

Ramsey County Attorney's Office



JDAI-DMC Committee Presentation
September 13, 2018

Topics we were asked to cover:

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1. Outline of Decision Points
2. Overall Referral Numbers for Juvenile Division
3. Relative Rate Index
4. Motions for Certification
5. Diversion: What's working? What isn't?
6. Top 10 Felony Offenses Charged for 2017

Role of the Juvenile Division

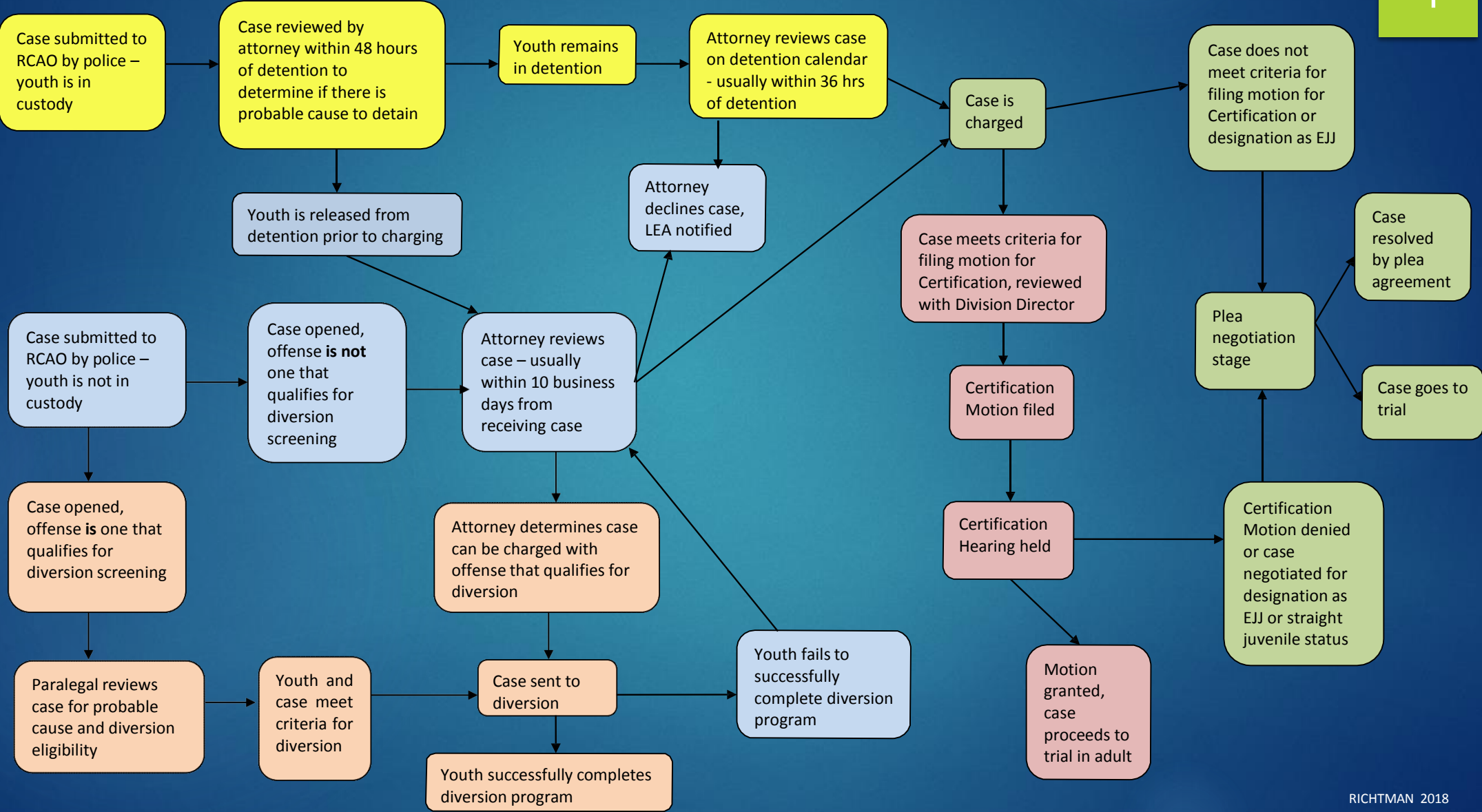
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- ▶ The Juvenile Division responds to incidents in which youth aged 10 to 17 are alleged to have committed a crime.
- ▶ We handle cases ranging from petty offenses like underage consumption of alcohol to serious offenses like aggravated robbery and homicide, in addition to instances of educational neglect, truancy, and running away, in which children need protective services.
- ▶ The goal of the juvenile justice system is to help youth learn from their mistakes. To determine how best to achieve this goal, we:
 - screen cases presented by police;
 - consider public safety and the needs of the youth; and
 - determine whether the youth could be eligible for diversion or if delinquency charges are warranted.

Decision points

1. Review of all cases referred by law enforcement to determine whether probable cause exists to move forward; if not, whether to decline or request further investigation
2. If probable cause, should case be charged or referred to diversion?
3. If diverted, was diversion successful? If not, is case charged, declined or sent back to diversion?
4. If charged, one of three paths: traditional, EJJ, or certification

2017 RCAO Decision Point Flowchart



2017 overall case numbers

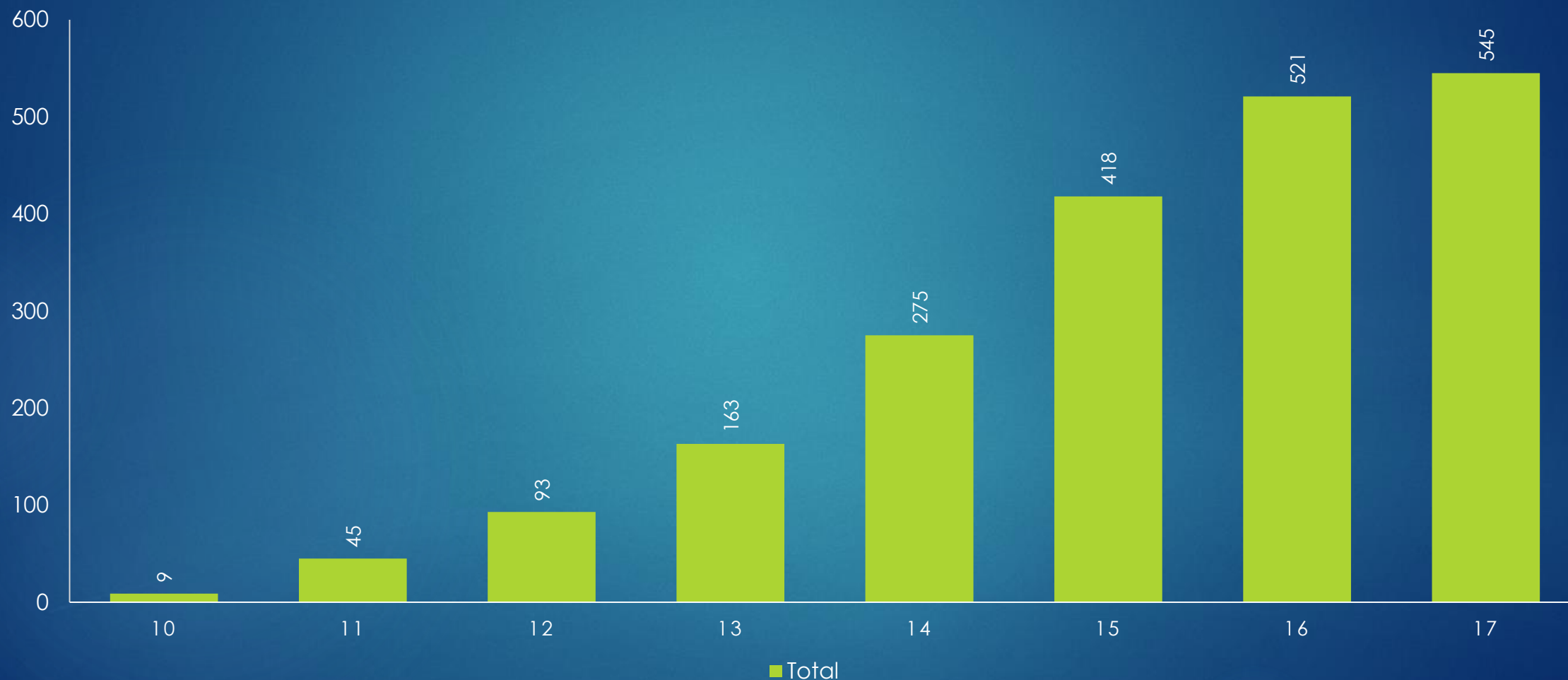
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- Charged **1539** cases
- Diverted **558** cases
- Declined **544** cases

Cases such as traffic violations, truancy, or runaway cases are not included in these numbers.

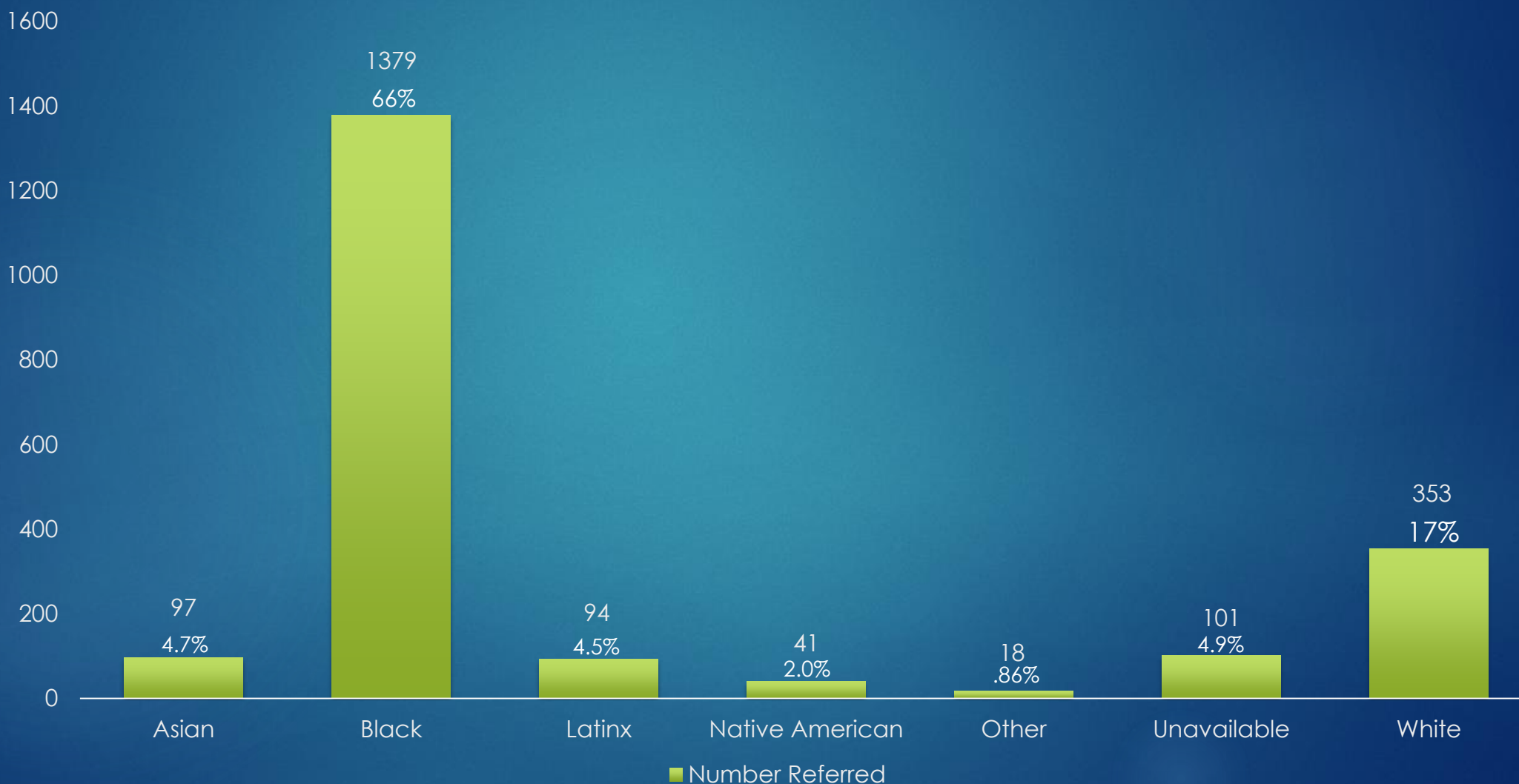
2017 cases referred by age

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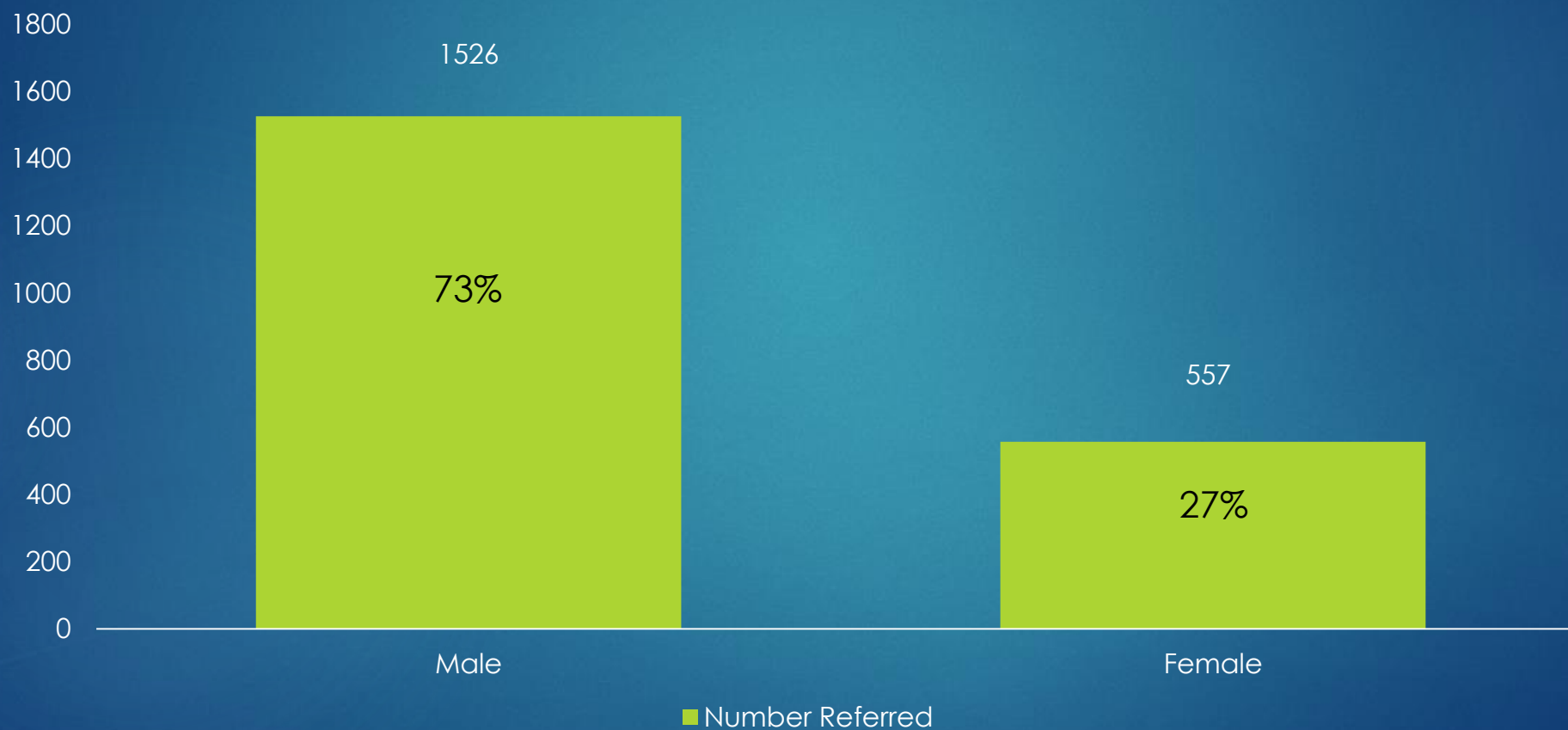
2017 cases referred by race

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2017 cases referred by gender

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Calculating Relative Rate Index (RRI)

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The RRI (Relative Rate Index) is a tool that helps determine disparities at various decision points between youth of color and white youth. We calculated RRI using 2017 juvenile population data from the National Center for Juvenile Justice.

	Asian	Black	Hispanic	Native American	White
Number of youth	12,534	10,845	6,448	908	29,345
Percent of population	23.3%	20.2%	12%	1.7%	54.7%

Calculating RRI for case referrals

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For case referrals, we calculated RRI using the following equation:

$$\frac{\frac{\# \text{ Referred}(\text{Race})}{\text{Population}(\text{Race})}}{\frac{\# \text{ Referred}(\text{White})}{\text{Population}(\text{White})}}$$

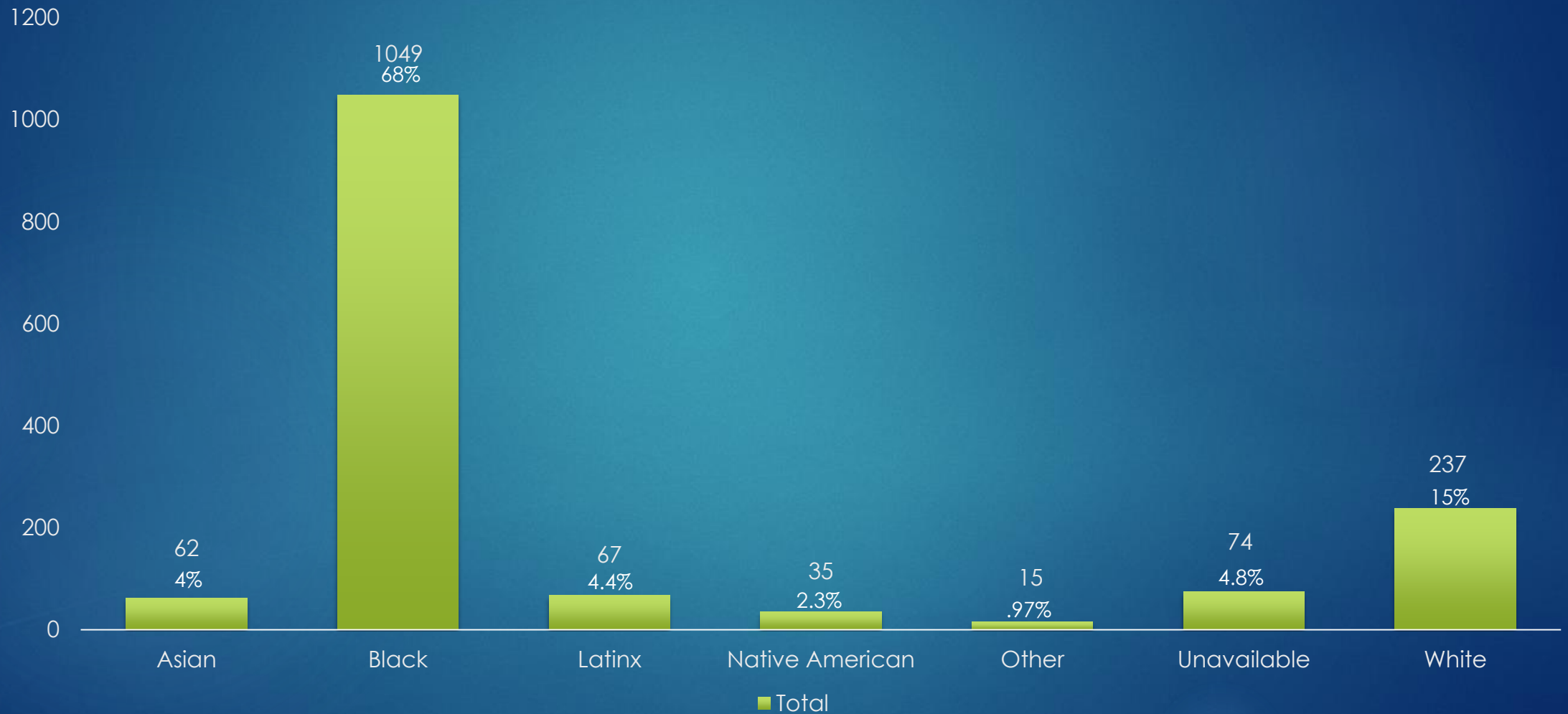
2017 RRI for law enforcement referrals to the RCAO:

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- .67 for Asian youth
- 10.6 for Black youth
- 1.17 for Latinx youth
- 3.75 for Native American youth

2017 cases charged by race

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RRI for cases charged

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For cases charged, we calculated the RRI using the following equation:

$$\frac{\frac{\# \text{Charged}(\text{Race})}{\# \text{Referred}(\text{Race})}}{\frac{\# \text{Charged}(\text{White})}{\# \text{Referred}(\text{White})}}$$

RRI for cases charged in 2017

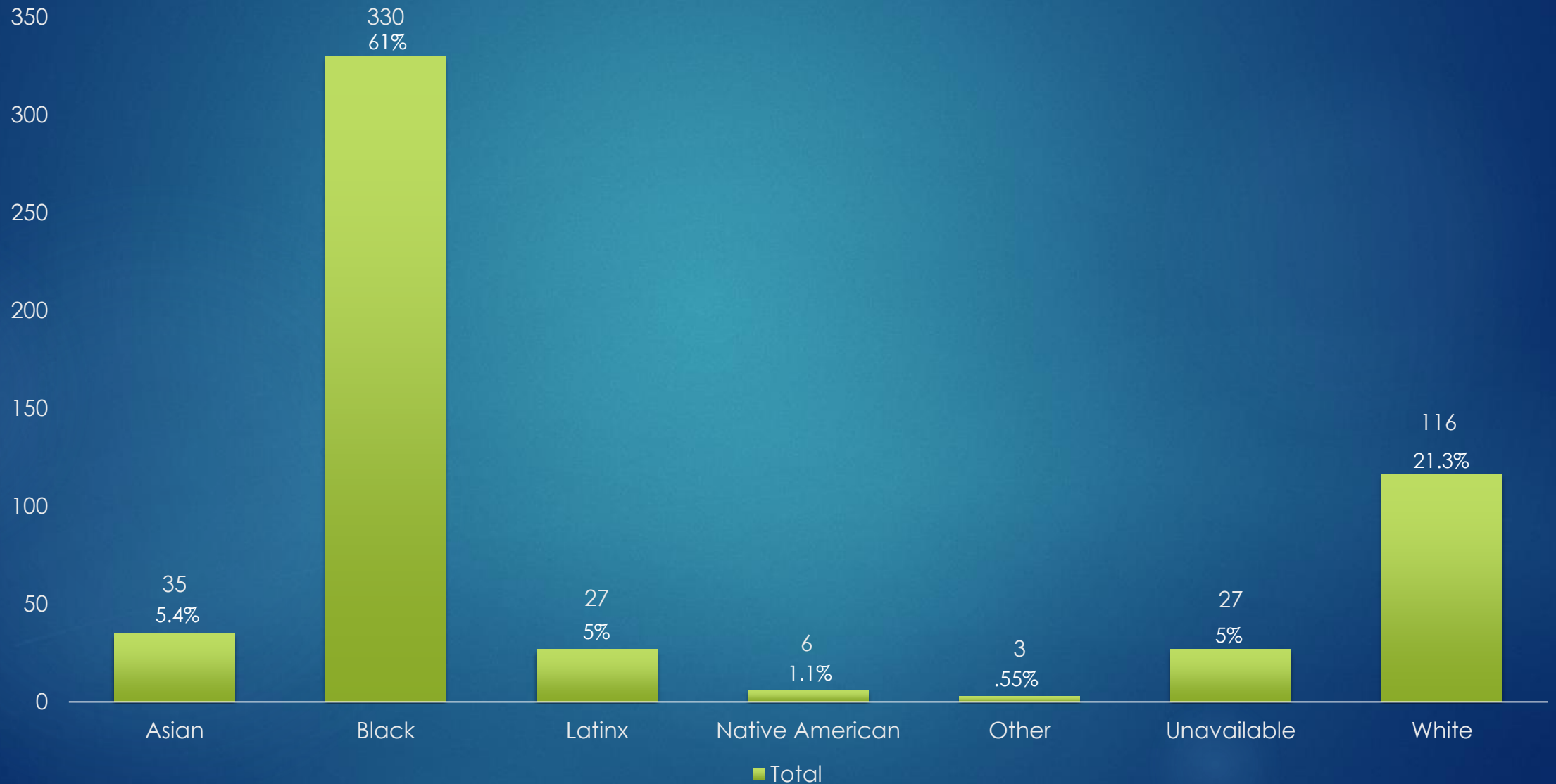
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- .95 for Asian youth
- 1.13 for Black youth
- 1.06 for Latinx youth
- 1.27 for Native American youth*

*Represents 35 cases

2017 cases declined by race

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RRI for cases declined

16

For cases declined, we calculated the RRI using the following equation:

$$\frac{\# Declined(Race)}{\# Referred(Race)}$$

$$\frac{\# Declined(White)}{\# Referred(White)}$$

RRI for cases declined in 2017

17

- 1.09 for Asian youth
- .75 for Black youth
- .87 for Latinx youth
- .44 for Native American youth

Diversion

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- While all counties are required to have some form of diversion, Ramsey County's goes further than most by offering PRE-CHARGE diversion. This means if a youth successfully completes diversion, the case is **never formally charged** and no court record exists.
- In 2014, we diverted 404 youth. In 2017, we diverted 558 youth; an increase of 38%.

Who is currently eligible for diversion?

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- ▶ We determine eligibility for diversion using a number of factors including prior offense history and present offense.
- ▶ We expanded our diversion criteria in 2014, and again in 2016, to allow for some felonies and second chances at diversion.
 - Examples of now-eligible felonies: Theft (under \$2500), Receiving Stolen Property (under \$2500), Issuance of Dishonored Checks (under \$2500), Check Forgery (under \$2500), Possession of Theft Tools (No Burglary or Tampering tools), and Criminal Damage to Property – 1st Degree

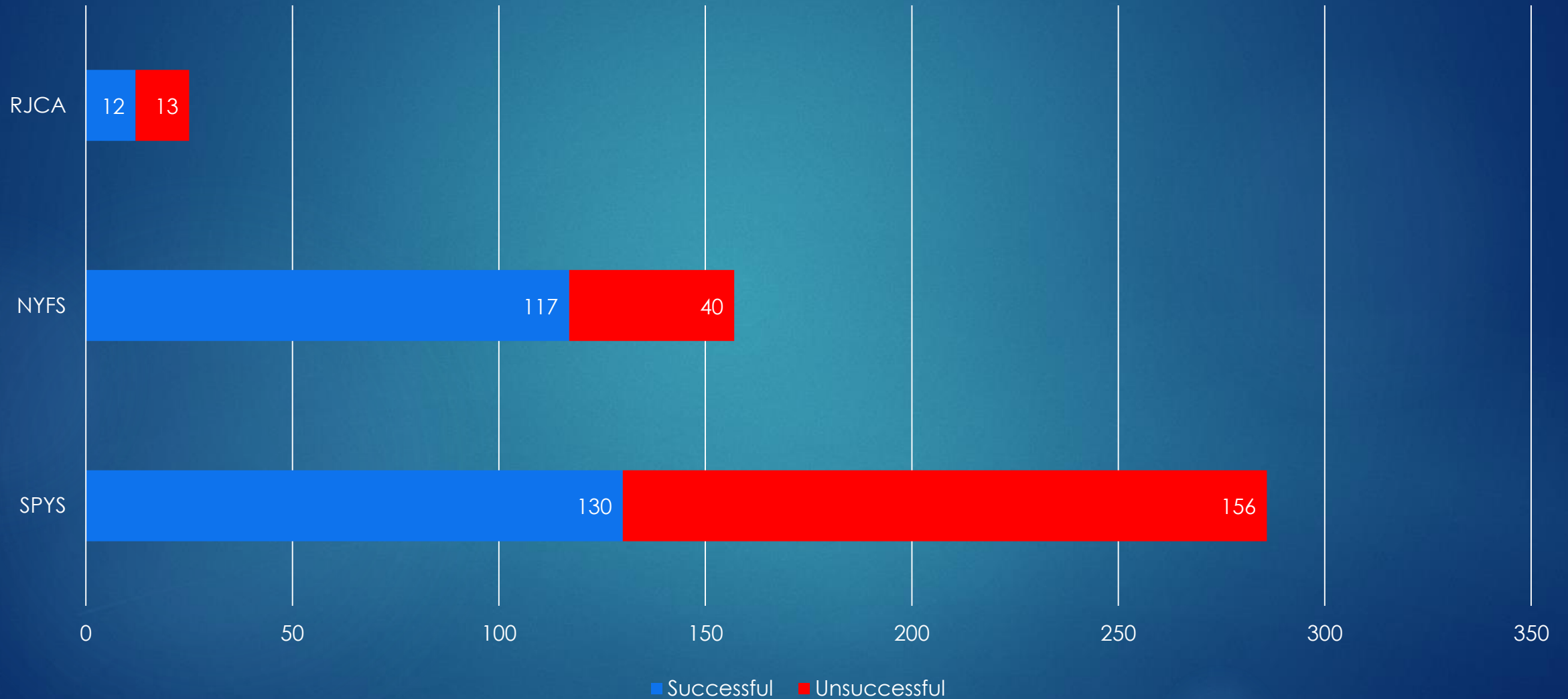
Who is not currently eligible for diversion?

A youth is **not eligible** for diversion if his/her present offense involves any of the following:

- Actual physical harm to another person
- Use or threatened use of a weapon
- Threat of great bodily harm
- Predatory behavior
- Fleeing in a motor vehicle

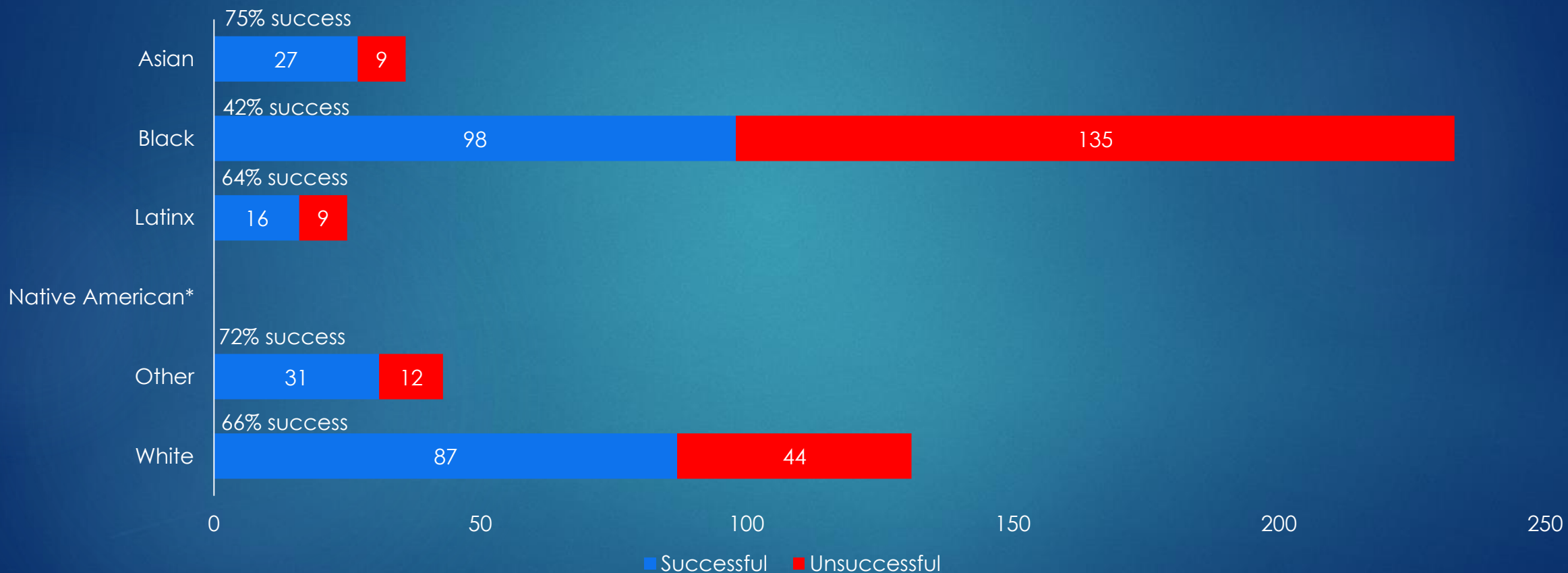
2017 diversion outcomes by provider

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2017 diversion outcomes by race

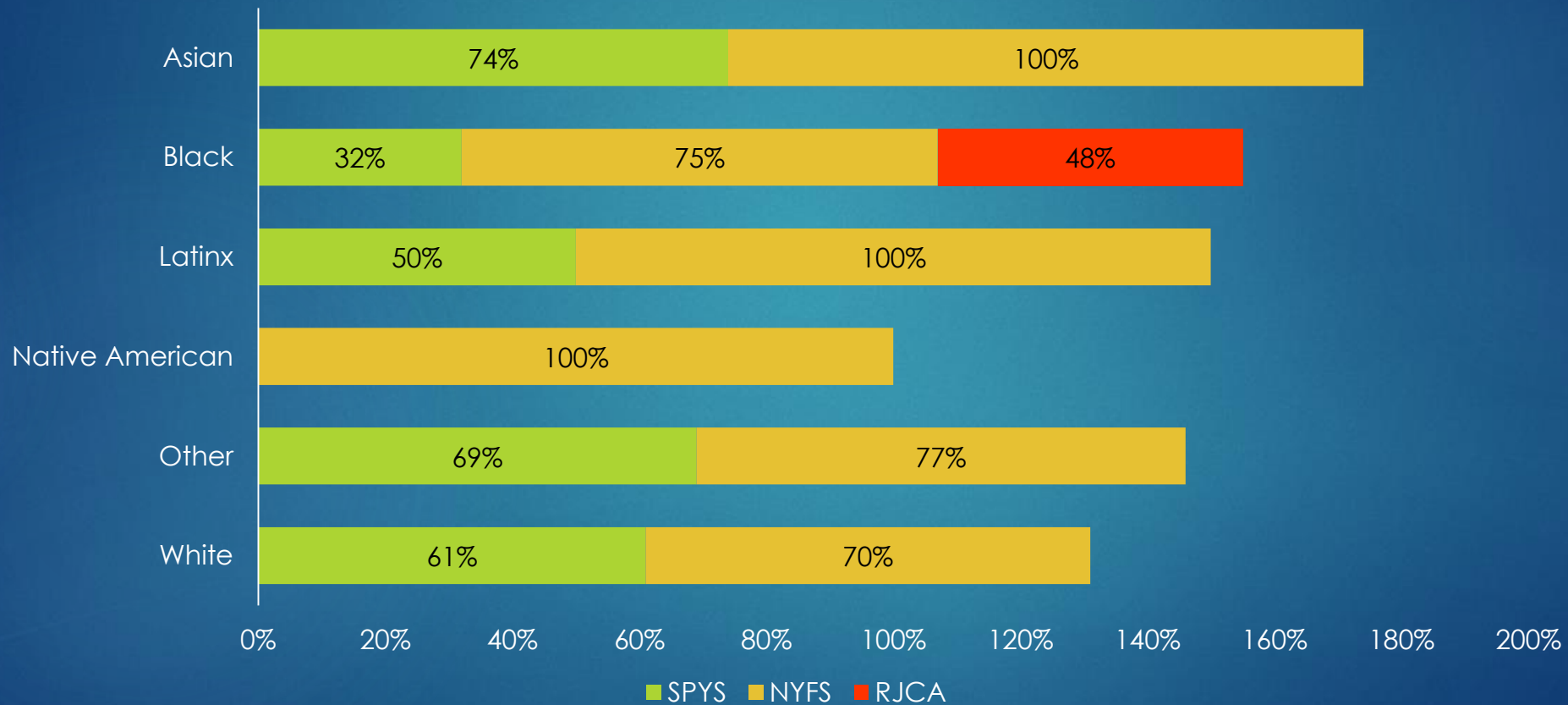
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**NOTE: Native American numbers not included here due to small number of cases.*

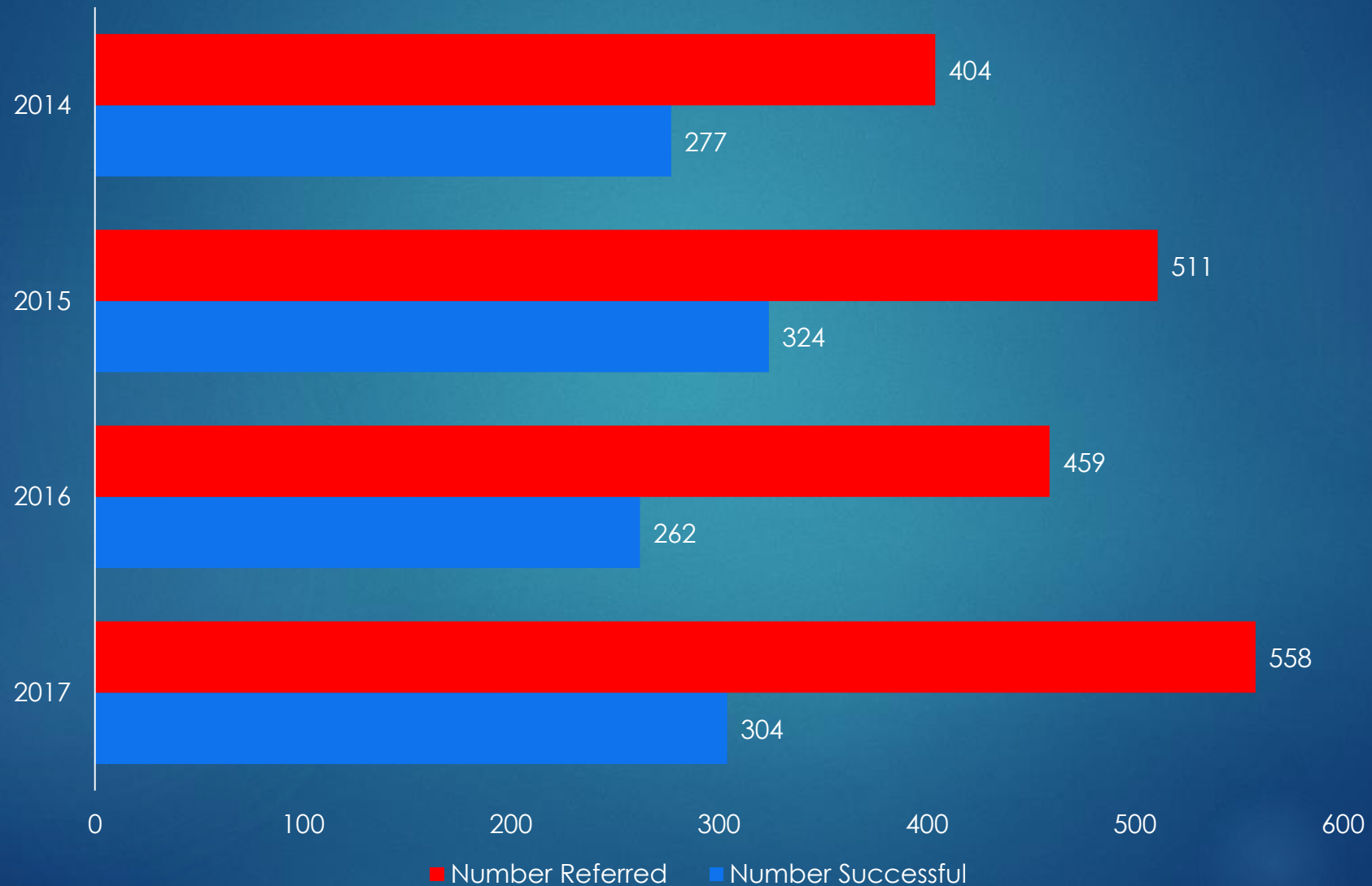
2017 diversion success rates by race and provider

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2014 - 2017 total diversion referrals and successes

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Certification

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- When deciding whether to file a motion for certification, we weigh what is in the best interests of public safety and factors including the seriousness of the offense and prior offense history.
- If we file a motion, we receive recommendations from psychologists and probation officers that help us decide whether to ultimately seek certification. Based on those recommendations, we may choose to proceed and seek certification, or designation as EJJ, or agree to proceed in juvenile court.
- If certified, the case will be transferred to adult court and, if convicted, the youth will receive an adult sentence.

Certification is rare:

- **Less than 1.5% of all felony cases charged in 2017 were certified to adult court.**

2017 motions for certification

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We moved to certify 45 cases involving **30** youth – all were male.

The 3 most common charges in these cases were:

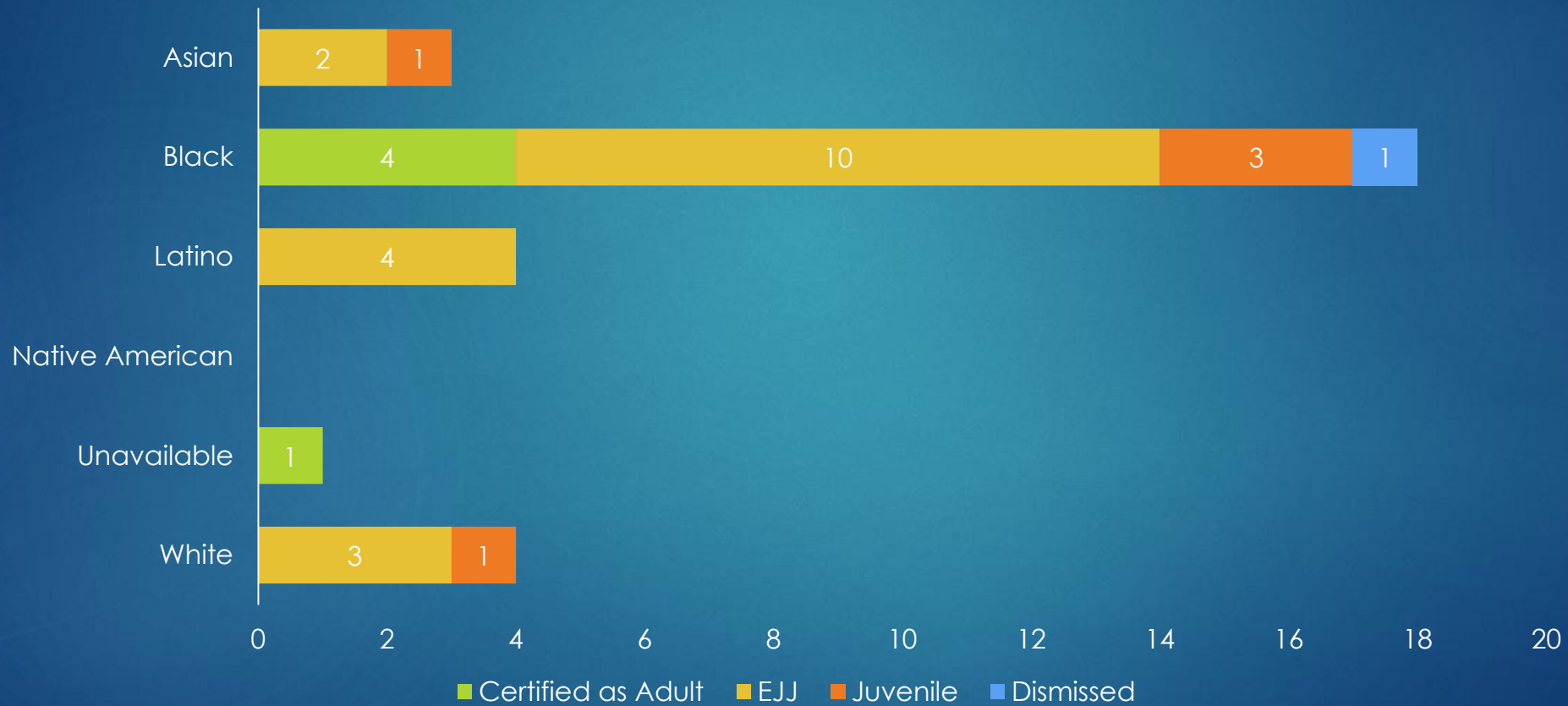
1. Aggravated Robbery (16)
2. Assault 1 or 2 (10)
3. Criminal Sexual Conduct 1 – 3 (5)

Of the 30 youth who received certification motions...

- 5 were retained in juvenile court
- 19 were designated EJJ
- 5 were certified to adult court
- 1 was dismissed by the prosecutor

2017 motions for certification by race

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2017 charges for youth certified as adults

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- **ONE** was charged with Murder in the 2nd Degree
- **TWO** were charged with Aggravated Robbery – 1st Degree
- **ONE** was charged with Criminal Sexual Conduct – 1st Degree
- **ONE** was charged with Possession of a Firearm after Previous Adjudication of Delinquency (Prior Adjudications for Assault 3 and Burglary 1)

Extended Jurisdiction Juvenile (EJJ)

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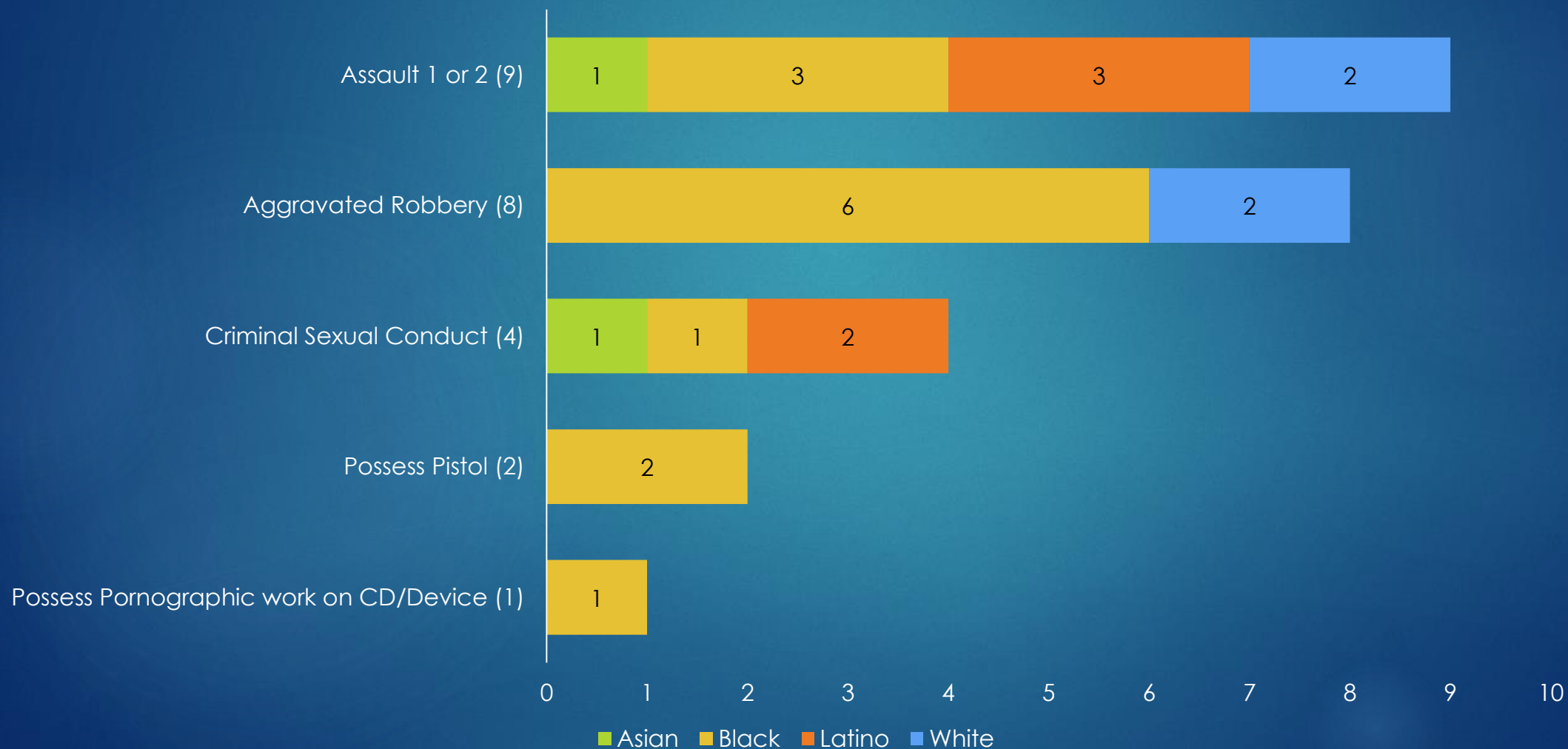
In serious felony cases, an alternative to certification is designation as EJJ (Extended Jurisdiction Juvenile).

- EJJ = Receives Juvenile disposition and stayed adult sentence, monitored until the age of 21. If successful, adult sentence is never executed.

EJJ helps youth who have committed serious and violent crimes stay out of the adult court system.

2017 charges for cases designated EJJ

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2017 felony offenses referred

- In 2017, *311 felony cases were submitted to our office for review involving youth between 14 and 17 years of age.
- The top eleven most common offenses accounted for 275 of those 311 (88%)

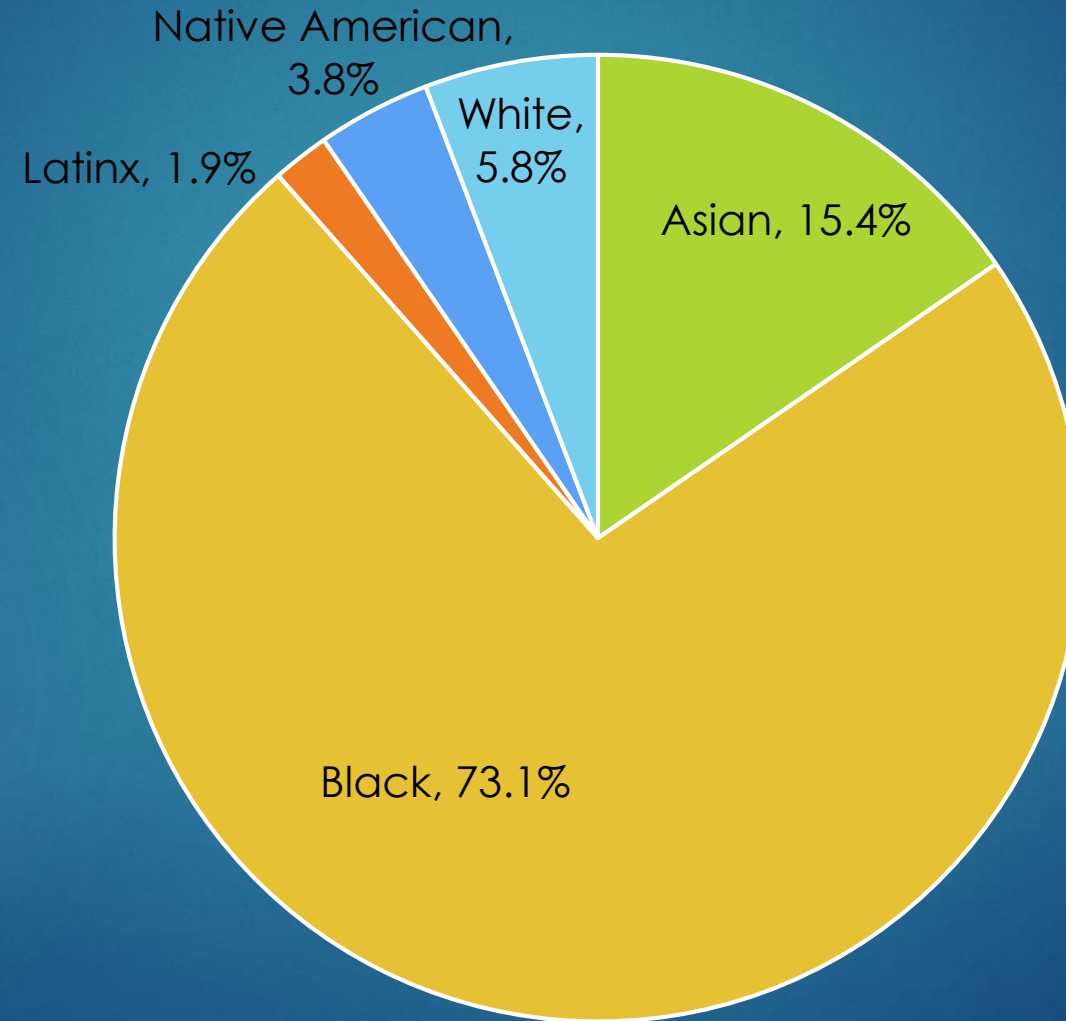
**We included both charged and declined cases – but did not include diverted cases.*

2017 top felony referrals

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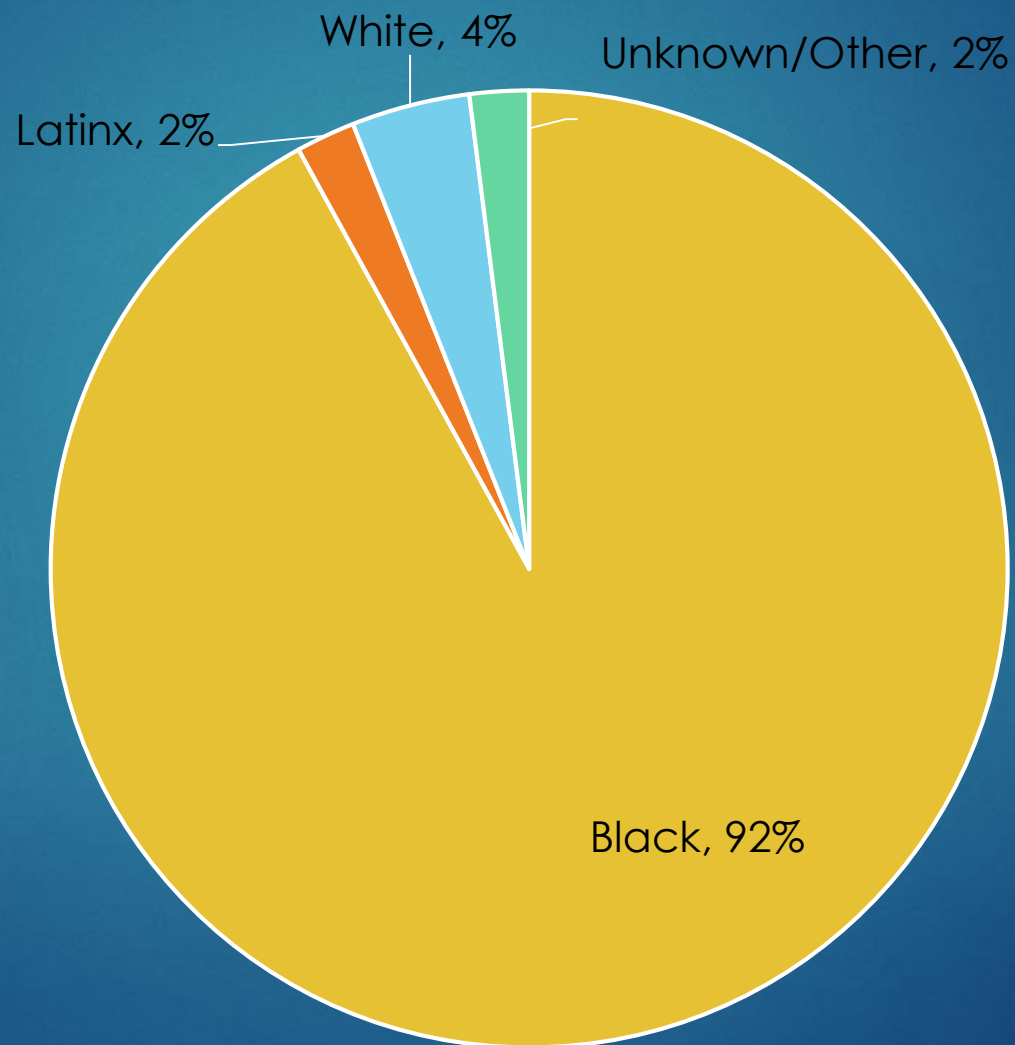
REFERRED OFFENSE	NUMBER OF CASES
1. Motor Vehicle Theft	52
2. Theft of Movable Property	50
3. Assault (1-5)	38
4. Aggravated Robbery	36
5. Terroristic Threats	21
6. Burglary	17
7. Simple Robbery	17
8. Criminal Sexual Conduct (1-4)	13
9. Possess Ammo/Pistol/Weapon – Under 18 Years Old	11
10. Drugs	10
11. Fleeing Police in MV	10
TOTAL:	275

Motor Vehicle Theft cases referred by race



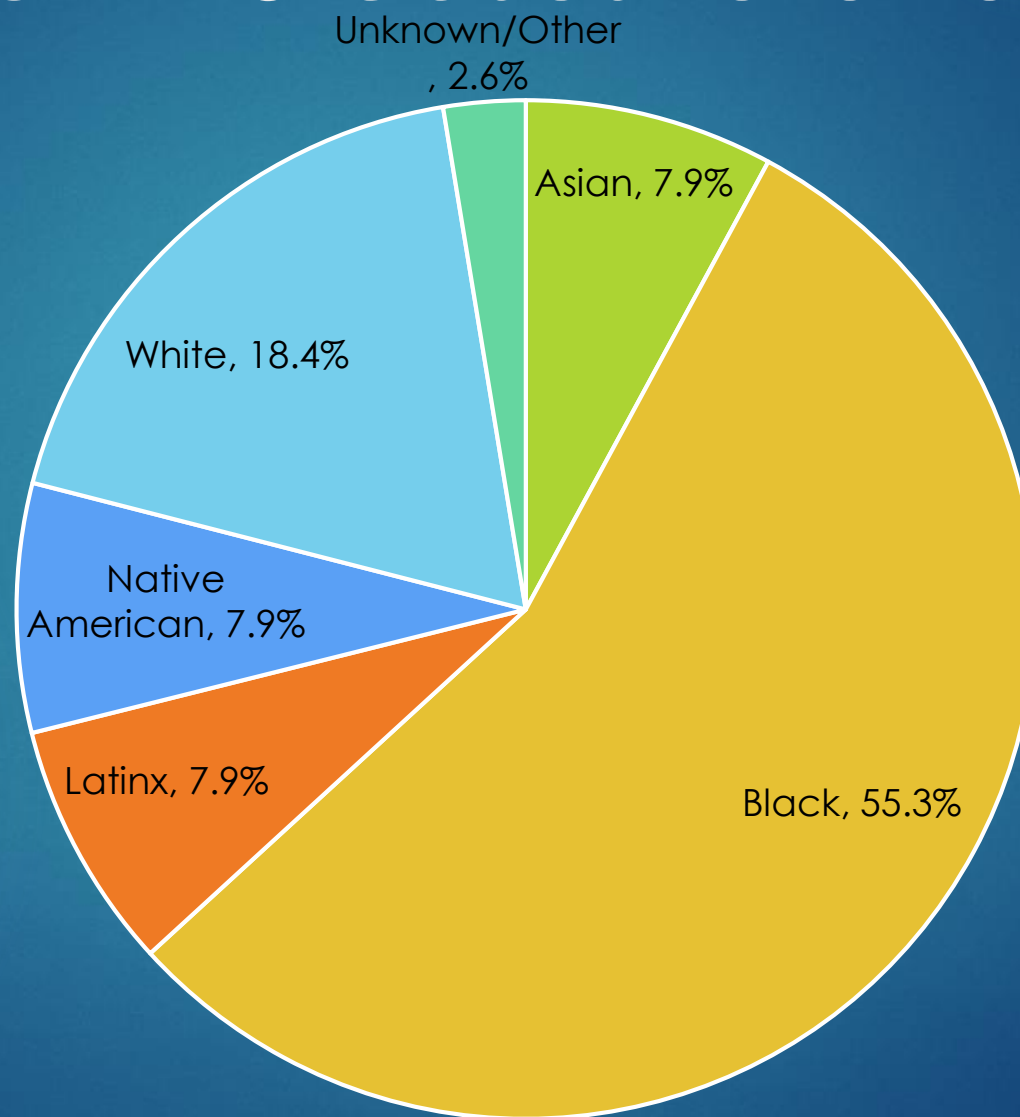
Felony Theft of Movable Property cases referred by race

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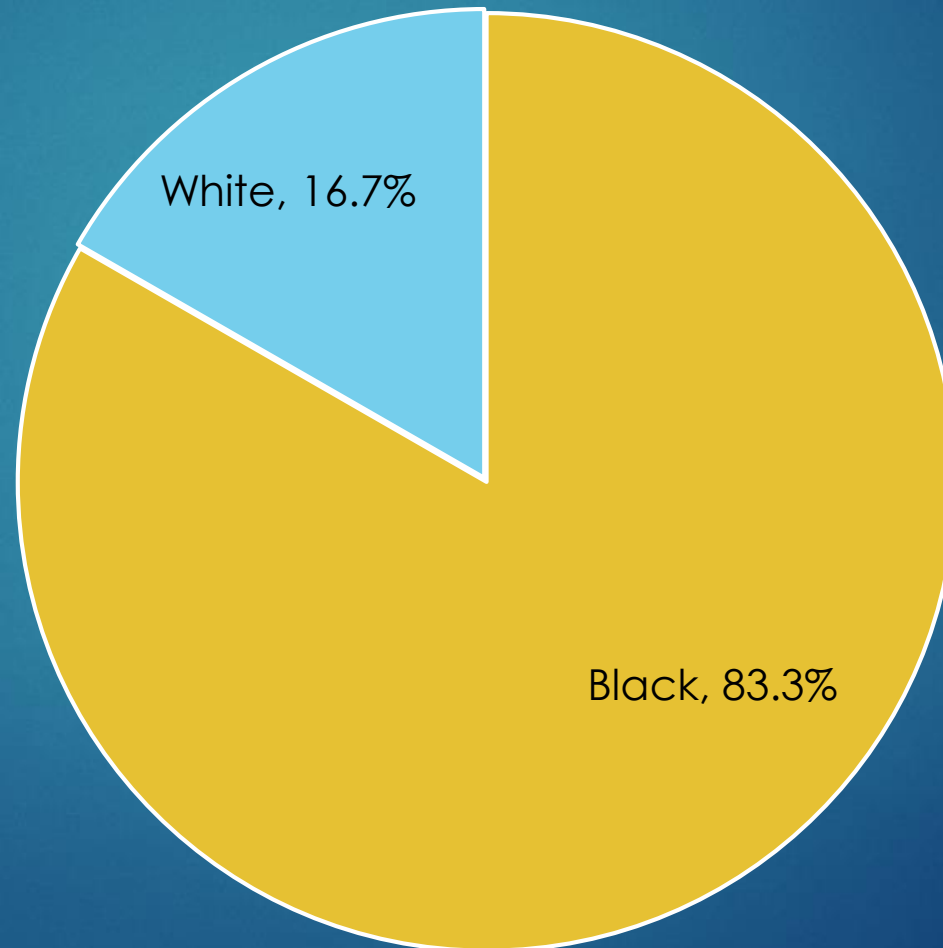
Felony Assault 1-5 cases referred by race

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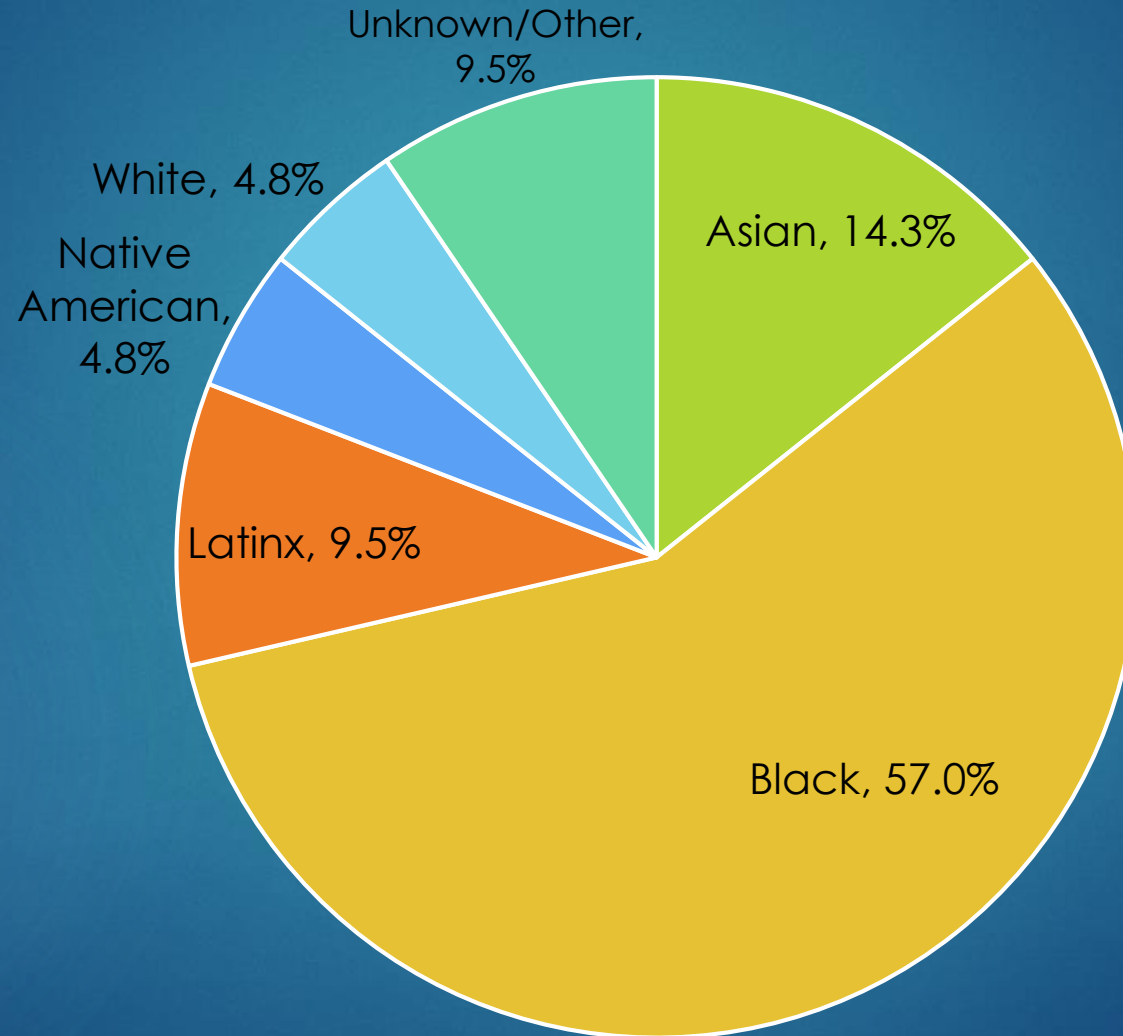
Aggravated Robbery cases referred by race

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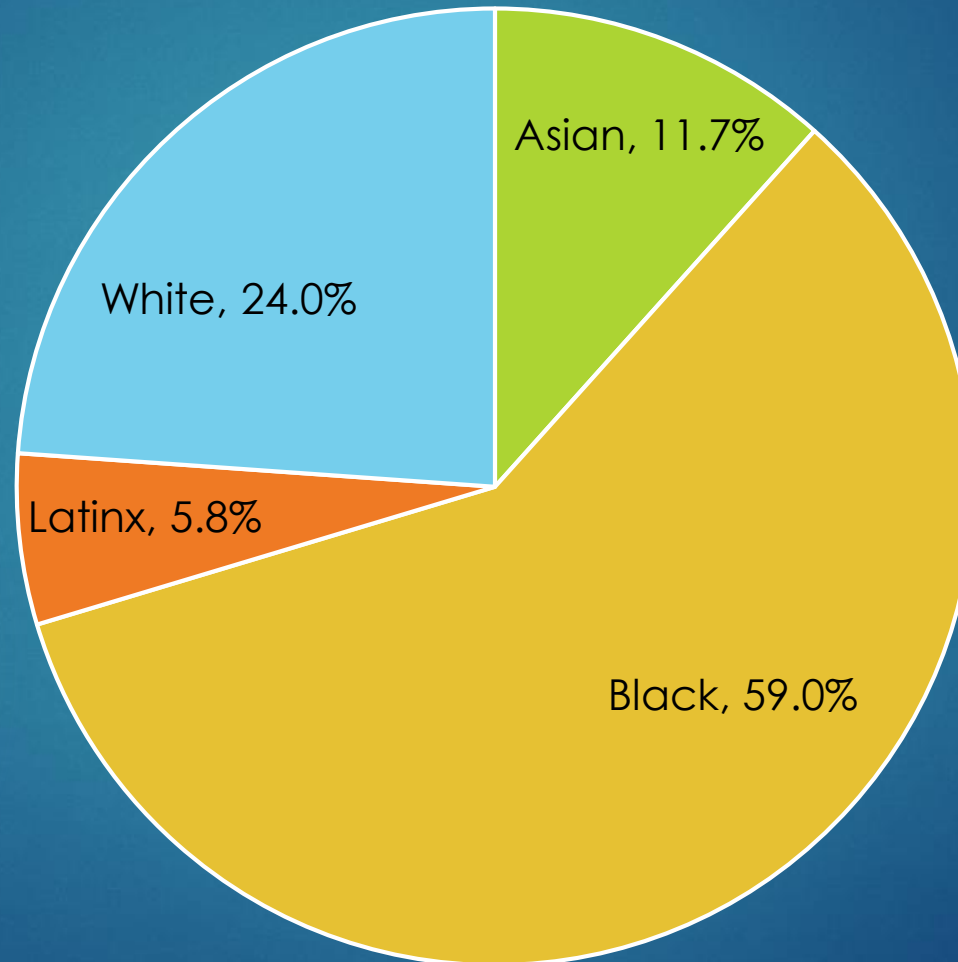
Terroristic Threats cases referred by race

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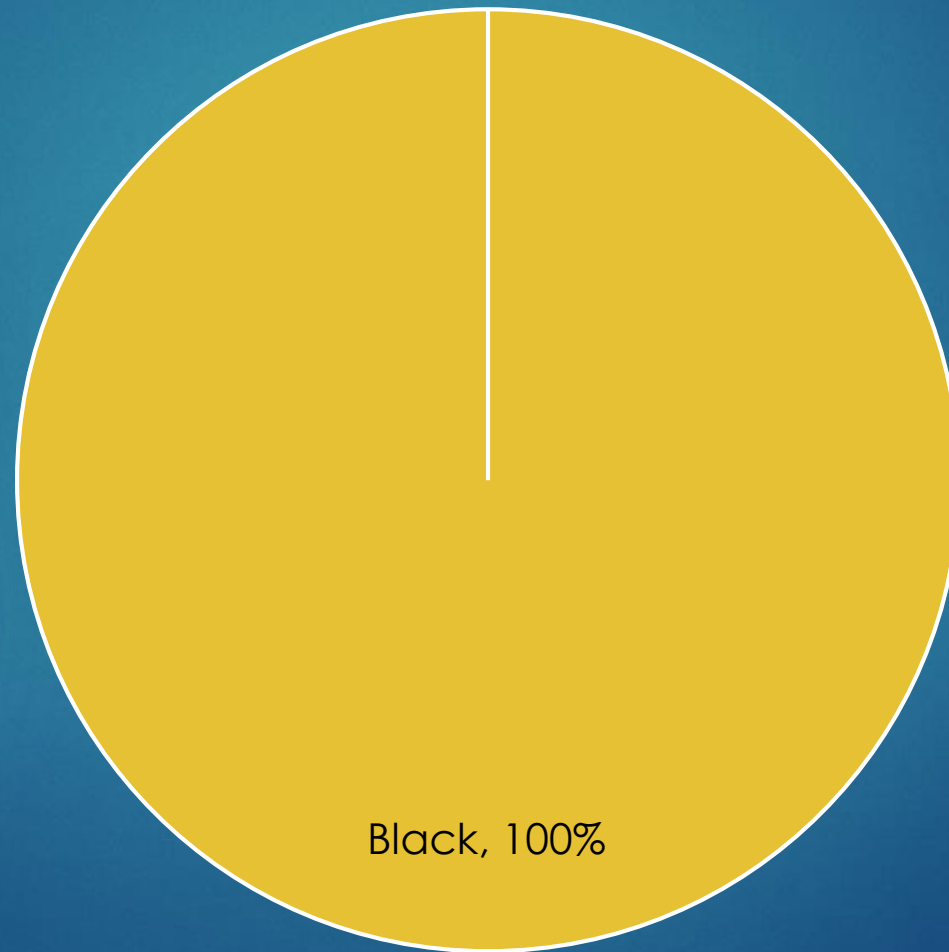
Burglary 1- 3 cases referred by race

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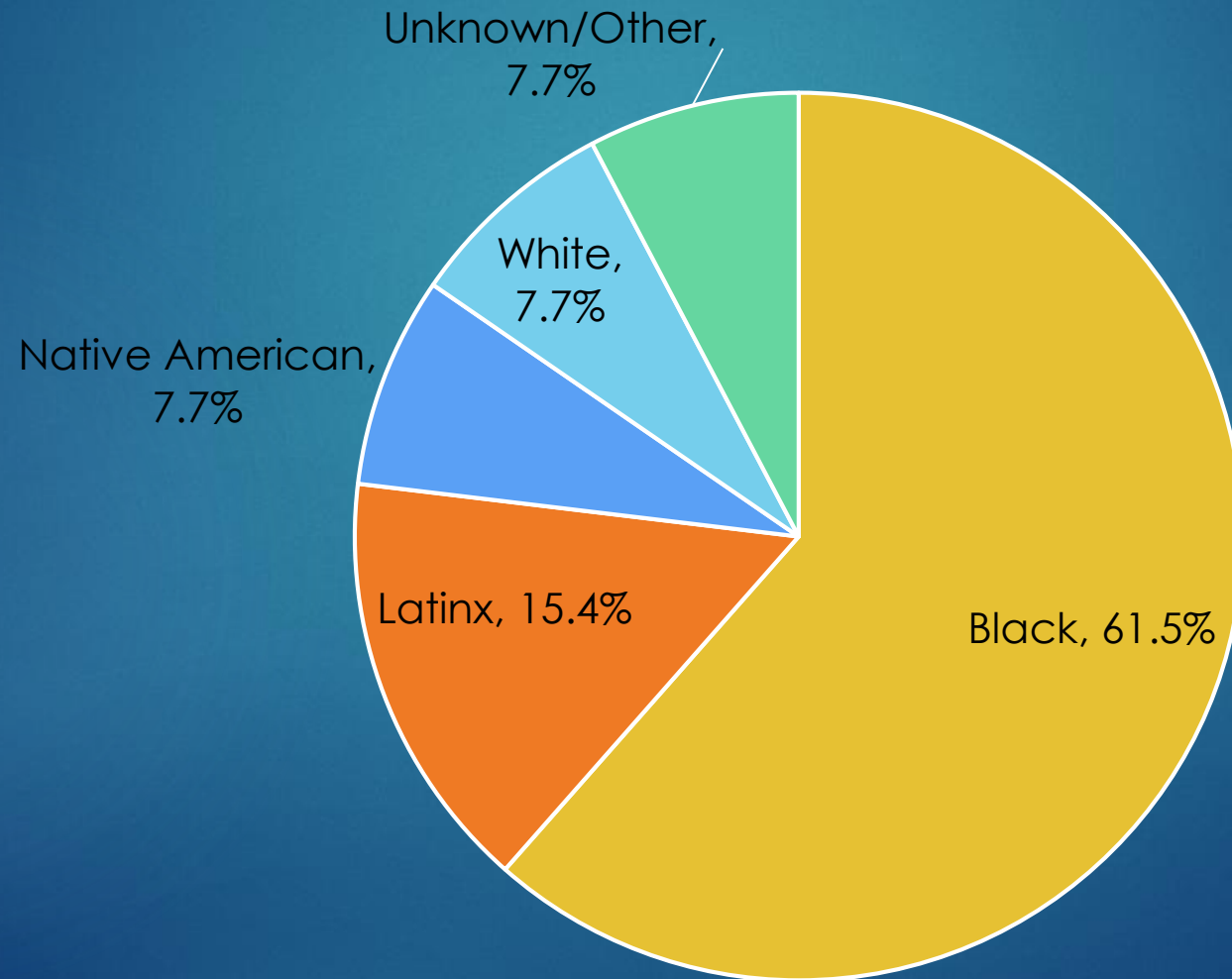


Simple Robbery cases referred by race

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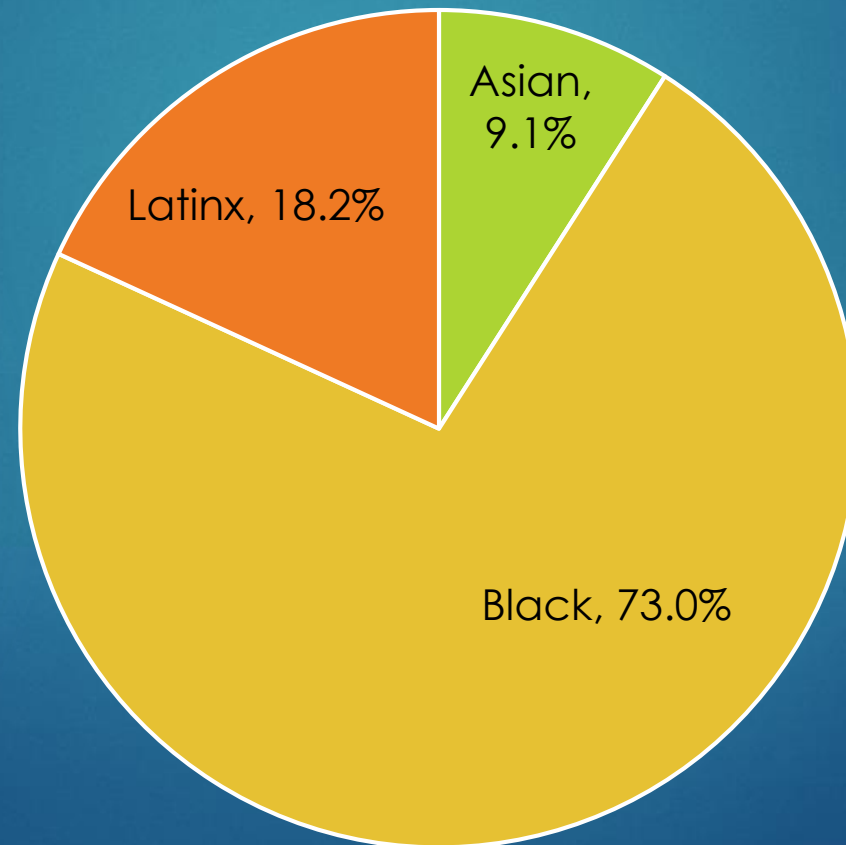


Criminal Sexual Conduct 1-4 cases referred by race



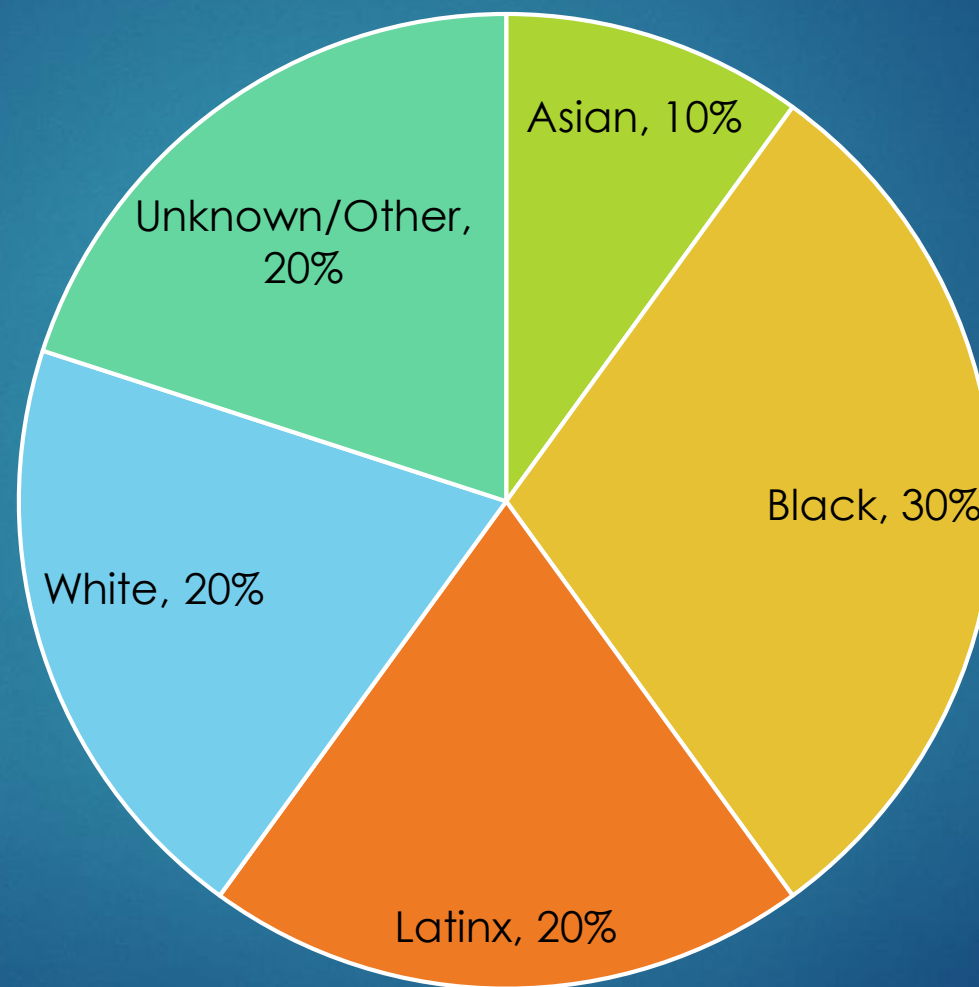
Possess Firearm – Under 18 Years cases referred by race

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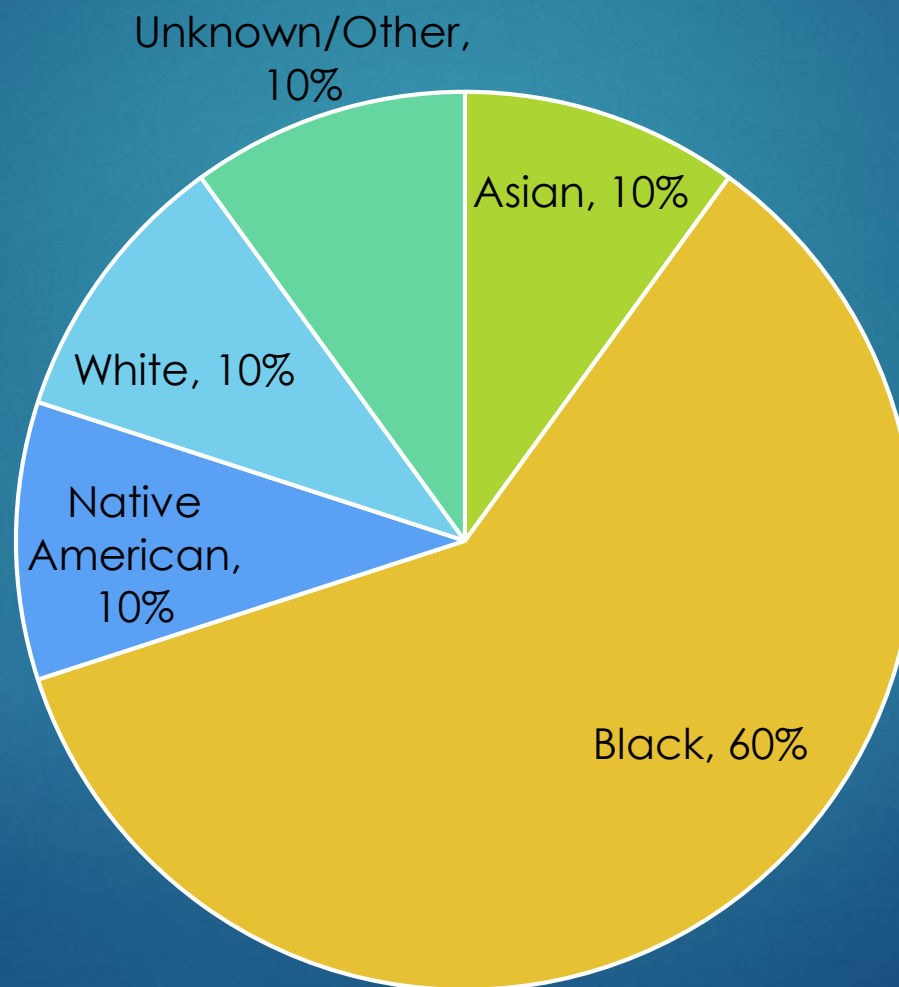
Drug cases referred by race

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Fleeing Police Office in Motor Vehicle cases referred by race

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Our reflections

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- Significant disproportionality exists:
 - Cases referred to our office – 66% Black youth (20.2% of total youth population)
 - Most significant disparity in RRI was in law enforcement referrals – 10.6 for Black youth
 - Not significant disparity in RRI for cases charged, but for cases declined - .44 for Native American youth
- Diversion:
 - Expanded criteria has helped increase the numbers of youth we send to diversion – up 38% since 2014
 - Overall success rate has decreased from 69% to 57%
 - Success rate is lowest for Black youth – only 42%
- Certification:
 - Numbers of youth certified to adult court remain very low - less than 1.5% of felony cases

Steps we are taking to address disparities

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Deeper dive into diversion

- ▶ Delve into case information to **better understand why youth are unsuccessful in diversion**, particularly Black youth who are most disproportionately unsuccessful.
- ▶ **Evaluate providers** to determine effectiveness of their programs.
- ▶ **Revisit diversion criteria** to continue to increase youth diverted.
- ▶ **Improve our database** so we capture more information, including:
 - ▶ reason/s a case was not sent to diversion
 - ▶ why a youth was deemed unsuccessful
 - ▶ ultimate disposition of a case if diversion was unsuccessful (ie. charged or declined)

**We are committed to continuing to
evaluate our policies and practices to
decrease disparities and improve
outcomes for youth in Ramsey County.**



Your reflections?