



Council on Crime and Justice

Hennepin County Disproportionate Minority Contact Study

Examining Extended Jurisdiction Juvenile and Adult Certification Cases

November 2005

*This study was funded with a grant from Hennepin County Community
Corrections and the Minnesota Office of Justice Programs*

Table of Contents

Table of Contents.....	2
Executive Summary.....	3
Introduction.....	4
Review of Relevant Literature.....	5
Definitions.....	7
Methods.....	7
Findings.....	8
Qualitative Interviews.....	8
Quantitative Analyzes of Motions and Dispositions.....	9
Predictive Analysis of Motions and Dispositions.....	18
Conclusions.....	22
References.....	22
Statistical Appendix: Tables 1-8.....	23

Staff

Jennifer Obinna, Ph.D.
Tom Johnson
Council on Crime and Justice
822 S. 3rd Street, Suite 100
Minneapolis, MN 55415
612-348-7874
www.crimeandjustice.org

Consultants

Kristin Carbone-Lopez
Julie Atella

Appreciation is extended to Connie Osterbaan, Ph.D., for her significant contribution to the final report.

Executive Summary

The Council on Crime and Justice was commissioned by the Hennepin County Racial Disparities Committee, in partnership with Hennepin County Community Corrections and the State of Minnesota Office of Justice Programs, to research Extended Jurisdiction Juvenile (EJJ) and Adult Certification cases in Hennepin County. The purpose of the research, known as the Hennepin County Disproportionate Minority Contact (DMC) study, is to investigate factors that may contribute to the large number of African-American youth represented in EJJ or adult certification cases in Hennepin County.

The study examined motions and dispositions in a sample of Hennepin County juveniles who met the eligibility criteria for EJJ or Adult Certification during the period between July 1, 2003 and June 30, 2004. Concerns expressed in preliminary interviews that certain behaviors and crimes committed by youth of different races might result in different outcomes were not substantiated by the quantitative data analysis. The study found that a juvenile's race was not a statistically significant factor in prosecutors EJJ or certification motioning decisions or in probation officers' recommendations. Instead, weapons and firearms appear to be the most influential factors in being motioned for EJJ and/or adult certification. Analysis revealed no significant relationships between any of the criminal justice history variables and having a motion filed.

The study also found no statistically significant relationships between the juvenile's race and whether the case is disposed as Adult Certified, EJJ, or Juvenile delinquency. However, it is clear from this study that weapons, especially firearms, are a significant factor in motioning decisions as well as in the ultimate dispositions of motioned cases. The use of a firearm was found to increase the likelihood of both an EJJ and adult certification motion.

The study also examined recommendations made by probation officers and court psychologists in the cases under study. Results show there is little agreement between probation recommendations and prosecutors' motions – especially for cases motioned for Adult Certification, and found that actual court outcomes closely mirror the recommendations of probation officers and court psychologists.

Introduction

The Hennepin County Racial Disparities Committee, in partnership with the Council on Crime and Justice, conducted a research project examining Extended Jurisdiction Juvenile (EJJ) and Adult of juveniles in Hennepin County. This project was supported by funding from the State of Minnesota Office of Justice Programs through the Hennepin County Community Corrections Department. The purpose of the Hennepin County Disproportionate Minority Contact (DMC) project is to investigate factors that may contribute to the large number of African-American juveniles in Hennepin County who receive EJJ dispositions or are certified to stand trial as adults in District Court.

The present study examines issues of disproportionate minority contact in relation to EJJ and Adult Certification by looking at both parts of the two-step process that determines which dispositional alternative juveniles aged 14 years or older and charged with a felony will receive. The first step is the initial motioning decision made by the prosecutor. The second step is the final dispositional determination made by the judge. The following specific research questions were examined:

- Among juveniles who are eligible to be motioned by the prosecutor for EJJ or Adult Certification are there significant and substantive differences between those who are motioned and those for whom motions are not filed?

- What, if any, factors influence the likelihood that a juvenile will be motioned for EJJ and/or Adult Certification and what factors impact the final dispositional outcomes of motioned cases?
- What opportunities exist within the criminal justice system to prevent juveniles from reaching this stage?

Review of Relevant Literature

The upward trend in juvenile crime during the 1980s and 1990s led several states to create new legislation specifically targeted at the juvenile justice system. These laws, known as blended sentences (or, in Minnesota, as “Extended Jurisdiction Juvenile”), are meant to target serious, violent juvenile offenders (Jones and Connelly, 2001). In these cases, juveniles are adjudicated as juveniles but given a stayed adult prison sentence; this sentence is executed if the individual fails within the juvenile probation system. The jurisdiction of the juvenile court extends until the juvenile turns twenty-one instead of the traditional eighteen. In Minnesota, legislation was adopted in 1994 to create a two-step system to determine which dispositional alternative juveniles aged 14 years or older and charged with a felony would receive. This two-step system begins with a decision by the county attorney’s office to allow a case to proceed in the normal manner in juvenile court or to file either a motion for EJJ or Adult Certification. Next, for those juveniles who are motioned for either EJJ or Adult Certification one of three dispositional alternatives will be imposed; an EJJ disposition (juvenile disposition and stayed adult sentence), an Adult Certification disposition (and if convicted, an adult court sentence), or a traditional juvenile sentence (Cheesman, Cohen, Dancy, Kleiman & Mott, 2001). The law also identified several factors for the juvenile court to consider in determining whether a juvenile is designated EJJ. These include the seriousness of the offense, the presence of various aggravating

or mitigating factors, the culpability of the juvenile, the juvenile's prior delinquency record, and the dispositional options available to the court.

Prior research in Minnesota found that the likelihood of EJJ and/or Adult Certification motions in Minnesota increased: (a) with every year of the juvenile's age, (b) as the seriousness of the offense increased, (c) if there was more than one charge, (d) if there was an adult codefendant, (e) if the current offense involved a firearm or victim injury, and/or (f) if there was one or more out-of-home placements prior to the current offense. (Cheesman, et al., 2001). The study also found little evidence of unintended net-widening. At the same time, however, the study's results found that there were unintended differences between motioned and non-motioned juveniles. One of these differences was the race of the juvenile. Cheesman, et al found that race, though not as influential as other factors, affected the odds of motioning in that Asian-American juveniles were most likely to be motioned, followed by Whites and Hispanics, Native Americans, and, finally African-Americans. This finding, along with similar findings in other studies, created concern over whether the EJJ process disproportionately targets youth of color. Cheesman, et al also found that race was related to the type of dispositional alternative juveniles received, that the judicial district where the case was disposed influenced the probability of motioning and the type of dispositional alternative received, and that the EJJ and Adult Certification dispositions were not targeting their intended offender populations.

The Hennepin County DMC study reported here examines some of the same issues as the earlier statewide study, but differs in several respects: (1) the study looks only at Hennepin County cases, (2) the study only looks at juvenile cases that were eligible for and/or motioned, rather than selecting a random sample of all disposed felony cases.

Definitions.

The following definitions apply to the current research:

Adult Certification: 1) ***Presumptive Certification*** it is presumed¹ that a child will be certified for action under the laws and court procedures controlling adult criminal violations if: a) the child was 16 or 17 years old at the time of the offense; b) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under MN Adult Sentencing guidelines or a felony in which the child allegedly used a firearm; and c) probable cause has been determined. Offenders who meet the presumptive certification criteria can be designated EJJ automatically, without any hearing or court proceeding, at the discretion of the county attorney (a “direct-filed EJJ”). 2) ***Non- Presumptive Certification*** cases include all felonies committed by 14- and 15-year-olds, and offenses committed by 16- or 17-year-olds that do not call for a presumptive prison sentence under the Guidelines or do not involve the use of a firearm. In non-presumptive cases, the state bears the burden of proving, by clear and convincing evidence, that retaining the proceeding in juvenile court does not serve public safety.

Extended Jurisdiction juvenile (EJJ) is a child given a stayed adult criminal sentence (a disposition under MN Statutes section 260B.198) and for whom the juvenile court’s jurisdiction may continue until his/her 21st birthday. Defendants *motioned* EJJ are at least 14 years of age, charged with a felony offense, and either meet the criteria for presumptive certification to criminal court or “public safety” is served by their EJJ adjudication.

Methods

The County Attorney’s Office provided researchers from the Council on Crime and Justice with names of all juveniles who met the eligibility criteria for EJJ or for presumptive or non-presumptive Adult Certification during the period between July 1, 2003 and June 30, 2004. Motions for EJJ, presumptive certification or non-presumptive certification were filed in 103 of these cases. In 37 of the eligible cases, no motions were filed. The non-motoned group serves as a quasi-comparison group of cases that met the general eligibility criteria for motioning, but for whom motions were not made. However, it is important to note that the “motioned” and “non-motoned” groups are not necessarily comparable in terms of offender age and offense severity.

¹ Under MN Statutes section 260B.125, subdivision 3.

Researchers examined probation files for each juvenile to obtain information on various socio-demographic factors, family background, the juvenile's criminal history, history of probation involvement, and the final case disposition. In addition to the case file data, interviews were conducted with eight key persons in each area of juvenile case processing: Hennepin County Community Corrections, Juvenile Court Judges, the Hennepin County Attorney's Office, and the Hennepin County Public Defender's Office. These interviews were used primarily to identify potential systemic factors influencing EJJ or Adult Certification decision-making.

Findings

Qualitative Interview Findings

Several themes emerged from key informant interviews including perceptions about race, the role of criminal history and offense severity, thoughts about predictive factors and thoughts about who holds influence over EJJ or Adult Certification cases. Some of those interviewed expressed a belief that race may influence the motioning of youth for EJJ or Adult Certification. Some suggested that the system may apply different explanations for offenses committed by youth of different races and these may result in different outcomes. Some of those interviewed felt that youth who are motioned for EJJ or Adult Certification have an extensive history in the juvenile justice system. Other interviewees thought that focusing on offense severity would be one way of introducing an objective measure of fairness to the motioning process. Interviewees also viewed the type of crime committed as an important motioning issue. When asked about predictive factors that might explain why some youth find themselves in the position of being

motioned for EJJ or Adult Certification, many interviewees suggested that the system may fail youth at earlier points of criminal justice involvement. One participant stated:

“We are very much... a re-active kind of system. We only react if there has been a crisis, or after these kids have really messed up in a significant way. So in terms of, I would say in terms of predictive factors, I think some of the kids who eventually wind up in EJJ are kids who we have tried, and have been in multiple placements, multiple times.”

Another presumed predictive factor identified was school status. Some think family context is also important. One participant stated:

“It has been my experience and then my review of the literature that the kids, who come from families where the parenting was inconsistent or non-existent, have a real tough time. In terms of parental involvement, I think it is important.... Another thing... I would say about EJJ is a family history of criminology. If you have mom and dad, older brothers and sister, uncles and a whole slew of cousins that have been in prison or in jail, usually it is the same for the kid.”

Mental health issues are also seen as factors that might be related to EJJ and Adult Certification.

One participant stated:

“I think we have a real difficult time with real severe mental health issues. But I don't think that it is really in our [the juvenile justice] system, I think it is really across the board. I think what happens is kids who haven't been served in other systems, find their way to the juvenile justice system, and then we are sort of the last resort. We have to figure out what to do. If there was one factor that really needed some strong attention, well, that would be it.”

There was a considerable discussion by participants about who has the most amount of influence in the EJJ/Adult Certification decision-making process. There was no consensus.

Some believe the process is driven by the prosecution, others think probation officers and psychological services are the most influential, while others think judges are the key players.

Some of those interviewed perceive the motioning process to be very reactionary--one that reacts to serious crimes and one that reacts to what is generated by law enforcement. One participant stated,

“I mean we're talking here about robberies, and we're not talking loosely about simple robberies, we're talking about aggravated robberies, which means that either a person is

hurt or a weapon has been used. We're talking about home invasion burglaries. We're talking about murders. We're talking about significant rapes....”

The reactive nature of the system was also noted by another interviewee:

I look at what I'm charging. I look at what they did, the age of that person, and that is what I base my decision on. I don't spend a lot of time looking at their background, or their family history.... We are reacting to what they did.... What we are looking at is brought to us by the police. So to a certain extent we can only deal with what they bring us.

Quantitative Findings from Case Data

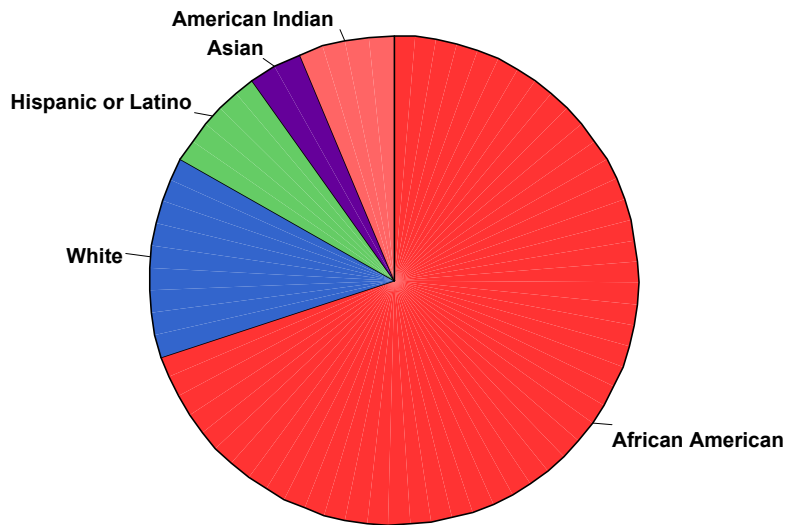
The current study sample consisted of all juveniles who were motioned for EJJ or Adult Certification by the Hennepin County Attorney's Office during the period between July 1, 2003 and June 30, 2004. There were a total of 103 motioned cases. Fifty-six percent of these cases (n=58) had Presumptive Certification motions filed; 28% (n=29) had Non-Presumptive Certification motions filed, and 16% (n=16) had EJJ motions filed. The study sample also included those juveniles, from the same time period, who met the eligibility criteria for EJJ or Adult Certification motioning, but for whom motions were not filed. Of the 37 non-motioned cases, 68% (n=25) met County Attorney criteria for EJJ motions, 30% (n=11) met criteria for a Presumptive Certification motion, and 2% (n=1) met criteria for a Non-Presumptive Certification motion.

1) Characteristics of juveniles eligible for EJJ or Adult Certification motioning.

a) *Socio-demographic Characteristics.* The 140 juveniles who met the criteria for motioning during the study time frame were predominantly male (94%); only eight were females. (Appendix Table 1) **With respect to race and ethnicity, most of the juveniles whose offense seriousness and age made them eligible for motioning were youth of color (87%,**

n=122); 13% were Caucasian (n=18). Seventy-one percent of juveniles eligible for motioning were African or African American (n=100), 6% were Latino (n=9), 6% were American Indian (n=8), and 4% were Asian (n=5). By definition, all of the eligible offenders were at least fourteen years old. Most (71%) were 16 years or older, but approximately one-fourth of those eligible were age 15 (24%) or age 14 (5%) at the time of committing their offense.

Motion-Eligible Juveniles by Race



b) Offense Characteristics. Most of the motion-eligible juveniles were charged with committing serious person offenses (77%). Three of the eligible juveniles were charged with committing homicide, 13 were charged with criminal sexual conduct, 37 were charged with assault, and 55 were charged with committing or aiding and abetting an aggravated robbery. Ten juveniles had charges of burglary. ***Fifty-nine percent of the motion-eligible juveniles committed their offenses with some type of weapon (85 juveniles).*** For 53 of the juveniles, the offense involved a firearm. Most of the eligible juveniles committed their offenses with one or

more other juveniles (73%). Only 38 of the 140 eligible juveniles had committed their offense alone.

c) Prior History. Most of the juveniles who were eligible for EJJ or Adult Certification motions had prior criminal convictions (71%, n=100) and had an average of four prior arrests. More than half (56.5%) had prior criminal justice interventions, including being placed out of the home on one or more occasions (n=41). Nearly half had one or more prior involvements with probation (48%). School suspension data was available for 93 of the 140 motion-eligible cases. In 80 of these cases, the juveniles had been suspended from school in the past. 26 of the juveniles had been expelled, although this information was unknown for the majority of cases. ***One-fourth of the eligible juveniles had mental health issues noted, and 95% had a record of self-reported substance abuse, primarily marijuana.***

2) Differences between eligible juveniles who were motioned and those not motioned.

One of the primary research questions for this study was to assess the differences in individual, background, and case characteristics between those juveniles motioned for EJJ or Adult Certification by the County Attorney's Office and those juveniles who met the eligibility requirements for either EJJ or Adult Certification but for whom petitions were not filed. Chi-square analysis was performed to detect significant differences between eligible juveniles who were motioned (for *either* Adult Certification or EJJ) and eligible juveniles who were not motioned. Chi-square analysis calculates the observed frequency for each category and compares it to the expected frequency for each category. Chi-square is a statistical test used to determine the probability that an observed deviation from the expected event or outcome occurs solely by chance.

a) *Socio-demographic characteristics. The chi-square analysis revealed no significant difference in motioning related to a juvenile's race.* African American juveniles made up 73% of those who were eligible for motioning and 73% of those for whom motions were filed. Thirteen percent of the motion-eligible juveniles were Caucasian; 11% of those motioned were Caucasian. Finally, juveniles of other minority racial and ethnic groups (Latino, Asian, and Native American) comprised 15.7% of all motion-eligible juveniles and 16.5% of those for whom motions were filed. (Appendix Table 2)

Males who were eligible for motioning were somewhat more likely to be motioned than eligible females. Motions were filed for 76% (n=100) of the 132 eligible males compared to 37.5% (n=3) of the 8 eligible females. The small number of motion-eligible females makes it difficult to determine whether this difference is statistically significant.

As expected, younger eligible juveniles were less likely to be motioned than eligible juveniles who were older at the time of their offense, but this difference was not found to be statistically significant given the small number of fourteen-year olds who were motioned. Motions were filed for only 3 of the 7 fourteen-year olds (43%), compared to 73% of fifteen and sixteen year olds and 79% of the seventeen year old juveniles. (Appendix Table 3.)

b) *Offense Characteristics.* Prosecutors were significantly *more* likely to file motions for EJJ or Adult Certification in cases involving firearms. ***Motions were filed in 89% of motion-eligible cases that involved a firearm***, compared to 64% of the eligible cases that did not involve a firearm. In most of the firearm cases, the motions filed were for Presumptive or Non-presumptive Certification, rather than for EJJ. ***Cases that included a weapon other than a firearm (such as a knife, razor blade, or blunt object) were significantly less likely to be motioned than cases that involved no weapon.*** Cases in which the juvenile acted alone were less

likely to be motioned than cases in which the juvenile did not act alone. Further analysis revealed that this factor was only significant for 17 year olds and for assault offenses. Analysis controlling for whether the crime involved a firearm showed that committing the offense alone or with others made no difference if a firearm was involved.

The data was also analyzed to see whether motions were more likely to be filed for some types of offenses than others. Motions were filed in 100% of the cases in which murder, kidnapping and weapons charges were the primary charge and in more than 60% of the other offense types, except criminal sexual conduct cases (CSC). **Of the 13 CSC cases in the sample, motions were filed in only 46% (6 cases.)** This finding cannot be explained by the degree of the charge since 6 of the 7 cases of CSC that were not motioned were first degree charges. However, none of the CSC cases involved firearms, and only one involved a weapon other than a firearm.

c) Juvenile Criminal History. A variety of criminal history factors were examined to determine their relationship to the likelihood of being motioned. ***The analysis revealed no significant relationships between any of the criminal justice history variables and being motioned.*** Having one or more prior arrest, one or more prior conviction, or one or more prior felony convictions made no statistically significant difference in the likelihood that a motion would be filed. Nor were there any statistically significant differences related to the juvenile's prior probation involvement, detentions, prior out of home placements, or the total prior juvenile justice system interventions.

School suspension data was available for 90 of the 140 juveniles in the sample. ***Motion-eligible juveniles with one or more prior school suspensions were significantly more likely to have motions filed than eligible juveniles with no prior school suspensions.*** Motions were filed in which the juveniles did not have prior school suspensions. The likelihood of having a motion

filed was not related in a statistically significant manner to a history of abuse, mental health issues, prior or current CHIPS cases, or self-reported substance use.

3) Motioning differences between presumptive and non-presumptive certification cases.

Presumptive Adult Certification cases are cases in which juveniles ages 16 or 17 are charged with crimes that, if committed by an adult, would result in a presumptive prison sentence under the Minnesota Sentencing Guidelines or involve the use of a firearm. There were a total of 69 Presumptive Certification cases in the sample for this study and 71 cases that were not eligible for Presumptive Certification. As would be expected, the County Attorney's Office was more likely to file motions in Presumptive Certification cases than in Non-Presumptive cases. Presumptive Certification motions were filed in 84% of the cases eligible for Presumptive Certification, while motions for either EJJ or Non-Presumptive Certification were filed in 63% of the 71 Non-Presumptive cases. ***The filing of a Presumptive Certification motion in the 69 eligible cases was not significantly related to the juvenile's race.*** 70% of juveniles eligible for Presumptive Certification were African American and 70% of those motioned for Presumptive Certification were African American. Presumptive Certification motions were filed in 82% of the cases involving African Americans, in 100% of the cases involving Caucasian juveniles, and in 71% of cases involving juveniles of other races.

Differences between Presumptive Certification and Non-Presumptive cases are generally consistent with what would be expected based on the Minnesota statute governing Adult Certification. ***Presumptive cases involved older juveniles and were more likely to involve crimes committed with weapons.*** A large percentage of the Presumptive Certification cases involved robberies, all of which were first degree. In Non-Presumptive Certification cases where

“public safety” is a major factor, the prior record of delinquency is statutorily given significant weight. (Minn.stat. 260B.125, sub.4.). This was not observed to be the case however.

4) Dispositions in motion-eligible cases.

While the authority to file EJJ or Adult Certification motions rests with the prosecutor, there are other players and factors that may determine the ultimate outcome or disposition of motioned cases. When motions for EJJ or Adult Certification are filed, a probation officer from Hennepin County Community Services (Probation) completes an assessment and makes an independent recommendation to the court concerning whether or not the juvenile should be designated EJJ or certified as an adult. In addition, a psychologist from Psychological Services completes an evaluation of the juvenile and makes a recommendation to the court. This study examined the relationship between various offense and background factors and the ultimate case disposition, as well as the relationship between recommendations made by Probation and Psychological Services.

At the time of our analysis, case disposition information was available for 97 of the 103 motioned cases. ***Less than one-fourth of the cases (n=22) resulted in a disposition that matched the motion filed.*** In 77% of the motioned cases, the disposition was a lesser outcome than what was motioned.

Of the 80 cases *motioned for Presumptive or Non-Presumptive Certification*, 17.5% (n=14) ended in Adult Certification, 71.2% (n=57) ended as EJJ and 11.3% remained in juvenile court (n=9). Most of the cases in which a *Presumptive Certification motion* was filed ended as EJJ (n=40). In the 26 cases in which motions for *Non-Presumptive Certification* were filed, only 4 resulted in Adult Certification (17 ended as EJJ; 5 remained as juvenile cases). Of the 17 cases

motioned or designated EJJ, 47% (n=8) ended as EJJ and 52.9% (n=9) remained as juvenile cases. (See table below).

Case Outcomes by Type of Motion Filed

TYPE OF MOTION FILED	NUMBER OF CASES	COURT DISPOSITION		
		Motioned	Certified	EJJ
Presumptive or Non-Presumptive Certification	80	14 (17.5%)	57 (71.2%)	9 (11.3%)
EJJ or EJJ Designate*	17	NA	8 (47.1%)	9 (52.9%)
Total (With Case Outcome Information)	97	14 (14.4%)	65 (67%)	18 (18.6%)

*3 EJJ Designate motions were filed.

Analysis was done to determine which factors were related to ultimate case dispositions for *all* of the cases in the sample (motioned *and* not motioned) (see Appendix Table 3, 4 and 5). *As was the case when examining motions, there are no statistically significant relationships between the juvenile's gender, age, and race and whether the case is disposed as Adult Certified, EJJ, or Juvenile.* With respect to the juvenile's race, 40% of African American juveniles who were eligible for EJJ or Adult Certification had their cases resolved as juveniles, as did 44% of Caucasian juveniles, and 18% of juveniles of other races.

The type of offense was not significantly related to the final case disposition. However, cases involving a firearm were less likely to remain in juvenile court. Only 20% (n=10) of the 49 cases involving firearms remained in Juvenile Court; 67% of the firearm cases were disposed as EJJ; and 12% resulted in Adult Certification.

Case dispositions in the motion-eligible cases under study did differ significantly by prior adjudication history. *Juveniles who had a prior adjudication for a felony offense were more likely to be certified to stand trial as an adult than juveniles with no prior felony*

adjudications. However, prior felony adjudication was not related to whether or not a juvenile case ended as EJJ.

A secondary component of the outcome analysis was to examine the consistency between probation officer and court psychologist recommendations and actual case dispositions (motioned cases only). Appendix Table 6 shows the relationship between the recommendations of probation officers and psychologists and the final case disposition. ***Overall, the analysis shows considerable consistency between Probation's recommendation and the juvenile court's decision.*** Probation officers recommended that 13 of the cases stay in Juvenile Court. In 92% of these cases (n=12) the case remained in Juvenile Court. Probation officers recommended EJJ in 58 cases. In 83% (n=48) of these cases the case was disposed as EJJ. There were 26 cases in which probation officers recommended the juvenile be tried in adult court. Forty six percent of these cases (n=12) resulted in Adult Certification, 50% (n=13) were adjudicated EJJ, and only 1 remained in Juvenile Court. ***There was no significant relationship between the juvenile's race and the recommendation made by probation officers.***

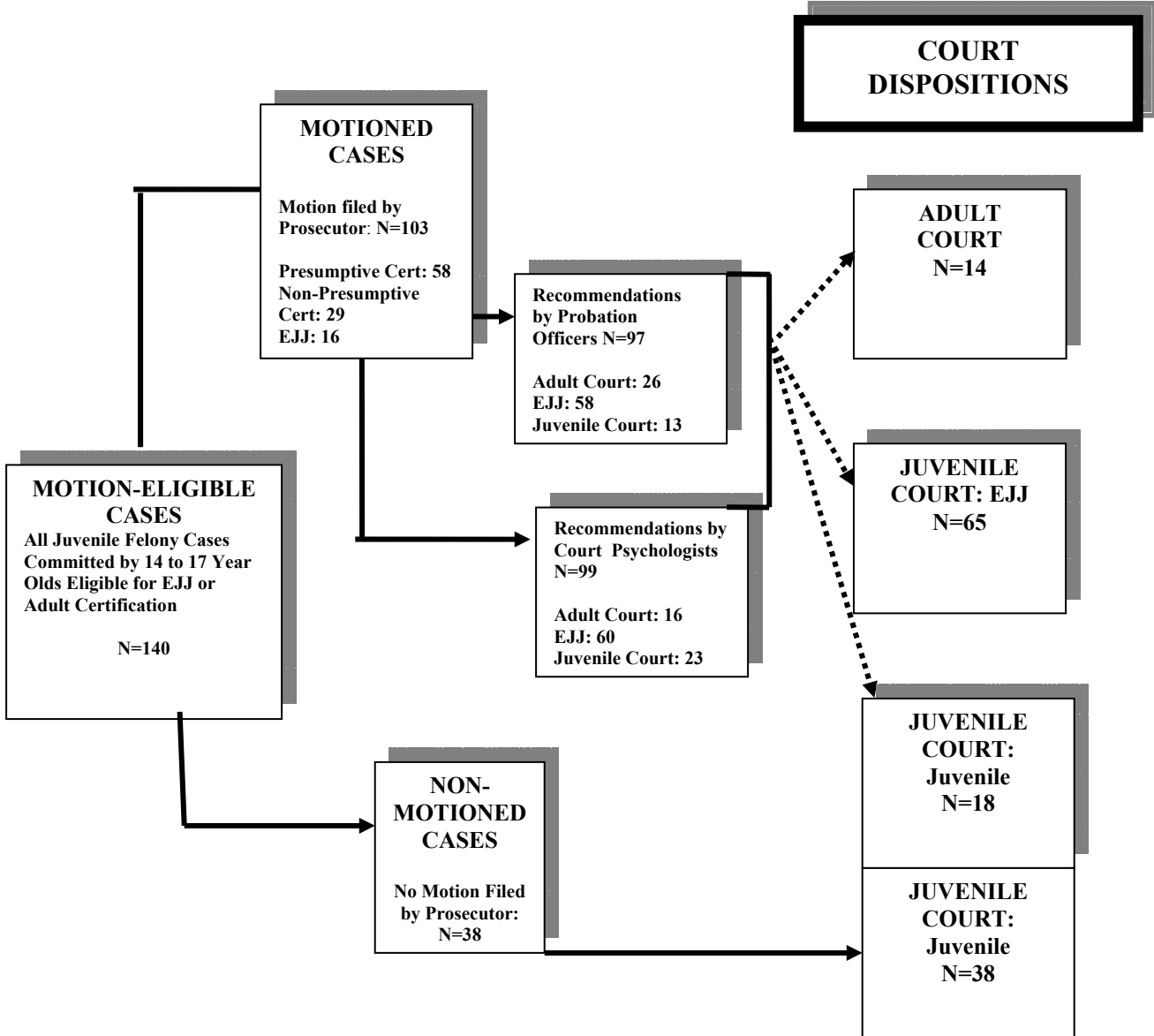
There is much less consistency between probation officer recommendations and the county attorney's motions – especially for cases motioned for Adult Certification. Probation officers recommended Adult Certification in only 32% (n=25) of the 78 cases in which Presumptive or Non-Presumptive Certifications were filed by prosecutors and recommended EJJ in 60% (n=47). Probation officers were much more likely to agree with prosecutors' EJJ motions than with Adult Certification motions. In 12 of the 14 cases in which prosecutors filed a motion (or designation) for EJJ, the probation officer also recommended EJJ.

Recommendations of the court psychologists were available in 99 of the motioned cases. ***As was the case for probation recommendations, actual court outcomes closely mirrored the***

recommendations made by court psychologists. Psychologists recommended EJJ in 60 cases. In 81% of these cases, (n=49) the juvenile was adjudicated EJJ and in 7% (n=4) the juveniles were certified to stand trial as an adult. Only 7 of the 60 cases in which psychologists recommended EJJ were resolved in Juvenile Court. Psychologists recommended Adult Certification in 16 cases. Ten of these cases (63%) resulted in Adult Certification, 5 (31%) resulted in EJJ, and 1 (6%) remained in Juvenile Court. Psychologists recommended that 23 cases remain in Juvenile Court. In 65% of the cases, this was the final disposition.

See the flow chart on the following page for a summary of the correlation between prosecutor motions, probation officer and court psychologist recommendations, and the ultimate court disposition.

**Summary
Dispositions of Motion-Eligible Cases
Hennepin County Juvenile Court**



5) Predictive analysis of motions and court dispositions.

An additional research objective of this study was to identify predictive factors for cases being motioned for EJJ or Adult Certification and, for those cases motioned, the predictive factors for the court outcomes (EJJ or Adult Certification). Due to the small size of the sample, our ability to create complicated statistical models was limited. However, we were able to examine the influence of a small number of factors. To do so, we used multinomial logistic regression analysis and controlled for the effects of race. In other words, we were interested in the effects of other factors (including background, case, and personal and adjudication history characteristics) *independent* of the effects of race. Appendix Tables 7 and 8 report the significant predictors of motions and outcomes, respectively. These results identified many of the same influences on EJJ and Adult Certification motions as the bivariate analyses reported in earlier sections of this report. ***The use of a firearm was found to increase the likelihood of both an EJJ and Adult Certification motion.*** Similarly, offenses committed alone were less likely to be motioned either for EJJ or for Adult Certification. Some factors were found to influence only one type of motion. For example, the use of a weapon other than a firearm (such as a knife, bottle, or blunt object) or a sexual assault charge were found to decrease the likelihood of a motion for Adult Certification.

Some offense characteristics and juvenile background factors were also predictive of final case disposition. ***The use of any weapon and the use of a firearm both increase the likelihood of a case being adjudicated EJJ.*** Commission of a crime by a juvenile acting alone had a significant *negative* effect for both EJJ adjudication and Adult Certification. Crimes committed alone were *less* likely to be adjudicated EJJ or be Adult Certified. A sexual assault charge also was less likely to be adjudicated EJJ. Juveniles with a probation history were more

likely to be Adult Certified and juveniles who reported substance use were more likely to be adjudicated EJJ and Adult Certified.

Conclusions

One purpose of this study was to determine whether there are significant and substantive differences between juveniles who are motioned for EJJ or Adult Certification and juveniles who are eligible for motioning but for whom motions are not filed. *The results indicate that a juvenile's race is not a significant factor in the prosecutors EJJ or certification motioning decisions, in probation officers' and court psychologist's recommendations, or in court dispositions.* Concerns expressed in preliminary interviews that certain behaviors and crimes committed by youth of different races might result in different outcomes were not substantiated by the quantitative data analysis. The perception of bias in the EJJ/Adult Certification motioning process may have its basis in either the disproportionate number of juveniles of color, especially African Americans, whose cases are *eligible* for motioning based on offense seriousness or in the disproportionate number of youth of color who are ultimately certified or adjudicated EJJ by the court. During the time period for our study, 87% of the 140 juveniles who were eligible for motioning for EJJ or Adult Certification were youth of color (71% were African American). Only 13% (n=18) were Caucasian juveniles. Despite the study's findings that prosecutors' motions, probation officers recommendations, and bench dispositions were not significantly related to the juvenile's race, the process may continue to appear biased to some because *outcomes* mirror the disproportionality at the front end of the motioning process. The data collected for this study do not address the question of why the cases that are eligible for EJJ or Adult Certification motions disproportionately involve youth of color. However, it is clear from

the data analyzed for this study that weapons, especially firearms, are a significant factor in both motioning decisions and in the ultimate dispositions of motioned cases. Prior adjudications also appear to influence the likelihood that a juvenile will be Adult Certified or adjudicated EJJ once motioned.

References

Cheesman, F., Cohen, T., Dancy, D., Kleiman, K., Mott, N. 2001. *Blended sentencing in Minnesota: On Target for Public Safety?* National Center for State Courts, Williamsburg, VA.

Jones, G. & Connelly, M. 2001. Update on Blended Sentences, Home page:
<http://nicic.org/Misc/URLShell.aspx?SRC=Catalog&REFF=http://nicic.org/Library/019214&ID=019214&TYPE=HTML&URL=http://www.msccsp.org/publications/blended.html>, Accessed October 6, 2004.

Appendix

TABLE 1: Comparison of motion-eligible juveniles who were motioned for Adult Certification, motioned for EJJ and not motioned.

<i>Descriptive Variables</i>	<i>Motioned for Adult Certification</i>	<i>EJJ Motion</i>	<i>Not Motioned</i>	<i>Total</i>
Gender				
Male	84 (63.6%)	16 (12.1%)	32 (24.2%)	132 (100%)
Female	3 (37.5%)	0	5 (62.5%)	8 (100%)
Total	87 (62.1%)	16 (11.2%)	37 (26.4%)	140
Race				
Black	64 (64.0%)	11 (11.0%)	25 (25.0%)	100 (100%)
White	8 (44.4%)	3 (16.7%)	7 (38.9%)	18 (100%)
Latino/Hispanic	5 (55.6%)	1 (11.1%)	3 (33.3%)	9 (100%)
Asian	3 (60.0%)	1 (20%)	1 (20%)	5 (100%)
American Indian	7 (87.5%)	0	1 (12.5%)	8 (100%)
Total	87 (62.1%)	16 (11.2%)	37 (26.4%)	140
Age (Mean)	16.18	15.88		-
Firearm Involved	41 (77.4%)	6 (11.3%)	6 (11.3%)	53
Non-firearm Weapon Involved	12 (13.8%)	4 (25.0%)	16 (44.7%)	32
Alone	18 (47.4%)	3 (7.9%)	17 (44.7%)	38
Mental Health Issue Noted (n=107)	23 (85.2%)	2 (7.4%)	2 (7.4%)	27
Substance Use Self-reported (n=132)	64 (66.0%)	12 (12.4%)	21 (21.6%)	97

TABLE 2: Bivariate analyses comparing motion-eligible juveniles who were motioned for EJJ or Adult Certification and those not motioned.

<i>Descriptive Variables</i>	<i>Motioned N=103</i>	<i>Not Motioned N=37</i>	<i>Total N=140</i>
Black	75 (75%)	25 (25%)	100 (100%)
White	11 (61%)	7 (39%)	18 (100%)
Other	17 (77%)	5 (23%)	22 (100%)

TABLE 3: Bivariate analyses comparing juveniles motioned and those not motioned.

	<i>Motioned (n = 103)</i>	<i>Not motioned (n = 37)</i>
Case eligibility – according to CA guidelines		
EJJ eligible	16 (39%)	25 (61%)
AC – Presumptive eligible	58 (84.1%)	11 (15.9%)
AC – Non-presumptive eligible	29 (96.7%)	1 (3.3%)
Individual characteristics		
Gender		
Males	100 (97.1%)	32 (86.5%)
Females	3 (2.9%)	5 (13.5%)
Total	103 (100%)	37 (100%)
Race		
Black	75 (72.8%)	25 (67.6%)
White	11 (10.7%)	7 (18.9%)
Other races	17 (16.5%)	5 (13.5%)
Total	103 (100%)	37 (100%)

TABLE 3 Cont'd. Bivariate analyses comparing juveniles motioned and those not motioned.

	Motioned (n = 103)	Not motioned (n = 37)
	(mean = 16.14)	(mean = 15.86)
Age at commission of offense		
14	3 (2.9%)	4 (10.5%)
15	24 (23.3%)	9 (24.3%)
16	32 (31.1%)	12 (32.4%)
17	44 (42.7%)	12 (32.4%)
Total	103 (100%)	37 (100%)
Case and charge information²		
Murder ³	6 (5.8%)	0
Sexual assault/rape	6 (5.8%) *	7 (18.9%) *
Robbery	46 (44.7%)	12 (32.4%)
Kidnapping	4 (3.9%)	0
Assault	24 (23.3%)	13 (35.1%)
Domestic assault	4 (3.9%)	4 (10.8%)
Burglary	10 (9.7%)	1 (2.7%)
Damage/destroy property	12 (11.7%)	4 (10.8%)
Drug offenses	3 (2.9%)	2 (5.4%)
Weapons charge	11 (10.7%)	0
Gang-related charge	2 (1.9%)	0
Any weapon involvement	61 (59.2%)	22 (59.5%)
No weapon	42 (40.8%)	15 (40.5%)
Firearm involvement	47 (45.6%) *	6 (16.2%) *
Non-firearm weapon involved	56 (54.4%) *	31 (83.8%) *

² Case and charge categories are not mutually exclusive

³ These figures represent the number and proportion of those who were motioned (or not motioned) who were charged with a particular crime.

*Indicates statistically significant difference

	<i>Motioned (n = 103)</i>	<i>Not motioned (n = 37)</i>
Other weapon involvement	16 (15.5%) *	16 (43.2%) *
No other weapon	87 (84.5%) *	21 (56.8%) *
Gang-related	7 (6.8%)	1 (2.7%)
Not Gang-related	96 (93.2%)	36 (97.3%)
Alone	21 (20.4%) *	17 (45.9%) *
Not alone	82 (79.6%) *	20 (54.1%) *
Prior adjudication history		
Arrests	(mean = 4.2)	(mean = 3.4)
Prior arrests	76 (76.0%)	23 (71.9%)
None	24 (24.0%)	9 (28.1%)
Convictions	(mean = 3.0)	(mean = 2.8)
Prior convictions	76 (78.4%)	24 (68.6%)
None	21 (21.6%)	11 (31.4%)
Felony convictions	(mean = 0.4)	(mean = 0.2)
Prior felony convictions	25 (24.3%)	8 (21.6%)
None	78 (75.7%)	29 (78.4%)
Status convictions	(mean = 0.6)	(mean = 0.8)
Prior status convictions	38 (36.9%)	15 (40.5%)
None	65 (63.1%)	22 (59.5%)
Probations	(mean = 0.7)	(mean = 0.6)
Prior probations	46 (46.0%)	16 (50.0%)
None	54 (54.0%)	16 (50.0%)
Detentions	(mean = 0.5)	(mean = 0.6)
Prior detentions	15 (15.0%)	7 (21.9%)
None	85 (85.0%)	25 (78.1%)

*Indicates statistically significant difference

TABLE 3 Cont'd. Bivariate analyses comparing juveniles motioned and those not motioned.

	<i>Motioned (n = 103)</i>	<i>Not motioned (n = 37)</i>
Out of home placements	(mean = 0.8)	(mean = 0.6)
Prior out of home placements	30 (30.0%)	11 (34.4%)
None	70 (70.0%)	21 (65.6%)
Total JJS Interventions	(mean = 1.9)	(mean = 1.4)
Prior interventions	59 (59.0%)	18 (56.3%)
None	41 (41.0%)	14 (43.8%)
Other background information		
Presently employed ⁴	14 (15.9%)	3 (12.0%)
Not employed	74 (84.1%)	22 (88.0%)
Full-time student ⁵	47 (50.0%)	17 (70.8%)
Part-time student	12 (12.8%)	0
Not in school	35 (37.2%)	7 (29.2%)
Prior suspensions ⁶	64 (92.8%) *	16 (76.2%) *
None	5 (7.2%) *	5 (23.8%) *
Prior expulsions	22 (53.7%)	4 (20.0%)
None	19 (46.3%)	16 (80.0%)
History of abuse	37 (41.6%)	2 (9.5%)
None	52 (58.4%)	19 (90.5%)
Mental health issues	25 (24.3%)	2 (5.4%)
None	78 (75.7%)	35 (94.6%)
CHIPS case	21 (21.0%)	4 (10.8%)
None	79 (79.0%)	33 (89.2%)

⁴⁻⁶ Missing data are excluded from the analyses.

*Indicates statistically significant differences

	<i>Motioned (n = 103)</i>	<i>Not motioned (n = 37)</i>
Substance use reported	76 (75.2%)	21 (67.7%)
None	25 (24.8%)	10 (32.3%)

TABLE 4: Bivariate analyses examining differences in individual and case characteristics by case disposition.

	<i>Juvenile court n = 48</i>	<i>Adult court n = 16</i>	<i>EJJ n = 65</i>
Individual characteristics			
Gender			
Males	45 (93.8%)	16 (100%)	62 (95.4%)
Females	3 (6.3%)	0	3 (4.6%)
Race			
Black	36 (75%)	10 (62.5%)	43 (66.2%)
White	8 (16.7%)	2 (12.5%)	8 (12.3%)
Other races	4 (8.3%)	4 (25%)	14 (21.5%)
Age at commission of offense	(mean = 15.83)	(mean = 16.69)	(mean = 16.14)
14 years	4 (8.3%)	0	2 (3.1%)
15 years	16 (33.3%)	1 (6.3%)	13 (20%)
16 years	12 (25%)	3 (18.8%)	24 (36.9%)
17 years	16 (33.3%)	12 (75%)	26 (40%)
Case and charge characteristics			
Murder ⁷	0	4 (25%)	2 (3.1%)
Sexual assault/rape	7 (14.6%)	3 (18.8%)	2 (3.1%)
Robbery	19 (39.6%)	3 (18.8%)	31 (47.7%)
Kidnapping	1 (2.1%)	0	2 (3.1%)
Assault	14 (29.2%)	4 (25%)	2 (3.1%)

⁷ These figures represent the number and proportion of those who were motioned (or not motioned) who were charged with a particular crime.

	<i>Juvenile court n = 48</i>	<i>Adult court n = 16</i>	<i>EJJ n = 65</i>
Domestic assault	4 (8.3%)	0	3 (4.6%)
Burglary	2 (4.2%)	1 (6.3%)	7 (10.8%)
Damage/destroy property	6 (12.5%)	1 (6.3%)	9 (13.8%)
Drug offenses	2 (4.2%)	2 (12.5%)	1 (1.5%)
Weapons charge	2 (4.2%)	1 (6.3%)	8 (12.3%)
Gang-related charge	0	0	2 (3.1%)
Any weapon involvement	24 (50%) *	8 (50%) *	45 (69.2%) *
No weapon	24 (50%) *	8 (50%) *	20 (30.8%) *
Firearm involvement	10 (20.8%) *	6 (37.5%) *	33 (50.8%) *
No firearm	38 (79.2%) *	10 (62.5%) *	32 (49.2%) *
Other weapon involvement	14 (29.2%)	3 (18.8%)	13 (20%)
No other weapon	34 (70.8%)	13 (81.8%)	52 (80%)
Gang-related	1 (2.1%)	1 (6.3%)	6 (9.2%)
Not	47 (97.9%)	15 (93.8%)	59 (90.8%)
Alone	20 (41.7%)	2 (12.5%)	14 (21.3%)
Not alone	28 (58.3%)	14 (87.5%)	51 (78.5%)
Prior adjudication history			
Total arrests	(mean = 3.1)	(mean = 6.8)	(mean = 4.2)
Prior arrests	29 (67.4%)	16 (100%)	48 (73.8%)
None	14 (32.6%)	0	17 (26.2%)
Total convictions	(mean = 2.6)	(mean = 3.5)	(mean = 3.0)
Prior convictions	29 (65.9%)	16 (100%)	49 (79%)
None	15 (34.1%)	0	13 (21%)
Total felony convictions	(mean = 0.13)	(mean = 1.0)	(mean = 0.32)
Prior felony convictions	15 (31.3%) *	10 (62.5%) *	25 (38.5%) *

*Indicates statistically significant differences

	<i>Juvenile court n = 48</i>	<i>Adult court n = 16</i>	<i>EJJ n = 65</i>
None	33 (68.8%) *	6 (37.5%) *	40 (61.5%) *
Total status convictions	(mean = 0.60)	(mean = 0.75)	(mean = 0.66)
Prior status convictions	6 (12.5%) *	9 (56.3%) *	15 (23.1%) *
None	42 (87.5%) *	7 (43.8%) *	50 (76.9%) *
Total probations	(mean = 0.48)	(mean = 1.06)	(mean = 0.65)
Prior probations	17 (39.5%)	11 (68.8%)	28 (43.1%)
None	26 (60.5%)	5 (31.3%)	37 (56.9%)
Total detentions	(mean = 0.39)	(mean = 0.56)	(mean = 0.63)
Prior detentions	7 (16.3%)	3 (18.8%)	10 (15.4%)
None	36 (83.7%)	13 (81.3%)	55 (84.6%)
Total out of home placements	(mean = 0.61)	(mean = 1.56)	(mean = 0.62)
Prior out of home placements	13 (30.2%)	8 (50%)	16 (24.6%)
None	30 (69.8%)	8 (50%)	49 (75.4%)
Total number of JS interventions	(mean = 1.59)	(mean = 4.13)	(mean = 1.31)
Prior interventions	23 (53.5%)	15 (93.8%)	33 (50.8%)
None	20 (46.5%)	1 (6.3%)	32 (49.2%)
Other background information			
Presently employed ⁸	3 (9.1%)	2 (12.5%)	9 (15.8%)
Not	30 (90.9%)	14 (87.5%)	48 (84.2%)
Full-time student ⁹	24 (70.6%)	4 (25.0%)	32 (52.5%)
Part-time student	1 (2.9%)	3 (18.8%)	8 (13.1%)
Not in school	9 (26.5%)	9 (56.2%)	21 (34.4%)
Prior suspensions ¹⁰	20 (76.9%)	14 (100%)	41 (91.1%)
None	6 (23.1%)	0	4 (8.9%)

⁸⁻¹⁰ Missing data are excluded.

	<i>Juvenile court n = 48</i>	<i>Adult court n = 16</i>	<i>EJJ n = 65</i>
Prior expulsions ¹¹	4 (17.4%)	2 (22.2%)	18 (72.0%)
None	19 (82.6%)	7 (72.8%)	7 (28.0%)
History of abuse	7 (21.2%)	6 (46.2%)	24 (40.0%)
None	26 (78.8%)	7 (53.8%)	36 (60.0%)
Mental health issues	4 (8.3%)	5 (31.3%)	17 (26.2%)
None	44 (91.7%)	11 (68.8%)	48 (73.8%)
CHIPS case	6 (12.8%)	5 (31.3%)	12 (18.5%)
None	41 (87.2%)	11 (68.8%)	53 (81.5%)
Substance use reported	23 (53.5%)	14 (87.5%)	54 (83.1%)
None	20 (46.5%)	2 (12.5%)	11 (16.9%)

TABLE 5. Comparison of cases designated as Presumptive Adult Certification cases and those designated EJJ or Non-presumptive Adult Certification (statistically significant differences only shown).

	<i>AC Presumptive</i>	<i>EJJ and AC Non Presumptive</i>
Motion filed	58 (84.1%)	45 (63.4%)
Motion not filed	11 (15.9%)	26 (36.6%)
Individual characteristics		
Age (mean)	16.45	15.69
Charge and case characteristics		
Any weapon	46 (66.7%)	37 (52.1%)
No Weapon	23 (33.3%)	34 (47.9%)
Firearm used	32 (46.4%)	21 (29.6%)
Non-firearm weapon	37 (53.6%)	50 (70.4%)
Robbery	34 (49.3%)	24 (33.8%)
Other	35 (50.7%)	47 (66.2%)

¹¹ Column percentages

	<i>AC Presumptive</i>	<i>EJJ and AC Non Presumptive</i>
Outcome of case		
Juvenile court	12 (18.8%)	36 (55.4%)
EJJ	11 (17.2%)	5 (7.7%)
Adult court	41 (64.1%)	24 (36.9%)

TABLE 6: Case outcome by professional recommendations.

	<i>Juvenile court</i>	<i>Adult court</i>	<i>EJJ</i>
Probation recommendation ¹²			
Juvenile court	12 (57.1%)	0	1 (1.6%)
Adult court	1 (4.8%)	12 (85.7%)	13 (21.0%)
EJJ	8 (38.1%)	2 (14.5%)	48 (77.4%)
Psychologist recommendation ¹³			
Juvenile court	15 (65.2%)	1 (6.7%)	7 (11.5%)
Adult court	1 (4.3%)	10 (66.7%)	5 (8.2%)
EJJ	7 (30.4%)	4 (26.7%)	49 (80.3%)

TABLE 7: Statistically Significant factors predicting motions for EJJ or Adult Certification, controlling for race.

	<i>Adult Certification motion</i>	<i>EJJ motion</i>
Alone	Decreases	Decreases
Firearm	Increases	Increases
Other weapon	Decreases	--
Sexual assault charge	Increases	--
Assault charge	--	Decreases

¹²⁻¹³ Column percentages.

TABLE 8: Significant factors predicting EJJ adjudication or Adult Certification, controlling for race.

	<i>Adult Certification</i>	<i>EJJ adjudication</i>
Any weapon use	--	Increases
Firearm	--	Increases
Alone	Decreases	Decreases
Prior probation history	Increases	--
Substance use	Increases	Increases
Sexual assault charge	--	Decreases