

# Juvenile Justice in Minnesota

# How are juveniles different than adults?

- Generally, juveniles are not as mature as adults. This means they may not have the experience or wisdom necessary to think about their decisions.
- Juveniles may not realize the consequences of their actions.
- Juveniles have less control over their own lives, and may be influenced by criminal adults.
- We feel there is a greater chance that a juvenile can change their behavior and straighten out.

# AGE

- How old do you have to be, to be charged with a crime in Minnesota?
- What if I am younger than that?
  - CHIPS
- What if I am 18 now?

# Purpose of Court

- Punishment/Consequences/Accountability
  - “Eye for an Eye”
  - What does victim want?
- Prevention
  - Discourage offender from committing crimes in the future
  - Discourage future offenders
- Incapacitation
  - Lock up in jail
  - Protect society from offender
- Rehabilitation
  - Focus on changing behavior to lead a productive life
  - Examples: vocational programs, counseling, CD/MI

# CASE TYPE

## **CHIPS**

Truancy, runaway, neglect, abuse

## **TRAFFIC**

Speed, No MN DL, texting

## **PETTY**

Curfew, minor, tobacco, para, mj

## **DELINQUENCY**

Misdemeanors, Gross Misdemeanors, Felonies, Ex:  
Assault, Burglary, Theft, CDP

**EXTENDED JURISDICTION JUVENILE** (Jx until 21)

**CERTIFICATION** (Adult Court)

# EJJ

- Extended Jurisdiction Juvenile
  - Juvenile 14 and older and charged with a felony
  - Jurisdiction until 21
  - Given a juvenile disposition **and** adult sentence is stayed (put on hold)

# CERTIFICATION

- May be certified as an adult if:
  - Older than 14 years of age **and** charged with a felony (generally, a felony is a crime punishable by death or imprisonment for more than a year)
  - Age 16 or older and charged with first degree murder
- If successful on motion, juvenile case closed, ADULT case opened

Ex: CSC

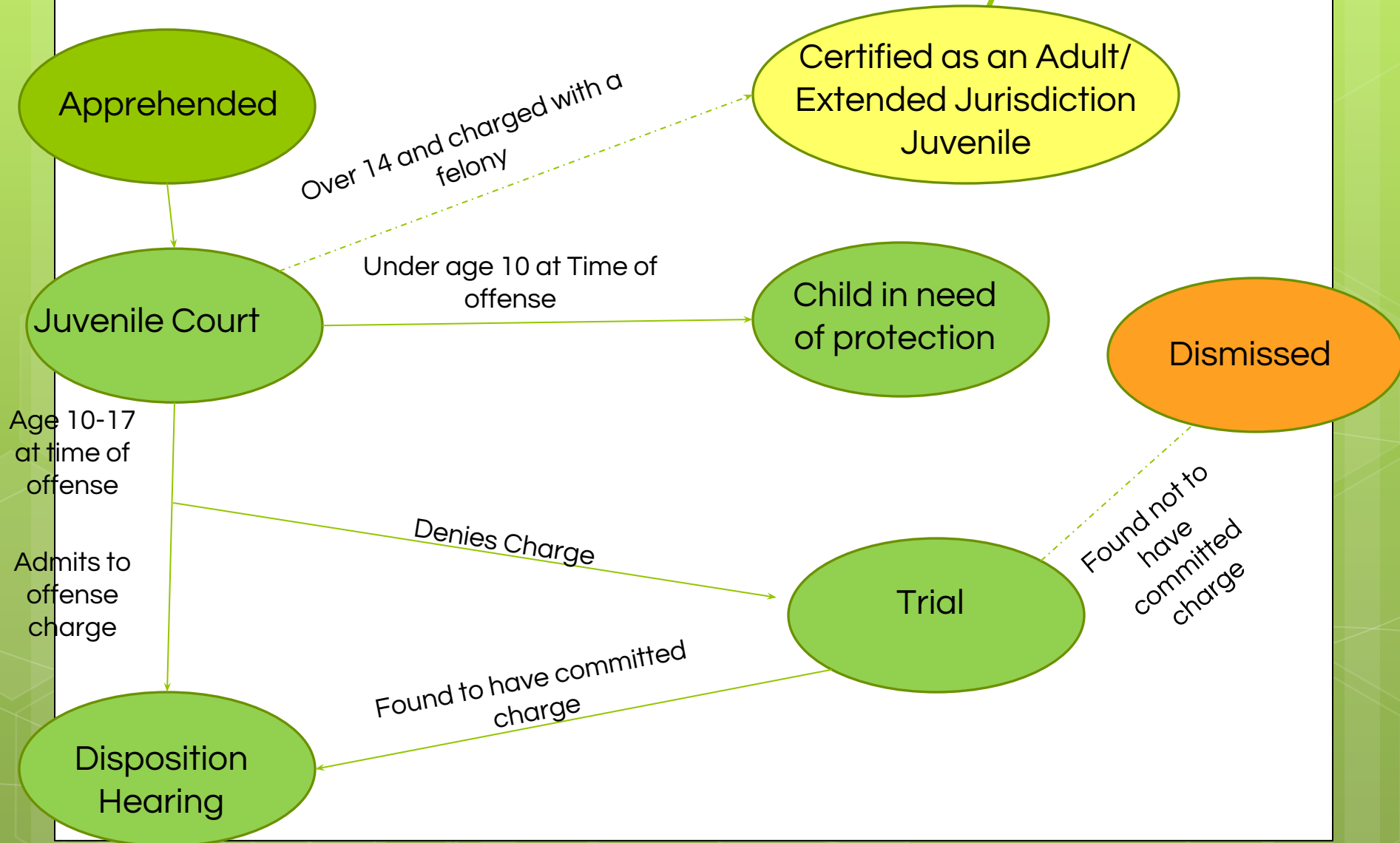
# PROCEDURE

- Crime
- Investigation (Interview witnesses, collect and test evidence)
- Citation by Officer or Petition by County Attorney
- Court appearances:
  - Detention
  - Initial
  - Pre-trial
  - Trial (Court, unless EJJ) GUILTY go to Disposition  
NOT GUILTY dismissed
  - Disposition
  - Probation Violation





# Minnesota Juvenile Justice System



# YOUR RIGHTS

1. The right to understand the charges against you.
2. The right to be represented by an attorney. If you cannot afford an attorney, the judge will appoint an attorney for you or public expense. The judge may order you or your parent(s), legal guardian(s), or legal custodian(s) to pay some or all of the attorney expense depending on the ability to pay. You may not be represented in court by anyone who is not an attorney, even if that person is your parent.
3. The right to plead guilty, plead not guilty or plead silent. If you remain silent, the judge will enter a not-guilty plea for you and the case will go to trial.
4. If you plead not guilty, you have additional rights including:  
The right to a speedy trial.
5. The right to choose the jury.
6. The right to cross-examine witnesses called by the state.
7. The right to present evidence.
8. The right to testify or not to testify as the representative of your children.
9. The right not to testify or to testify as the representative of your children.
10. The judge cannot accept your guilty plea unless you admit doing something that is against the law.
11. Your guilty plea must be made freely and voluntarily, without threats or promises by anyone, with the exception of any plea agreement.
12. If you plead guilty or the judge finds you guilty, the judge may:  
Order you to pay a fine or to perform community service.
- Order you to wear a monitoring, night bracelet or a high ankle monitor.
- Place you on probation in your own home, or a foster care facility under conditions established by the court.
- Transfer your legal custody, under court supervision, and allow you to stay at your home.
- Order you to attend treatment.
- Transfer your legal custody to the Department of Corrections.
- Order restitution for any damage done to persons or to property.
- Order community work service and/or a period of confinement.
- Order special treatment or care for your physical or mental health.
- Revoke the Commission of Public Safety's license to drive if you are convicted of a controlled substance offense while driving a motor vehicle.
- Require you to complete alcohol or drug or a parent or guardian responsibility.
- Order the Commission of Public Safety to revoke your driver's license or to place the license or reinstatement of your driver's license if you committed a controlled substance offense while driving a motor vehicle.
- Order assessment and referral for alcohol treatment, and assessment for your underlying treatment, if you committed an offense involving criminal sexual conduct, interference with privacy, domestic or harassing behavior, child, or indicated sex offender.
- Require you to submit a DNA sample if you have been charged with a violent offense or predatory offense.
- Require you to register as a predatory offender, if you have been charged with a violent offense or predatory offense.
- If you plead guilty or the judge finds you guilty of a felony after your 14<sup>th</sup> birthday, this case may be used as a basis for additional jail or prison time if you are sentenced for another felony on an adult before your 25<sup>th</sup> birthday.
- If you plead guilty or the judge finds you guilty of an offense, this case may be used as a basis to transfer you to a secure level care or to adult court or trial on an underlying jurisdiction if made appropriate.
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17. Your parent(s), legal guardian(s) or legal custodian(s) may not participate in the hearing and you may neither plead guilty or the judge finds you guilty of the offense. At that time, your parent(s), legal guardian(s) or legal custodian(s) has the right to present information to the judge and may be represented by an attorney.
18. If you have any questions about your rights, ask your attorney regarding this material, OR Ask The JUDGE About Your Rights.

DATED: \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 Signature of Parent, Legal Guardian, or Legal Custodian

\_\_\_\_\_  
 Signature of Juvenile

# ATTORNEY

- Depends
- Public vs. Private

# DISORDELY CONDUCT

1. Engages in **brawling or fighting**
2. Disturbs an assembly or meeting, not unlawful in its character
3. Engages in **offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene or abusive language tending reasonably to arouse alarm, anger or resentment in others.**

*Minn. Stat. Sec. 609.72*

# ASSAULT 5

MN Law defines assault in the fifth degree as whoever commits an **act with intent to cause fear** in another of immediate bodily harm or death; or **intentionally inflicts or attempts to inflict bodily harm** upon another.

*Minn. Stat. Sec. 609.224 Subd. 1*

# TERRORISTIC THREATS/THREATS OF VIOLENCE

MN Law defines terroristic threats as whoever **threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another** or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a **reckless disregard of the risk of causing such terror** or inconvenience.

Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present.

Whoever displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner.

*Minn. Stat. Sec. 609.713*

# DISPOSITION: JPO

- Diversion
- Continue for dismissal
- Adjudication withheld
- Adjudication
- CWS/JWC/Fine (\$100)
- Up to 6 months probation
- Driver's license suspension/cancel.
- Drug awareness program
- Random UAs
- EHM/House Arrest
- Curfew
- Individual counseling
- Take medication
- CD evaluation; outpatient/inpatient treatment
- Restitution
- Other programs: PERT, BIP, etc.
- Anger Management/Cog. Skills

# DISPOSITION: JDO

- Continue for Dismissal
- Adjudication withheld
- **Adjudication**
- CWS/JWC
- Fine (\$1,000)
- Probation **until age 19**
- Special treatment for Mental or Physical health
- C.D. assessment and treatment
- Counseling
- Driver's license suspension/cancellation
- LINO/Woodland Hills etc.
- Restitution
- Psychological assessment and treatment
- Sex offender treatment
- Dept. of Corrections – Red Wing
- **No Firearms (No hunting, No Law Enforcement, No Military)**



# Collateral Consequences?

You're a felon, now what?

- Housing
- Employment
- **Daycare licensing**
- Voting
- Immigration
- **Firearms**
- Sex Offender Registration
- College
- Military
- Law enforcement
- May result in longer sentences, if convicted of a crime in the future

# What About My Record?

- **REALITY CHECK**
- **SOCIAL MEDIA**
  
- Juvenile Records are NOT always private.
- If a 16 or 17 year old is charged with a felony, the record is public
- If a minor is Certified as an Adult, the record is public
- If a minor has an Extended Jurisdiction that results in an adult sentence, that is public
- Driving violation records are always public

# Social Media: Protect Yourself

Background:

shopping bags/uniforms

Four Square/Check in

GPS cameras

**Instagram: do you know who all your followers are?**

**Sex traffickers making FB friend requests**

**Skype**

**90,000 Myspace-Reg. Sex Offenders**

Video game chats

friend/cell phone request

Chat rooms 40 mins.

Over 50% 15-18 talk to strangers online

Omegle

33% arrange to meet stranger

**100%** don't tell parents



# Your Digital footprint

- When someone looks you up:  
what will they see?  
what will they assume?

Make good choices now, so you have good choices later.



Keep your future bright and

think before you . . . . .

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