charge?). These offense changes from arrest to charging are reviewed using the standard demographic indicators.

¹² The original RAI (in place during the course of these data) contained more demographic items than listed here. Some of these items were since deemed not to be valid indicators of pretrial risk and were deleted from the RAI. Podkopacz, Marcy (2009) *Juvenile Detention Alternative Initiative: Validation of Risk the Assessment Instrument*, Fourth Judicial District Research Division. <http://www.mncourts.gov/district/4/?page=82>

Data and Sample

To conduct this analysis, data were pulled from two sources (Juvenile Detention Center RAI data and the Minnesota Court Information System (MNCIS)) and merged. The RAI data has a record for each new arrest and MNCIS has a record for each case formally charged. Individual new offense arrests brought to the JDC between April, 2008 and June 2009 are matched by last name, first name and date of new offenses to the MNCIS data from the same time period.

Demographic Variables

JDAI promotes the use of demographic analysis on key decision points. These demographics are colloquially called REGGO which stands for Race, Ethnicity, Gender, Geography and Offense. For purposes of this study, race is coded as a dichotomous variable, minority versus non-minority. If a youth's race is African American, Hispanic, American Indian, Asian, Hawaiian or Pacific Islander, or "other" race then the youth is categorized as a minority. White youths are categorized as a non-minority. For ethnicity, all youth categorized as Hispanic, regardless of their race category, are classified as Hispanic. Likewise, all Non-Hispanic youth, regardless of how they are categorized on the race variable are placed in the Non-Hispanic category. The age variable is calculated from the youth's date of birth to the arrest date (JDC intake date) to depict the youth's actual age at the time of JDC intake rather than at the point of formal charging. The geographic indicator used for this study is the location of the police agency where the arrest occurred. Offenses classification is described below.

Offense Classification at Arrest and Formal Charge

Table 1 provides an overview of the type of offenses, both at the arrest and charge-level, which fit into the JDC RAI classification. This will be one of the offense classifications that are used in this analysis.¹³ If a juvenile is arrested for a 15-point or 6-point mandatory hold offense, they will be held in detention for a judicial hearing to review the case. Generally, 6-point other felonies or 3-point other non-felonies are releasable offenses, however a youth arrested for an offense within these categories could be detained if the sum of the JDC RAI score is 15 points or higher. Later in the report, arrests/charges are also classified by type and level of offense: Person Felony, Property Felony, non-felony person offenses, etc.

¹³ Offenses brought to the JDC are categorized into one of the following groups by their arresting statute (arrest-level) or initial statute (charge-level): mandatory hold (15-point and 6-point), 6-point other felonies, and 3-point other non-felonies. See Appendix B for a list of JDC Risk Offense Classification by statute and offense description.

Table 1. Offense Classification of Arrested and Charged Cases

15-Point Mandatory Hold (Mandatory Detain)	6-Point Mandatory Hold (Mandatory Detain)	6-Point Other Felonies (Releasable)	3-Point Other Non-Felonies (Releasable)
Murder/Manslaughter	Domestic Assault	Assault 4 th /5 th degree	BB Gun/Replica or other weapon that is non-mandatory
Assault 1 st /2 nd /3 rd /5 th (if felony)	Violation of No Contact Order/Order for Protection	False Imprisonment	Burglary 4 th degree
Felony Domestic Assault	Harassment/Stalking	Malicious Punishment of a Child	Assault 4 th degree (against public/school official)
Terroristic Threats	Tampering with a Witness	Criminal Neglect/Abuse	Endanger Child
Aggravated Robbery	Interfering with a 911 call	Interference with Privacy	
Simple Robbery		Indecent Exposure	
Kidnapping		Criminal Sexual Conduct 5 th degree	
Criminal Sexual Conduct 1 st /2 nd /3 rd /4 th degree		Controlled Substance 3 rd /4 th /5 th degree	
Arson 1 st degree		Arson 2 nd /3 rd	
Burglary 1 st /2 nd degree		Burglary 3 rd degree	
Weapons (609.66)		Theft	
Escape from Justice		Felony DWI	
Controlled Substance 1 st /2 nd degree		Food Adulteration	
Failure to Register as a Sex Offender		Aiding an Offender	

Because part of the interest for this study includes concerns about how changes to the offense type at the time a case is charged and filed with the court could have impacted a juvenile's initial detention status, a new charge-level variable is created to use the initial charging statute and the same JDC RAI criteria outlined above to assess how changes from arrest to prosecutor's decision to charge can impact release decisions. These offense categories are analyzed two ways; first, looking at how offenses change from arrest to formal charging, and second, how a change in offense level potentially impacts a youth's detention status.

The arresting offense is one of the key variables for this study because based solely on the arresting offense, a youth can be held in detention until a detention hearing occurs in front of a judge. Therefore, at this point in the process a juvenile's detention status is highly dependent upon the charge reported by the arresting officer. Further, if disparities by race, ethnicity,

gender, geography or offense exist at arrest, then a potential snowball effect for subsequent disparities can occur throughout the juvenile's court processing.¹⁴

Prior History

Consistent with research on criminal justice processing, a youth's prior history is significantly related to detention.¹⁵ The JDC RAI examines a juvenile's history for prior adjudications, prior failures to appear, and pending adjudications and assigns a point value to each of the above areas based on a positive relationship; thus, more prior adjudications and higher level of seriousness of the prior adjudications results in a higher number of points on the RAI. The maximum total points a youth can receive on the JDC RAI for prior history is twelve. The maximum number of points a youth can receive for the current offense is fifteen. Therefore, a youth's prior history can play a significant role in the decision to detain a youth at arrest.

Arresting Law Enforcement Agency

By matching the JDC RAI extracts to MNCIS data, the arresting law enforcement agency is identified. Law enforcement agencies are categorized into three groups by location of the law enforcement agency: downtown, suburban, and other (county level, out of Hennepin County, or state level agencies) (see Appendix C for a list of law enforcement agencies by category). Since the arresting agency came from the court records, the non-charged cases cannot be examined by geographic location.

Analysis

To examine differences between non-charged versus charged cases, and how the level of offense changes from arrest to formal charging by race, ethnicity, gender, geography, and offense descriptive analyses are conducted. Descriptive analyses include the frequency distribution of the charged and non-charged cases by REGGO, cross-tabulation of various variables to offense level, and chi-square tests to determine the direction and significance of the relationship between variables.

¹⁴ It should be noted that the term "disparity" does not connote "discriminatory" practices. Rather, the use of the term disparity is meant to explore disproportionality based on the sample population.

¹⁵ Bishop, Donna. 2005. "The Role of Race and Ethnicity in Juvenile Justice Processing." Pp. 23-82 in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice*. Chicago, IL: University of Chicago Press.

Part One: All Arrests: Comparison of Non-Charged Cases versus Charged Cases

The first six tables analyze all 1,199 cases included in the data set to establish the number and percent of arrests that resulted in formal charges being filed. This comparison analyzed cases that are not charged versus formally charged by geography, race, ethnicity, gender, and offense type.

**Table 2. All Juvenile Arrests for New Offenses: April 2008-June 2009
Non-Charged Cases vs. Charged Cases**

	N	Percent
Non-Charged Cases	280	23.4
Formally Charged	919	76.6
Total	1,199	100.0

As you can see from Table 2, approximately 77% of the arrests brought to the JDC are formally charged by the prosecutor, while the remaining 23% did not result in formal charges. The next set of analyses examines the charged vs. non-charged cases for significant differences by race, gender, and offense.

**Table 3. All Juvenile Arrests for New Offenses: April 2008-June 2009
Non-Charged vs. Charged Cases by Race**

		Race		
		Non-Minority	Minority	Total
Non-Charged	Count	35	244	280
	Column %	17.1%	24.5%	23.3%
Charged	Count	170	749	919
	Column %	82.9%	75.3%	76.6%
Total	Count	205	994	1,199
	Column %	100.0%	100.0%	100.0%

According to Table 3, significant differences ($p < .05$) exist by race and whether or not a case is formally charged. Minority youth are arrested but not charged 25% of the time, while whites are arrested with no court case charged 17% of the time. Looking at the data in the opposite direction, of all charged cases, 82% are minorities (row percentage not shown here but 749 out

of 919 is 82%). Therefore, although the vast majority of arrested and charged offenders brought to the Juvenile Detention Center are minority youth, an additional large number of minorities are arrested and never charged.

**Table 4. All Juvenile Arrests for New Offenses: April 2008-June 2009
Arrested and Non-Charged Cases by Race and JDC Release Outcomes**

		Race		Total
		Non-Minority	Minority	
Detain-Mandatory Hold	Count	27	184	211
	Column %	77.1%	75.1%	75.4%
Detain	Count	0	5	5
	Column %	0.0%	2.0%	1.8%
Detention Alternative	Count	1	6	7
	Column %	2.9%	2.4%	2.5%
Release	Count	7	50	57
	Column %	20.0%	20.4%	20.4%
Total	Count	35	245	280
	Column %	100.0%	100.0%	100.0%

Because a significant difference exists by race and whether a case is formally charged, the next step is to analyze whether significant differences continue to exist by detention outcomes. Table 4 examines **only the 280 non-charged cases** to explore whether more minority youth continue to be detained than non-minority youth for arrests that do not end in formal charges. According to Table 4, there are no significant differences by race and release decision. Thus, approximately the same proportion of minority and non-minority youth were either detained, sent to a detention alternative, or released. Perhaps race becomes non-significant at this point because of the effect of using a risk assessment tool (JDC RAI), emphasizing objective legal criteria as the basis of release decisions that reduces subjective or implicit racial bias at this decision point. However, it is important to note that although significant differences did not exist by race, 216 (77%) of the 280 youths arrested but not charged still spent time in detention. Secondly, even though significant differences by race and release outcomes do not exist, more minority youth are arrested and brought to the detention center than non-minority youth placing them at higher risk for being detained for offenses that do not result in formal case processing.

**Table 5. All Juvenile Arrests for New Offenses: April 2008-June 2009
Charged vs. Non-Charged Cases by Ethnicity**

		Ethnicity		
		Hispanic	Non-Hispanic	Total
Non-Charged	Count	28	252	280
	Column %	22.2%	23.5%	23.4%
Charged	Count	98	821	919
	Column %	77.8%	76.5%	76.6%
Total	Count	126	1,073	1,199
	Column %	100.0%	100.0%	100.0%

Hispanic ethnicity is shown in Table 5. There were no significant differences between Hispanic and non-Hispanic juvenile arrests regarding formal charging.

**Table 6. All Juvenile Arrests for New Offenses: April 2008-June 2009
Charged vs. Non-Charged Cases by Gender**

		Gender		
		Female	Male	Total
Non-Charged	Count	46	234	280
	Column %	24.2%	23.2%	23.3%
Charged	Count	144	775	919
	Column %	75.8%	76.8%	76.6%
Total	Count	190	1,009	1,199
	Column %	100.0%	100.0%	100.0%

Table 6 examines non-charged versus charged cases by gender and finds no significant differences between males and females. Not surprisingly, a majority of both non-charged and charged cases are male.

Geographic location of arrests was not able to be assessed because there was no information at the arrest level on police locations in the RAI database.

Table 7 examines offense types for non-charged versus charged cases. Although a majority of the analyses focus on offense type by the JDC RAI classification, offenses are coded, by statute, both the arrest and charge-level offenses into meaningful offense categories: person felonies, criminal sexual conduct felonies, weapon felonies, drug felonies, property felonies, and

'other' felony offenses, non-felony domestic, and non-felony offenses (see Appendix D for offense categories by statute). If either an arresting offense or charged offense were a gross misdemeanor or misdemeanor, regardless of the type of offense, they are categorized as a non-felony with the exception of domestic offenses.

**Table 7. All Juvenile Arrests for New Offenses: April 2008-June 2009
Non-Charged vs. Charged Cases by Offense Type**

		Charge Status		
		Non-Charged	Charged	Total
Person Felony	Count	83	334	417
	Column %	19.9%	80.1%	100.0%
Criminal Sexual Conduct Felony	Count	8	36	44
	Column %	18.2%	81.8%	100.0
Weapon Felony	Count	55	103	158
	Column %	34.8%	65.2%	100.0%
Drug Felony	Count	20	38	58
	Column %	34.5%	65.5%	100.0%
Property Felony	Count	44	95	139
	Column %	31.7%	68.3%	100.0%
Non-Felony* Domestic	Count	45	227	322
	Column %	14.0%%	86.0%	100.0%
Other Felony**	Count	13	18	31
	Column %	41.9%%	58.1%	100.0%
Non-Felony	Count	12	18	30
	Column %	40.0%	60.0%	100.0%
Total	Count	280	919	1199
	Column %	23.4%	76.6%	100.0%

*Non-felony domestic offenses are person offenses that result in a 6-point mandatory detention hold.

**See Appendix D for types of offenses included in the "other felony" and "non-felony" category.

According to Table 7, offense types that result in formal charges over 80% of the time are person felonies, criminal sexual conduct felonies, and misdemeanor domestic offenses. Conversely, only two-thirds of felony level weapon, drug, and property offenses arrests result in formal charges and approximately 60% of other felony and non-felony arrests are charged.

In summary, **Part One** of this study establishes that 77% of the arrests result in formal charges and significant differences by race exist between cases that are charged and not-charged. More minority youth than non-minority youth are arrested for alleged offenses that do not result in formal charges. However, examining the detention outcomes for non-charged cases (examining if more minority youth are detained than non-minority youth) the release decisions are

proportionally similar and non-significant between race groups. There were no significant differences by ethnicity or gender on charging decisions and geographic location of arrest could not be analyzed with these data. Lastly, Table 7 shows that 80% or more of the person felonies, criminal sexual conduct felonies, and misdemeanor domestic offenses at arrest result in formal charges but arrests for weapon felonies, drug felonies, and property felonies are not as likely to be formally charged and even less likely are other felony arrests and other non-felony arrests (non-domestic related arrests).

Part Two: Analysis of Arrested Offenses that are Formally Charged in Court

The second part of this study examines only the 919 arrest cases that resulted in formal charges being filed by the prosecutor.

Sample Demographics

Before beginning to analyze cases by race, ethnicity, gender, offense, and arresting police agency, Table 8 provides a snapshot of the overall sample characteristics. Even though this analysis examines cases at two points of court processing, the sample characteristics that remain constant across time are: gender, race, age, and location of arresting law enforcement agency.

Table 8 provides demographic frequencies and percents for the 919 cases included in this analysis. Males comprise 84% of the sample; 69% are African American, 19% report White and almost 13% are some other race; Hispanics make up 11% of the sample and can fall into either the any of the three race categories above, a little more than half (59%) of the sample is 16 years of age or older; and 59% of the referrals to JDC originated from downtown law enforcement agencies.

The final column is an attempt to include information on the national juvenile arrests for Part I and Part II crimes. Although this comparison is fraught with problems since the FBI data includes felony and non-felony level arrests it does give us a flavor of what is occurring in other large metropolitan areas. Caution should be exercised **comparing** national juvenile arrest statistics to Hennepin County since Hennepin County has the detention criteria in place funneling the most serious offenses into the JDC while restricting the least serious ones. **The national data indicates that the most serious offenses are the least numerous and therefore national arrest percentages would be heavily affected by the least serious offenses which are not included in Hennepin County Detention Center arrests.**

**Table 8. Arrests that were Formally Charged in Court: April 2008-June 2009
Demographics of JDC Arrest/Charge Sample**

Variable	N	Percent	National FBI statistics on Juvenile Arrests¹⁶
Gender			
Female	144	15.7	28.5
Male	775	84.3	71.5
Age			
15 or younger	377	41.0	43.4
16 or older	542	59.0	55.8
Race			
African American/Black	634	69.0	31.6
White	170	18.5	65.7
Other Race	115	12.5	2.8
Ethnicity			
Hispanic	98	10.7	na
Non-Hispanic	821	89.3	
Law Enforcement Agency			
Downtown	542	59.0	na
Suburban	366	39.8	
Out of County/State	11	1.2	
Total	919	100.0	

Offense

According to Table 9, at the arrest level, domestic-related and person offenses account for two-thirds (66%) of the offenses brought to the JDC followed by weapon (11%), property (10%), drug (4%), and criminal sexual conduct (4%) offenses. At the charge level, domestic-related and person felony offenses account for only about half (52%) of the offenses, followed by non-felony

¹⁶ Crime in the U.S. (CIUS): collected by the FBI for the Uniform Crime Reports. These data include felony level and non-felony level arrests and therefore caution should be exercised comparing these national juvenile arrest statistics to Hennepin County since Hennepin County has the 'detention criteria' in place funneling the most serious offenses into the JDC while restricting the least serious ones. **The national data indicates that the most serious offenses are the least numerous and therefore national arrest percentages would be heavily affected by the least serious offenses which are not included in Hennepin County Detention Center arrests.**

(19%), weapon (10%), property (10%), criminal sexual (4%), and drug (3%), and other felony (1%).

**Table 9. Arrests that were Formally Charged: April 2008-June 2009
Arresting and Charging Offense Types**

Offense Category*	Arrest-Level		Charge-Level	
	N	Percent	N	Percent
Person Felony	334	36.3	262	28.5
Criminal Sexual Conduct Felony	36	3.9	37	4.0
Weapon Felony	103	11.2	99	10.8
Drug Felony	38	4.1	27	2.9
Property Felony	95	10.3	97	10.6
Non-Felony Domestic	277	30.1	215	23.4
Other Felony	18	2.0	7	0.8
Non-Felony**	18	2.0	175	19.0
Total	919		919	

*All person, criminal sexual, weapon, drug, property, and other felonies are felony-level offenses.

**All non-felony cases are either gross misdemeanors or misdemeanors regardless of offense type.

As you can see from Table 9, at the arrest level, there are very few non-felony type offenses (n=18) – again this is by design and because of the detention criteria; however, at the charge-level, 175 cases that began at arrest as either a felony or mandatory hold domestic were reduced to a non-felony type of offense. Analysis of these 175 cases (not shown) at the charge level found 44% started as a domestic-related offense at arrest, 25% were person felonies, 14% were property felonies, 8% were drug felonies, 6% were weapon felonies, 4% other felonies, and the remaining one case was initially arrested as a criminal sexual conduct felony.

Overall, table 9 suggests that 19% of the cases brought to JDC for a felony-level offense were subsequently charged as a non-felony, and within that 19% close to half of the cases at arrest were classified as domestic-related mandatory holds that no longer met the mandatory hold criteria at the charge-level.

Table 10 continues to examine the type of offense at both arrest and charging; however, here the JDC RAI classification categories are used. Recall from the introduction, the JDC RAI instrument establishes, by statute, how an offense is coded. Using the arresting statute and the initial statute at filing, each offense is coded into the corresponding JDC RAI classification.

**Table 10. Arrests that were Formally Charged: April 2008-June 2009
Arrest and Charge-Level JDC RAI Offense Classification**

JDC RAI Classification	Arrest-Level		Charge-Level	
	N	Percent	N	Percent
15-Point Mandatory Hold	532	57.9	437	47.6
6-Point Mandatory Hold	277	30.1	207	22.5
6-Point Other Felonies	92	10.0	100	10.9
3-Point Other Non-Felonies	18	2.0	175	19.0
Total	919		919	

At arrest, 58% of the cases brought to the JDC are for 15-point mandatory hold offenses, followed by 6-point mandatory holds (30%), 6-point other felonies (10%), and 3-point other non-felonies (2%). However, at the charge-level, fewer cases reach the 15-point mandatory hold criteria (48%), and the 6-point mandatory hold (23%), and more cases are filed as 3-point other non-felonies, 19% compared to only 2% at the arrest.

Because mandatory hold offenses automatically require the youth to be held in detention, the drop in the number of mandatory holds from arrest to charging results in 18% of the juveniles in this sample originally held in detention at arrest who would not have met the mandatory hold criteria based on their charged offense; potentially resulting in 165 youths that may have been released to either a detention alternative or a guardian.

Arresting Police Agency

Table 11 examines the location of the arresting police agency by the JDC RAI offense classifications. A majority of the 15-point mandatory hold offenses originate from downtown police agencies (65%) while more 6-point mandatory hold offenses originate from the suburban police agencies (56%). However, if you add both 15-point and 6-point mandatory hold offenses together, over half (57%) of the 808 mandatory hold offenses originate from downtown police agencies followed by suburban (42%).¹⁷

¹⁷ Differences by JDC RAI offense classification by location of police agency are significant (p<.001).

**Table 11. Arrests that were Formally Charged in Court: April 2008-June 2009
JDC RAI Offense Classification by Arresting Police Agency**

JDC RAI Offense Classification		Location of Police Agency			Total
		Downtown	Suburban	Other	
15 Point Mandatory Hold	Count	344	183	5	532
Felonies	Row%	64.7%	34.4%	0.9%	100.0%
6 Point Mandatory Hold	Count	119	156	2	277
Non-Felonies	Row %	43.0%	56.3%	0.7%	100.0%
6 Point other	Count	65	24	3	92
Felonies	Row %	70.7%	26.1%	3.3%	100.0%
3 Point other	Count	14	3	1	18
Non-Felonies	Row %	77.8%	16.7%	5.6%	100.0%
Total	Count	542	366	11	919
	Row %	59.0%	39.8%	1.2%	100.0%

Race

Table 12 examines the number and percent of youths by minority status within each JDC RAI offense classification at both arrest and charge-level. The disproportionality seen at arrest is carried through at charging. For every JDC RAI offense classification at both arrest and charging, the number of minority youth represented is significantly more than non-minority youth ($p < .001$). Summing the 15-point and 6-point mandatory hold offenses results in 81% of youths arrested for a mandatory hold being minorities, and the distribution by race remains stable at the charge-level even though fewer youths ($n=123$) are charged with an offense that meets mandatory hold criteria.

**Table 12. Arrests that were Formally Charged in Court: April 2008-June 2009
JDC RAI Classification by Race at Arrest and Charging**

		Arrest			Charge		
		Non-Minority	Minority	Total	Non-Minority	Minority	Total
15 pt Mandatory Hold Felonies	Count	72	460	532	59	378	437
	Row %	13.5%	86.5%	100.0%	13.5%	86.5%	100.0%
6 pt Mandatory Hold Non-Felonies	Count	84	193	277	74	133	207
	Row %	30.3%	69.7%	100.0%	35.7%	64.3%	100.0%
6 pts Other Felonies	Count	12	80	92	13	87	100
	Row %	13.0%	87.0%	100.0%	13.0%	87.0%	100.0%
3 pt Other Non-Felonies	Count	2	16	18	24	151	175
	Row %	11.1%	88.9%	100.0%	13.7%	86.3%	100.0%
Total	Count	170	749	919	170	749	919
	Row %	18.5%	81.5%	100.0%	18.5%	81.5%	100.0%

Table 13 examines the same data **within each racial group** – in this situation the comparison is **un-shaded columns to shaded columns of the same racial group**. At the arrest level, for non-minority youth, 49% are arrested for 6-point mandatory hold offenses followed by 42% for 15-point mandatory hold offenses. At the charge level, non-minorities continue to be charged most often with 6-point mandatory holds (44%) followed by 15-point mandatory holds (35%) but there is an increase in the number of non-felonies charges (from 1% to 14%).

Minorities are most often arrested for 15-point mandatory arrests (61%) and fewer are arrested for 6-point mandatory holds (26%). At the charge level, most majorities are charged with 15-point mandatory holds (51%), followed next by a large increase in the number of minority youth charged with a non-felony (20%).

For both minorities and non-minorities, youth who were arrested for mandatory offenses end up dropping to 3-point non-felony at charging at about the same rate: for non-minorities, 1% are arrested for 3 point non-felonies but 14% are charged with 3 point non-felonies; for minorities, 2% are arrested for 3 point non-felonies and 20% are charged with 3 point non-felony level cases.

**Table 13. Arrests that were Formally Charged: April 2008-June 2009
Within Racial Group JDC RAI Offense Classification at Arrest and Charging**

		Arrest			Charge		
		Non-Minority	Minority	Total	Non-Minority	Minority	Total
15 pt Mandatory Hold Felonies	Count	72	460	532	59	378	437
	Column%	42.4%	61.4%	57.9%	34.7%	50.5%	47.6%
6 pt Mandatory Hold Non-Felonies	Count	84	193	277	74	133	207
	Column%	49.4%	25.8%	30.1%	43.5%	17.8%	22.5%
6 pts Other Felonies	Count	12	80	92	13	87	100
	Column%	7.1%	10.7%	10.0%	7.6%	11.6%	10.9%
3 pt Other Non-Felonies	Count	2	16	18	24	151	175
	Column%	1.2%	2.1%	2.0%	14.1%	20.2%	19.0%
Total	Count	170	749	919	170	749	919
	Column%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 12 and 13 establish that at each level of the JDC offense classification more minority youth are arrested for mandatory hold offenses than non-minority youth and this does not change at charging. That is both the good news and the bad news. **The good news is that the disparity does not get worse at charging and the bad news is that it does not disappear at charging.** Secondly, for a substantial number in both racial groups, the JDC offense classification decreases in severity at the charge-level. This of course is to be expected somewhat since there are different criteria used by system players in each of these arenas. The police need to be able to establish ‘probable cause’ that the offender was responsible for the offense. The County Attorney’s Office needs a higher burden of proof to **charge** a case¹⁸ while a jury/court would need a case to be proven ‘beyond a reasonable doubt’. In this sense, the legal criteria is almost a continuum and thus we would expect that some cases will not be able to be charged and others will be charged at a lower rate than the arresting offense would suggest.

Ethnicity

Reviewing the same type of data but this time for differences in ethnicity finds a similar pattern although the differences between Hispanic and Non-Hispanic juveniles were not significant at the arrest level or at the charge level. The fact that many of the charges are at a much lower level than their original arresting offense exists for Hispanic offenders as well (see Table 14).

¹⁸ Hennepin County Assistant County Attorney Managing Attorney, Juvenile Division, Patty Moses said: “We charge credible admissible evidence with a reasonable probability of proving the case beyond a reasonable doubt at trial.”

**Table 14. Arrests that were Formally Charged in Court: April 2008-June 2009
JDC RAI Classification by Ethnicity at Arrest and Charging**

		Arrest			Charge		
		Non-Hispanic	Hispanic	Total	Non-Hispanic	Hispanic	Total
15 pt Mandatory Hold Felonies	Count	467	65	532	380	57	437
	Column%	56.9%	66.3%	57.9%	46.3%	58.2%	47.6%
6 pt Mandatory Hold Non-Felonies	Count	256	21	277	190	17	207
	Column%	31.2%	21.4%	30.1%	23.1%	17.3%	22.5%
6 pts Other Felonies	Count	83	9	92	92	8	100
	Column%	10.1%	9.2%	10.0%	11.2%	8.2%	10.9%
3 pt Other Non-Felonies	Count	15	3	18	159	16	175
	Column%	1.8%	3.1%	2.0%	19.4%	16.3%	19.0%
Total	Count	821	98	919	821	98	919
	Column%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Gender

Table 15 examines JDC offense classifications by gender and significant differences exist at both the arrest and the charge level ($p < .001$). At the arrest level, the highest percent of females brought to the detention center are for 6-point mandatory holds (61%). Recall that the 6-point mandatory hold offenses consist of domestic assault, violation of no contact order, violation of orders for protection, harassment/stalking, tampering with a witness, and interfering with an emergency 911 call. All of the above offenses fall within the category of domestic-related crimes. Since 1996, the arrest statistics for juvenile females are rising¹⁹, and a large portion of this increase is hypothesized to be due to policing practices surrounding domestic-related crimes.²⁰ With the increase awareness of the collateral consequences of violence in the home, police agencies have stepped up their training and awareness of domestic situations and the need to arrest perpetrators. In addition, there has been an increase in violent crime by women nationally as well²¹. The data presented here follows the national trends: even though 6-point mandatory offenses at arrest only account for 30% of the offense classifications, proportionally more females are represented within this group.

¹⁹ See Snyder, Howard. 2008. "Domestic Assaults by Juvenile Offenders." OJJDP Juvenile Justice Bulletin.

²⁰ See Steffensmeier, Darrell, et.al, 2006. "Gender Gap Trends for Violent Crimes, 1980 to 2003." Feminist Criminology 1: 72-98.

²¹ See Snyder, Howard and Melissa Sickmund. 2006. "Juvenile Offenders and Victims: 2006 National Report" OJJDP.

For males, about 63% are arrested and brought to the JDC for a 15-point mandatory hold offense, followed by 6-point mandatory offenses (24%), and the remaining 13% of males are arrested for other felonies and other non-felonies.

**Table 15. Arrests that were Formally Charged in Court: April 2008-June 2009
Gender by JDC Offense Classification at Arrest and Charging**

		Arrest			Charge		
		Female	Male	Total	Female	Male	Total
15 pt Mandatory Hold Felonies	Count	47	485	532	29	408	437
	Column %	32.6%	62.6%	57.9%	20.1%	52.6%	47.6%
6 pt Mandatory Hold Non-Felonies	Count	88	189	277	70	137	207
	Column %	61.1%	24.4%	30.1%	48.6%	17.7%	22.5%
6 pts Other Felonies	Count	6	86	92	16	84	100
	Column %	4.2%	11.1%	10.0%	11.1%	10.8%	10.9%
3 pt Other Non-Felonies	Count	3	15	18	29	146	175
	Column %	2.1%	1.9%	2.0%	20.1%	18.8%	19.0%
Total	Count	144	775	919	144	775	919
	Column %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

According to Table 15, at the charge level, fewer females would have met the criteria for a 6-point mandatory hold yet the type of offense females are most frequently charged with continue to be domestic assault charges whereas for males the most frequent charged offense is a 15-point mandatory hold followed by 3-point non-felony offenses.

Release Decisions

Thus far, this study established that 57% of the mandatory hold offenses originate from downtown police agencies, minority youth represent a significant and large percent of youths within each offense category at both the arrest and charge-level, and except for 6-point mandatory hold offenses (proportionately), males are overrepresented for each offense classification. Consistently across each demographic category there were less serious offenses at charging compared to arrest.

The offense classification is the first step in the analysis because it provides a snapshot of the types of offenses youth are arrested and subsequently charged for; however, the offense alone does not definitively determine release outcomes at the JDC. Although mandatory hold offenses result in detention, the JDC intake staff does have the right to override a JDC RAI

detention alternative or release decision.²² Secondly, one should not assume that all 6-point and 3-point non-felonies result in a release from detention because the release decision factors in the total points for the offense plus other risk factors and prior history.

To assess true release decisions for both the arresting offense and the charged offense, the points for other risk factors and prior history indicated on the JDC RAI need to be added. Therefore, the left side of Table 16 shows the total points (adding all the other factors on the RAI) with the arresting offense points while the right side shows the total points on the JDC RAI replacing the arresting offense points with the formal charge offense points. The detention outcomes are categorized using the same scale at both the arrest and charge level: *Mandatory detention*: 15-point and 6-point mandatory hold offenses; *Detention*: total point scores of 15 or higher; *Detention alternative*: total point scores between 11-14; and *Release*: 0 to 10 points. Table 16 depicts release decisions at arrest and charging using this hypothetical reasoning.

**Table 16. Arrests that were Formally Charged in Court: April 2008-June 2009
How Charged Offenses Hypothetically Changes Release Decisions**

Release Outcomes	Arrest			Charge	
	N	Percent		N	Percent
<i>Detain- Mandatory Hold</i>	809	88.0	→	644	70.1
<i>Detain</i>	18	2.0		9	1.0
<i>Detention Alternative</i>	36	3.9		44	4.8
<i>Release</i>	56	6.1	→	222	24.2
Total	919	100.0		919	100.0

Table 16 examines JDC release decisions using the full risk assessment points plus the arresting offense versus the charged offense. Again, a similar phenomena is present; at the arrest level there are more mandatory hold detentions (n=809) than at the charge level (n=644) and also more detention decisions at the at the arrest level (n=18) than at charging (n=9).²³ In addition, if the charged offense was used to determine release status versus the arresting offense, more youths would have been released to a detention alternative and **four times** as

²² Of the 919 cases, there were 29 overrides that resulted in 26 detention alternative outcomes to be detained and 3 release outcomes to be detained. There were no overrides for mandatory hold offenses.

²³ The difference at arrest and charging for mandatory hold offenses are frequency distributions for each variable, not changes in individual cases from arrest to charging.

many released to a guardian. Overall, Table 16 suggests that 19% of the youth detained at arrest would not have met the criteria for detention based on their charged offense, resulting in a reduction of youth remaining in detention.

Tables 7 through 16 compare overall sample characteristics at both arrest and charging. They visually depict how cases come in at each of these decision points by each of the demographic indicators. In each of these, whether the discussion was race, ethnicity, gender, or location, a significant amount of cases dropped to non-mandatory hold specification. Since the critical issue is whether or not the charge continued to be a mandatory hold, because of the detention ramifications, the next part of the analysis will compare this directly. Since cases can move up at charging as well as down the tables below depict both, as well as those cases that stayed the same from arrest to charging (at least with regard to mandatory hold status). Although there is an expectation that there will be a higher percentage of cases reducing at charge level compared to how they were arrested, based on the different levels of proof needed at each stage of the process, **there is no reason that it should affect one group more than another.** The same would be true for cases that came in as non-mandatory hold offenses and became mandatory holds at charging.

**Table 17. Arrests that were Formally Charged in Court: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Race**

Offense Classification		Race		Total
		Non-Minority	Minority	
Stayed the Same between Arrest/Charge	Count	139	545	684
	Column %	81.8%	72.8%	74.4%
Became Mandatory Hold at Charge	Count	4	31	35
	Column %	2.4%	4.1%	3.8%
No Longer Mandatory Hold at Charge	Count	27	173	200
	Column %	15.9	23.1	21.8
Total	Count	170	749	919
	Column %	100.0%	100.0%	100.0%

Table 17 shows significant differences by race for how offense categories change from arrest to charge ($p < .05$). Specifically, for minorities, fewer of their cases began and stayed at the same level (73%) compared to non-minorities (82%). Although a slightly higher percentage of minorities compared to non-minorities became mandatory holds upon charging when they were

not at arrest, a larger percentage of minorities were dropped from mandatory holds than non-minorities. Thus, even though a greater number of minority youths received a reduced charge based on offense severity, a disproportionate number of minority youth were initially arrested and detained on an arresting offense that was not upheld at charging.

**Table 18. Arrests that were Formally Charged in Court: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Ethnicity**

Offense Classification		Ethnicity		Total
		Non-Hispanic	Hispanic	
Stayed the Same between Arrest/Charge	Count	606	78	684
	Column %	73.8%	79.6%	74.4%
Became Mandatory Hold at Charge	Count	31	4	35
	Column %	3.8%	4.1%	3.8%
No Longer Mandatory Hold at Charge	Count	184	16	200
	Column %	22.4%	16.3%	21.8%
Total	Count	821	98	919
	Column %	100.0%	100.0%	100.0%

No significant differences exist between Hispanic and Non-Hispanic youth and whether their case stayed the same, were enhanced or dropped from a mandatory hold to a non-mandatory hold (Table 18). In both groups about one-fifth of the youth had mandatory hold cases reduced to non-mandatory hold offenses, making them eligible for release.

**Table 19. Arrests that were Formally Charged: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Gender**

JDC Offense Classification		Gender		Total
		Female	Male	
Stayed the Same between Arrest/Charge	Count	104	580	684
	Column %	72.2%	74.8%	74.4%
Became Mandatory Hold at Charge	Count	2	33	35
	Column %	1.4%	4.3%	3.8
No Longer Mandatory Hold at Charge	Count	38	162	200
	Column %	26.4%	20.9%	21.8%
Total	Count	144	775	919
	Column %	100.0%	100.0%	100.0%

Table 19 indicates there are no statistically significant differences between males and females; by how they were arrested/charge, approximately one-quarter of the mandatory holds at arrest became non-felony offenses at filing, while the remaining three-quarters stayed as mandatory hold offenses. Thus, for both males and females a large portion of the mandatory holds became non-felony level offenses making them eligible for release.

**Table 20. Arrests that were Formally Charged in Court: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Police Location**

JDC Offense Classification		Geographic Arrest Location			Total
		Downtown	Suburban	Other Law Enforcement Agencies	
Stayed the Same between Arrest/Charge	Count	403	273	8	719
	Column %	74.4%	74.6%	72.7%	74.4%
Became Mandatory Hold at Charge	Count	28	6	1	35
	Column %	5.2%	1.6%	9.1%	3.8%
No Longer Mandatory Hold at Charge	Count	111	87	2	200
	Column %	20.5%	23.8%	18.2%	21.8%
Total	Count	542	366	11	919
	Column %	100.0%	100.0%	100.0%	100.0%

Of the mandatory holds at arrest that changed to non-mandatory type offenses at filing, 111 (56%) originated from a downtown police location, followed by 87 (44%) from suburban police agencies. Table 20 shows non-significant differences for cases at arrest and charging by police location although the vast majority of the cases that came in as non-mandatory holds and became mandatory were from the downtown agencies.

Overall, the cases that started as mandatory hold offenses, thus they were held in detention, but were reduced in severity by their charged offenses occurred for every category of demographics. However, there were no significant differences in this reduction between Hispanic and Non-Hispanic, male and female, or by geographic location. There were significant differences by race, resulting in more minority youth with less severe offense charges at filing.

Summary

Part One

The main purpose of this study was to explore the decision points of juvenile arrests and juvenile court prosecution. Of interest was what cases are arrested and never charged and how cases change from arresting offense to charged offense. In both these areas the goal was to specifically examine if significant differences exist by race, ethnicity, gender, offense, and geographic location of the arrest. In addition, because the arresting offense relates to the JDC's decision to detain a youth, this study also explored how changes in the charged offense could have impacted a youth's time spent in secure detention. As noted in the introduction, changes from arrest to charging (by level of offense) can and do happen because different legal standards need to be met at each level of juvenile court processing. This is an important caveat to keep in mind while reading the summary. These changes, as a result of an ever more stringent level of proof required, should affect all youth similarly.

The entry point for cases analyzed in this study was at the point of arrest, when a youth was brought to JDC and a JDC RAI assessment was completed. Therefore, the 1,199 cases included in this analysis are skewed towards more serious offenses because most misdemeanors and petty misdemeanors are not eligible offenses police agencies can bring to the JDC for further processing. This means that the findings of this study cannot be generalized to 'all' juvenile arrests in other locations.

Of the 1,199 cases in the sample, 77% are formally charged and 23% were not after 1-2 years post arrest. In both the formally charged and the non-formally charged arrests, the vast majority of the youth were minority, male, Non-Hispanic and from downtown Minneapolis police agencies. There were significant differences by race resulting in a higher percentage of minority youth (25%) not charged compared to non-minority youth who are not charged (17%).

An examination of the detention decision for the 280 arrests that were not formally charged showed significant differences do not exist by race, indicating that the JDC RAI assessment effectively utilizes legal versus extra-legal criteria to determine detention decisions, thus reducing racial bias. Still, since most youth are being brought to the JDC for mandatory hold offenses (77% of the uncharged arrests), both non-minority and minority youth, spend some time in detention for cases that did not end in formal charging. Further, there are no significant ethnic or gender differences between non-charged versus charged cases; approximately the

same proportion of males and females and Hispanic and Non-Hispanic youth are formally charged. At the offense level, there are a large percent (80-86%) of the person felonies, criminal sexual conduct felonies, and misdemeanor domestic offenses that result in formal charges, whereas fewer felony-level weapon, drug, property, other felony, result in formal charges.

Part Two

Part Two of the study analyzes the 919 arrests that led to formal charges in order to assess changes from arrest to charging by the demographic variables. This examination finds there are more person felonies and non-felony domestic offenses at arrest than at charging, and there is a large increase from arrest to charging in the number of non-felony type offenses. Examining the same cases by the JDC RAI offense classification, there is an 18% reduction in the number of mandatory hold cases from arrest to charging resulting in 165 youths that may have been released to either a detention alternative or guardian based on their charged offense.

Moving forward, the analysis focused on arresting law enforcement agency, race, ethnicity and gender and whether significant differences exist by offense and release decisions. Downtown police agencies arrest a majority of the mandatory hold cases (65%), other felony cases (71%) and non-felony cases that are not domestics (75%) whereas suburban police agencies arrest a majority of the 6-point mandatory holds (56%), which primarily consist of domestic-related offenses.

The differences that are seen at arrest are also seen at charging: the vast majority of the both of these groups are male, minority, Non-Hispanic, from Minneapolis and are serious mandatory hold offenses. There is one exception to the above; non-minority and females are most often arrested and charged with domestic assault and domestic related offenses. Across each of these demographics, about one-fifth of the youth tend to be charged at lower levels than they were arrested.

Additionally, for this analysis a hypothetical release decision outcome was created based on the charged offense to evaluate how the detention decision **would have changed** if the charged offense was used versus the arresting offense. Approximately 19% of the youth detained at arrest would not have met the criteria for detention based on their charged offense, resulting in a reduction of youth remaining in detention and four times more youth that would have been released to a detention alternative or released outright.

Overall, the cases that started as mandatory hold offenses, thus they were held in detention, but were reduced in severity of their charged offenses occurred for every category of demographics. However, there were no significant differences in this reduction between Hispanic and Non-Hispanic, male and female, or by geographic location. There were significant differences by race, resulting in more minority youth with less severe offense charges at filing.

Recommendations

This study is the first step toward understanding race, ethnicity, gender, geographical, and offense differences in how juvenile cases are handled from arrest to formal charging. Because Hennepin County utilizes and follows an objective JDC risk assessment tool to determine detention status at arrest, there are little to no findings of bias by race and gender suggesting that similarly situated (by offense) youths are receiving different outcomes. However, what this study does uncover is a significant difference by minority status of youths arrested and brought to the JDC on serious new offense charges. Because more minority youth are arrested, significant differences continue to exist at the charge level albeit they are somewhat mitigated by prosecutorial charging – thus, more minority youth receive reduced formal charges than white youth. However, the flip side of this is that a significantly higher percentage of minority youth are arrested for serious offenses, detained, and ultimately charged with non-detainable offenses. Increased communication between the police agencies (both downtown and suburban police agencies) and the Hennepin County Attorney’s office regarding legal criteria necessary for charging may decrease the overall number of youth arrested, which in turn could reduce the number of minority youth brought to the JDC. When a disproportionate number of minorities are arrested they are at greater risk through every step of the court processing for potential bias and more punitive outcomes even if the race effects are minimized as they move through the system.²⁴

The next step should be to continue to analyze these 919 cases as they move through formal case processing. Because detention status is predictive of more severe outcomes as the case continues to disposition, understanding how the interaction of race and detention affects subsequent hearings and potential adjudication outcomes is necessary. Research suggests that examining decision making, especially in the juvenile court, as a process and not discrete decisions is the preferred method to uncover all direct and indirect race effects.

²⁴ Lieber, Michael and Kristan Fox. 2005. “Race and the Impact of Detention on Juvenile Justice Decision making.” *Crime and Delinquency* 51: 470-497.

Appendix A: Hennepin County JDC Detention Criteria

POLICY

The Admissions Juvenile Correctional Officer shall accept custody of juveniles referred to the Juvenile Detention Center by police when the juveniles are charged with felonies or misdemeanors, or have a warrant signed by a judge that is for a child in need of protective services, regardless of the age of the juveniles. Custody of juveniles shall not be accepted for charges of truancy.

DEFINITION

Juveniles, ages 10–17, referred to the Hennepin County Juvenile Detention Center will be eligible for admission to detention if one or more of the following conditions exist:

1. The juvenile is accused of one of the following offenses:
 - A. Any incident resulting in death.
 - B. Assault (1st, 2nd or 3rd degree).
 - Assault: 4th degree if a peace officer is injured sufficiently to require medical attention at a clinic or hospital.
 - Assault: 5th degree domestic.
 - 5th degree assaults, other than domestic, will not be detained.
 - C. Criminal sexual conduct (1st to 4th degrees).
 - D. Aggravated robbery or simple robbery.
 - E. Kidnapping or false imprisonment.
 - F. First-degree arson of a business, dwelling or school (includes explosives, bombs, and molotov cocktails).
 - G. Possession or use of firearm.
 - H. Terroristic threats toward or against a school or possession of weapons on school property.
 - I. Burglary of an occupied dwelling including attached garage, or unoccupied dwelling where dwelling is defined as a home but does not include garages. Occupied is defined as a person being on the premises at the time of the burglary.
 - J. Fleeing police while in a motor vehicle.
 - K. Auto theft (tampering and joyriding will not be held).
 - L. Controlled Substance – distribution.
 - M. Controlled Substance – possession (excludes petty offense).
 - N. Tampering with a witness.
 - O. DWI Offense MN Statute 169A.40 Subd.3: Certain DWI Offenses, Custodial Arrest.
2. The juvenile is accused of a new felony offense and
 - A. Is on probation for a previous felony offense, or
 - B. Is pending court on a prior, no-property felony offense or auto theft.
3. The juvenile is accused of a new felony offense and
 - A. Has previously been certified and sentenced by adult court, or
 - B. Is on parole.

4. The juvenile is EJJ, under 18, and has any new charge.
 5. The juvenile is on court-ordered Electronic Home Monitoring and
 - A. Is accused of a new felony, or
 - B. Has absented overnight, or
 - C. Has substantially violated terms of the court-ordered supervision.
 - Juveniles placed on Post-Dispositional Electronic Monitoring who commit a new offense that does not meet the detention criteria will not be held without a signed court order.
 6. The juvenile has absconded from
 - A. A correctional facility, or
 - B. A court-ordered residential treatment facility, or
 - C. Another jurisdiction's court-ordered treatment center, commitment program, probation or parole supervision.
- Absenters (runaways) from any county or state, without a warrant signed by a judge to be detained in secure detention, will be referred to First Response by Admissions for return arrangements to the county or state of residence.
7. The juvenile's Hennepin County court-ordered placement has been terminated.
 8. The court has issued a warrant for detention.
 9. The juvenile has violated a Restraining Order, and the arresting officer has the Restraining Order number and provides it at the time of intake.
 10. The juvenile resides out of county or state but has been arrested within Hennepin County on a felony offense.
 11. The court has issued a change-of-venue order on an in-secure-custody juvenile, placing the juvenile under Hennepin County jurisdiction.

PROCEDURE

1. Admissions Juvenile Correctional Officers will screen all juveniles referred for admission to the Juvenile Detention Center as to his/her alleged offense by use of the Admissions Criteria List. The Admissions Juvenile Correctional Officer will also review available information regarding current status of probation and/or any matters pending Juvenile Court action, and will review the active state and county warrant lists to determine if there is an outstanding warrant for the juvenile.
2. Those juveniles who do not meet the detention criteria, will not be accepted into the facility. The Security Juvenile Correctional Officer, upon denying admission, will give the referring officer directions to the Juvenile Supervision Center.

The Juvenile Detention Center will accept juveniles arrested on misdemeanor, gross misdemeanor and felony offenses that become unruly while at the Juvenile Supervision Center, provided that the management and staff agree to make every reasonable effort to deescalate and/or solicit cooperation from juveniles, while in custody, prior to transporting them to the Juvenile Detention Center.

“Unruly Juveniles” are defined as:

- Juveniles who become physically uncontrollable while at the Juvenile Supervision Center (excluded are those juveniles who are unruly only upon arrest), or

Juveniles who are uncooperative after eight hours at the Juvenile Supervision Center (“uncooperative” refers to juveniles who refuse to give information to aid in facilitating their release).

Appendix B: JDC RAI Arrested Offense Points by Statute

15 POINTS (MANDATORY JUDICIAL HEARING REQUIRED)

- ALL FELONY LEVEL OFFENSES ONLY -

609.11	Use of Weapon
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
609.223	Assault in the 3 rd Degree
609.224S4	Assault in the 5 th Degree IF Felony
609.2247	Strangulation
609.2242S4	Felony Domestic Assault
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
609.713	Terroristic Threats
609.245	Aggravated Robbery
609.24	Simple Robbery
609.25	Kidnapping
609.342	Criminal Sexual Conduct in the 1 st Degree
609.343	Criminal Sexual Conduct in the 2 nd Degree
609.344	Criminal Sexual Conduct in the 3 rd Degree
609.345	Criminal Sexual Conduct in the 4 th 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
609.582S2	Burglary in the 2 nd Degree
609.485	Escape from Justice, Fugitive from Justice
609.495	Aiding an Offender (for 15 pt offenses)
609.66	Dangerous Weapons (firearms or knives only)
609.67	Machine Guns and Short Barreled Shotguns
624.713	Prohibited Persons in Possession of Firearms
152.021	Controlled Substance 1 st Degree
152.022	Controlled Substance 2 nd Degree
617.247	Child Pornography
243.166	Failure to Register as a Sex Offender

6 POINTS (MANDATORY JUDICIAL HEARING REQUIRED)

609.2242 Domestic Assault
518B.01S22 Violation of No Contact Order
518B.01S14 Violation of Orders for Protection
609.749 Harassment/Stalking
609.750 Tampering with a Witness
609.78 Interfering Emergency 911 call

6 POINTS FOR ALL OTHER FELONY OFFENSES INCLUDING....

609.2231 Assault in the 4th Degree
609.225 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
609.746 Interference with Privacy (peeping)
617.23 Indecent Exposure
609.3451 Criminal Sexual Conduct 5th 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
609.52 All Felony Theft offenses (including Auto Theft)
169A.276 Felony DWI
609.687 Food Adulteration
609.495 Aiding an Offender (for 6 pt offenses)

3 POINTS FOR ALL OTHER NON-FELONY OFFENSES

Appendix C: Arresting Police Agency Categories

<u>Downtown Police Agencies</u>	<u>Suburban Police Agencies</u>	<u>Other Law Enforcement Agencies</u>
Metro Transit Commission Police Department	Bloomington Police Department	Duluth Police Department
Minneapolis Police Department	Brooklyn Center Police Department	Minneota Police Department
Minneapolis Park Police Department	Brooklyn Park Police Department	Montevideo City Attorney (Retired)
University of Minnesota Police Department - Minneapolis	Champlin Police Department	St. Cloud Police Department
	Crystal Police Department	St. Paul Police Department
	Dayton Police Department	
	Eden Prairie Police Department	Hennepin County Sheriff's Office
	Edina Police Department	
	Golden Valley Police Department	
	Hopkins Police Department	
	Maple Grove Police Department	
	Medina Police Department	
	Minnetonka Police Department	
	Mound Police Department	
	New Hope Police Department	
	Orono Police Department	
	Plymouth Police Department	
	Richfield Police Department	
	Robbinsdale Police Department	
	Rogers Police Department	
	South Lake Minnetonka Police Department	
	St. Louis Park Police Department	
	Wayzata Police Department	

Appendix D: Arrest and Charge Level Offense Groups by Statute

Arrest-Level	Charge-Level	
Person	Person	
609.185	609.185.(a)(1)	609.24
609.19	609.19.1(1)	609.245.1
609.221	609.221.1	609.245.2
609.222	609.222.1	609.582.1
609.223	609.222.2	609.582.1(a)
609.2231	609.223.1	609.582.1(b)
609.2242S4	609.2231.1	609.713.1
609.2247	609.224.1	609.713.3(a)(1)
609.224S4	609.224.1(1)	
609.24	609.224.1(2)	
609.245	609.224.2	
609.561	609.224.2(b)	
609.582S1	609.224.4	
609.713	609.224.4(a)	
Criminal Sexual	Criminal Sexual	
609.342	609.342.1	609.344.1(d)
609.343	609.342.1(a)	609.345.1(c)
609.344	609.342.1(f)(i)	609.3451.1
609.345	609.343.1(a)	609.3451.1(1)
	609.343.1(e)(ii)	609.3451.1(2)
	609.344.1(a)	609.365
	609.344.1(b)	617.246.2
	609.344.1(c)	
Weapon	Weapon	
609.11	609.66.1a(a)(3)	624.713.1(1)
609.66	609.66.1d(a)	624.713.1(2)
609.67	609.668.2(a)	624.713.1(a)
624.713	609.67.2	624.713.1(b)
	624.713.1	624.7132.15b
Drug	Drug	
152.021	152.022.1(1)	152.023.2(6)
152.022	152.023.1(1)	152.025.1(1)
152.023	152.023.1(3)	152.025.1(2)
152.025	152.023.2(1)	152.025.2(1)

Property

609.52
609.52S3(i)
609.582S2
609.582S3

Non-Felony Domestic

518B.01S22
609.2242
609.78

Property

609.52.2(1) 609.576.1(3)(iii)
609.52.2(17) 609.582.2(a)(1)
609.52.2(5)(i) 609.582.3
609.53.1

Non-Felony Domestic

518B.01.14(a) 609.2242.4
609.2242.1(1) 609.2247.2
609.2242.1(2) 609.748.6(a)
609.2242.2 609.749.2(a)(1)
 609.78.1(2)
 609.78.2

Other Felony

609.487.3

Non-Felony

152.027.4 609.52.2(4)
152.027.4(a) 609.53.1
15201 609.546.(1)
171.02.1 609.546.(2)
171.24.1 609.5631.2
233.235 609.595.2(a)
340A.503.1(a)(2) 609.605.1(b)(4)
385.50 609.66.1(a)(4)
393.60 609.66.1d(b)
393.90 609.66.1d(c)
395.20 609.681
609.487.6 609.685.3
609.495.3 609.71.3
609.50.1(2) 609.72.1
609.506.1 609.78.1(4)
609.506.2 609.855.2(a)
609.52.2(1) 624.7181.2
 hc 16