

Exploration of Change in Length of Stay in Juvenile Detention

Introduction

There have been discussions about increased length of stay (LOS) for youth detained at the Hennepin County Juvenile Detention Center (JDC). The purpose of this report is to explore changes in length of stay and potential causes.

Data pertains to clients released from the JDC between January 1, 2019 and August 31, 2022 (n=3,093). Youth may be depicted more than once if they had more than one booking during this time.

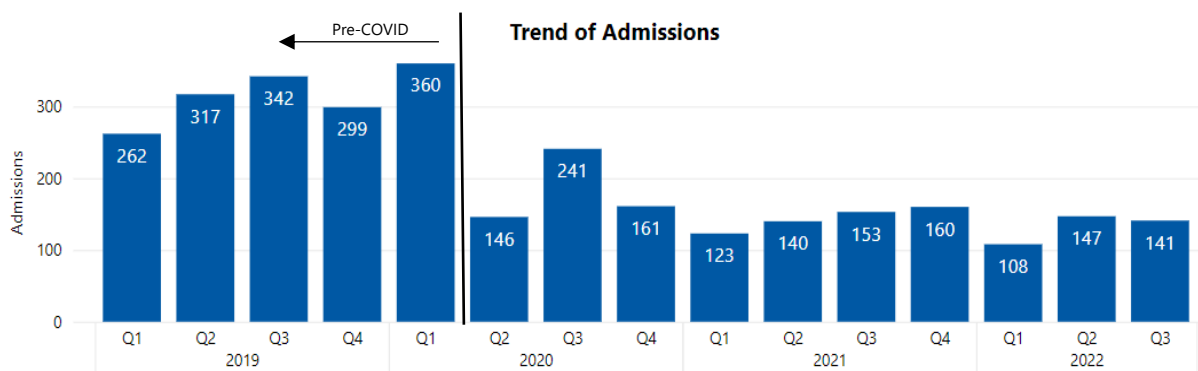
Overview of Admissions and Length of Stay

Although this report will focus on youth released from the facility, there has been a 54% decrease in new admissions to the JDC between Q2 of 2019 and Q2 of 2022 with a sharp decline near the beginning of COVID (Q2 2020).

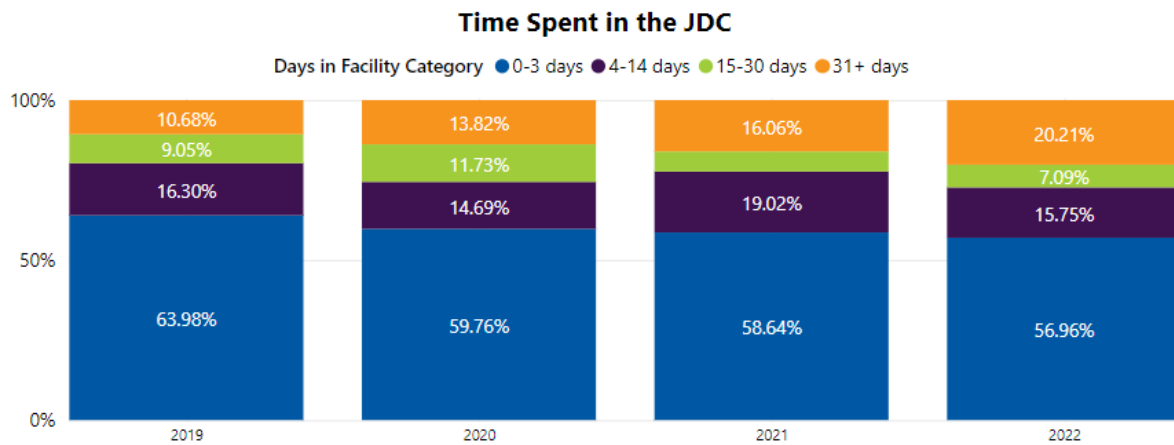
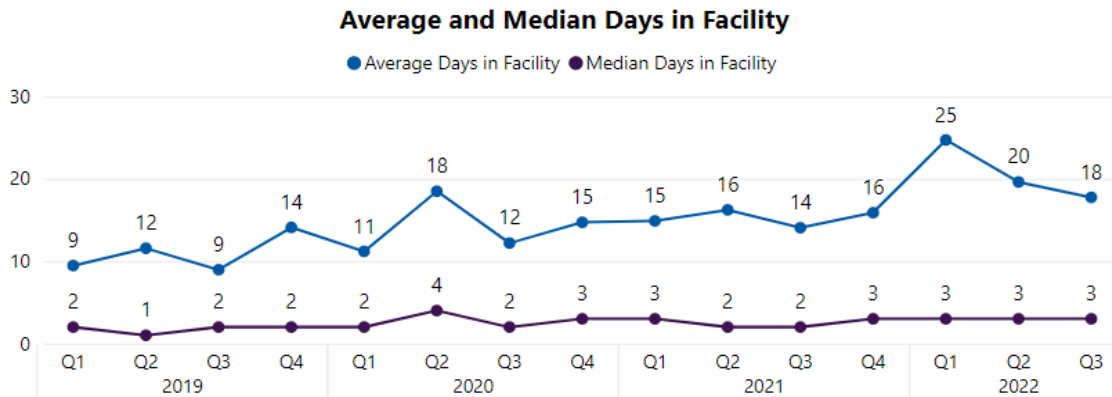
September 2022

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Despite the drop in admissions, length of stay at the JDC has increased between 2019 to present. Typically, youth remain at the JDC for a median of 1-3 days. However, there are some that remain at the JDC for much longer. This can be seen below, with the proportion of those remaining in the JDC for at least a month increasing steadily since 2019.



What has Changed?

- Decrease in the percentage of new charge bookings eligible for release based on the Risk Assessment Instrument (RAI). With a lower concentration of youth who are released the same day, the average length of stay will increase since more youth booked spend at least 1 day in the JDC. This results in youth admitted who are likely to remain longer in the JDC.
- The percentage of bookings with a motion for EJJ and/or certification investigations during their stay have increased since 2019.

- Clients with competency evaluations (i.e., Rule 20s) ordered while in-custody has been increasing, though it remains a small proportion of all bookings.

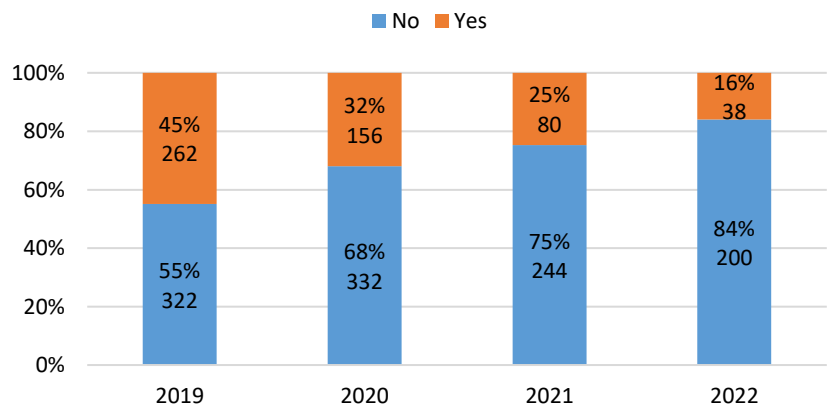
New Charges

New probable cause offenses have different process and timing expectations from other bookings (e.g., warrants, court orders); this section pertains only to bookings with a hold reason of probable cause.

The proportion of bookings related to new charges has increased since 2019 while new charge bookings initially eligible for release on the RAI has decreased during this time.

New charges accounted for 48% of all bookings released in 2019 compared with 63% of bookings in 2022. Youth are administered the RAI upon entry into the JDC for new charges to determine whether they will be held pending their detention hearing. Youth are automatically held for mandatory hold offenses – those most serious, felony offenses – or when they have more extensive justice-system involvement. There was a statistically significant difference in release eligibility by year. In 2019, 45% of new charges were initially eligible for release on the RAI compared with 16% in 2022.

New Charges Eligible for Release on the RAI



Does not include any bookings with missing RAIs

There has been a shift to more serious offenses for new charge bookings. Most of bookings ineligible for release on the RAI are mandatory hold offenses as few (2%) are detained on their RAI score alone. The following includes the most serious offense for new charges released in 2021 and 2022. Due to data conversion, releases prior to 2021 are not included but are compared with previously reported data on admissions in 2019. Approximately one-third of new charge bookings in 2019 were related to non-domestic person offenses and 11% were related to weapons offenses. This compares with nearly half being related to non-domestic person offenses and one in four new charge bookings for weapons-related offenses in 2021 and 2022.

Most Serious New Charge Offenses

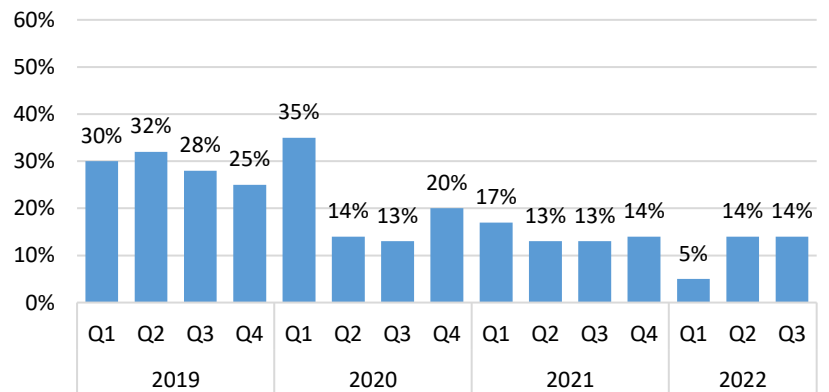
| Offense | 2019 ¹ | 2021 | 2022 |
|-----------------------|-------------------|------|------|
| Person (Non-Domestic) | 34% | 43% | 47% |
| Weapons | 11% | 27% | 27% |
| Domestic Assault | 21% | 17% | 13% |
| Property | 23% | 5% | 5% |
| Societal Conduct | 5% | 3% | 3% |
| Missing/Unknown | 0% | 2% | 2% |
| Sex Related | 3% | 2% | 2% |
| Other | 0% | 1% | 1% |
| Drugs | 3% | 1% | 0% |

During COVID, there was some anecdotal indication that law enforcement was dedicating resources to those who posed the greatest risk to public safety and handling less serious offenses outside of the JDC. For instance, law enforcement would call the JDC for certain less serious offenses to determine whether a youth would be detained. Those that would have been released on the RAI were not brought to the JDC and are not included in bookings data. It is unclear as to when this practice started and whether it is still occurring.

The increase in severity of new offenses and decrease in RAI release eligibility contributes to increases in length of stay by focusing JDC resources on clients who are likely to remain longer in detention and removing from the booking numbers those who exit quickly.

For instance, the percentage of new charge bookings released on the same day has decreased since 2019.

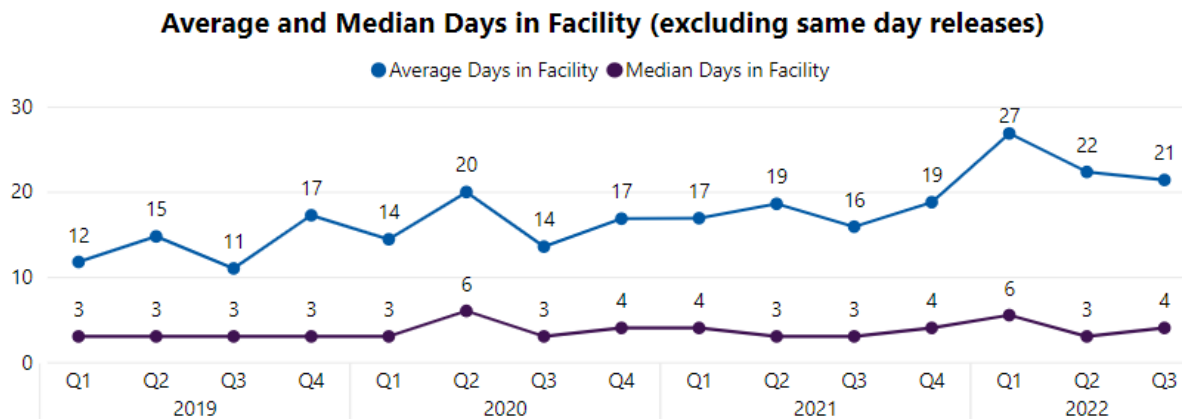
New Charges Released the Same Day



This prompts the question: are clients really staying longer at the JDC or is the reduction in the number of clients booked and released on the same day leading to an inflated length of stay in the data? To test this, all admissions booked and released on the same day were removed from the data set.

¹ Data from JDAI 2019 Profile.

See the chart below for medians and averages with zero days removed. Except for Q1 of 2022, there is more consistency in length of stay for new charge bookings remaining in the JDC for at least one day.



Criminal History and Justice-System Involvement

Contrary to what we would expect given the shift to more serious new charge offenses, clients booked in 2022 had *fewer* cases filed prior to the current JDC booking when compared to those booked in 2019. Of 2022 bookings, clients had a median of two cases (average = 4.7 cases) filed compared with a median of four cases (average = 6.2 cases) filed prior to the current booking in 2019.

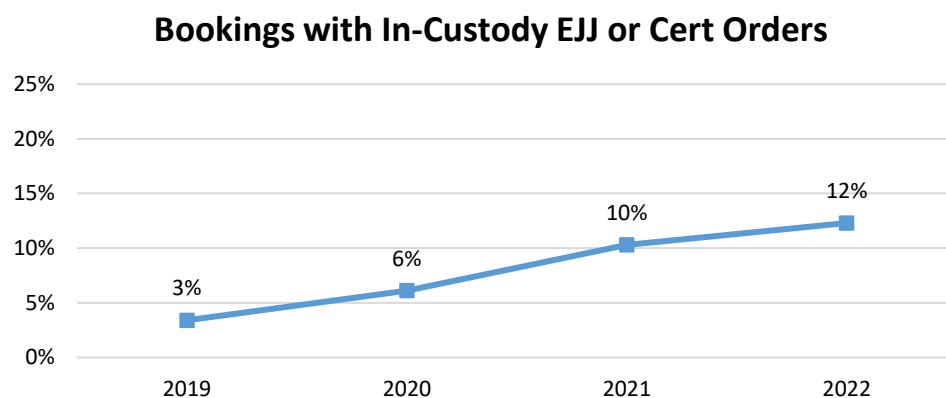
There were also more bookings in 2022 with no prior admissions to the JDC (51%) and not currently on supervision (67%) than previously. Prior bookings and supervision status at the time of the current booking is shown below.

This indicates this is likely the first known offense or interaction with the juvenile justice system for many of the clients booked at the JDC in 2022. One theory is that the increased severity in these first offenses and minimal interaction with probation may cause reluctance by court partners to release clients without probation or community supports, though backlogs in case filings and charging may also contribute.

| Number of Percent of Bookings with Prior Admissions to the JDC | | | | | |
|--|--------------------------------|------------|------------|------------|------------|
| | | 2019 | 2020 | 2021 | 2022 |
| JDC Status | No Prior Bookings | 37% | 39% | 42% | 51% |
| | One or More Prior Bookings | 63% | 61% | 58% | 49% |
| Supervision Status | Not open on Supervision | 57% | 59% | 66% | 67% |
| | Open on Supervision | 43% | 41% | 34% | 33% |

EJJ and Certification

The proportion of bookings with orders for EJJ or certification investigations made while the youth was in the JDC has increased since 2019. This is based on all bookings to the JDC during this time. **In 2019, 3% of clients released had orders for EJJ or certification investigations while the youth was in custody compared with 12% in 2022².**



Length of stay for those with in-custody EJJ or certification orders has also increased since 2019. **The median length of stay for EJJ/cert clients has nearly doubled since 2019 with clients remaining in the JDC for a median of 76 days before being released.** It cannot be determined from the current data what is causing this increase. A higher percentage of youth remained in custody while pending EJJ/cert studies in 2022, though processing time (the time between when a motion is made and when the investigation is returned) was comparable across years with the median number of days ranging between 40 and 45 days each year.

Average and Median Days for Bookings with EJJ/Cert Orders

| | 2019 (n=42) | 2020 (n=56) | 2021 (n=59) | 2022 (n=47) |
|--------------------------|----------------|----------------|----------------|----------------|
| Average (in days) | 65 | 48 | 62 | 82 |
| Median (in days) | 40 | 35 | 41 | 76 |

² This focuses only on cases with motions or a return of EJJ/certification studies while the youth is in the JDC. There may be additional cases with EJJ or certification motions made *after* a youth is released from the JDC that is not included here. This also relies on case event details that are coded as EJJ or certification motions.

Rule 20 Evaluations

There are also instances in which clients are evaluated for competency while they are in-custody at the JDC. In-custody orders for competency evaluations (i.e., Rule 20s) is not a frequent occurrence, but typically have longer stays at the JDC. The following provides the number and percentage of bookings with Rule 20 orders in addition to length of stay. Length of stay for bookings with Rule 20s was much higher in 2022 (median = 91.5 days) when compared with previous years. Because clients can have multiples orders for Rule 20s or re-evaluation, it is difficult to determine if there is a change in processing time for these cases.

Average and Median Days for Bookings with Rule 20s

| | 2019 (n=27) | 2020 (n=20) | 2021 (n=20) | 2022 (n=16) |
|--------------------------|----------------|----------------|----------------|----------------|
| Total bookings | 2% | 2% | 3.5% | 4% |
| Average (in days) | 74 | 53 | 50 | 106 |
| Median (in days) | 42 | 36.5 | 41.5 | 91.5 |

Hearings

The number of hearings was compared across years. The data shows that the number of in-custody hearings has increased with more youth requiring four or more hearings while in custody. Detention and judicial staff confer on clients in the JDC past their detention hearing to ensure client's cases are being handled in a timely manner. However, it cannot be determined from the data available whether the increase in number of hearings is causing youth to remain at the JDC longer **or** increased hearings are happening *because* the youth is remaining at the JDC longer.

Number of In-Custody Hearings

| | 2019 | 2020 | 2021 | 2022 |
|---------------------------|------|------|------|------|
| No hearings | 37% | 33% | 22% | 26% |
| 1 hearing | 34% | 36% | 44% | 36% |
| 2-3 hearings | 22% | 23% | 21% | 22% |
| 4 or more hearings | 7% | 8% | 14% | 16% |

Conclusion

There may be other factors that contribute to changes in the length of stay that cannot be analyzed in this data. However, the data shows a change in the overall JDC population in recent years. The proportion of bookings related to new

charges has increased. Just under half of all 2019 bookings were for new charges whereas nearly two-thirds of all bookings in 2022 were related to new charges, with most being serious person or weapons offenses or otherwise ineligible for release on the RAI.

Though these cases depict a small proportion of those in the JDC, orders for EJJ/certification or Rule 20 investigations add another layer of complexity in terms of court process that can prolong the time a youth remains in detention. The increase in seriousness of new offenses coupled with the minimal prior involvement in the justice system supports the idea that criminal justice partners (e.g., law enforcement, court) are focusing resources on those who are likely to be booked and remain at the JDC. As a result, there are fewer youth in the JDC but are more concentrated among those with more serious issues and offenses in the community than in previous years.