

Minnesota Working Group on Youth Interventions - Testimony

Tim Haug

Probation/Parole Officer

Cass County Probation

303 Minnesota Ave.

Walker, MN 56484

tim.haug@casscountymn.gov

218-547-7400

I began my almost 16-year career in the criminal justice and juvenile justice fields working in Fargo, North Dakota, where I worked with adults and juveniles in institutional corrections. I have now been with the Cass County Probation Department, in my home state of Minnesota, for over 10 years working with adults and juveniles of all risk levels. My career has provided me with very well-rounded experience in the criminal justice and juvenile justice systems, the Court system, working with tribal governments, and a deep understanding of the operations of our correctional institutions and community-based correctional system. I have experience in all forms of field services including pretrial, probation, parole, and diversionary programming. Throughout my career, I have found specific interest in working with juvenile populations and improving the juvenile system and juvenile justice system in Minnesota. I have a very strong interest in improving the juvenile justice system to ensure public safety and accountability while providing needed opportunities, services, and support for youth and families. I have found that the juvenile system and juvenile justice system provides the greatest opportunity and impact on making positive changes in a community. I have a vested interest in improving the systems for juveniles and families not involved in the juvenile justice system as a means of preventing crime and justice involvement. This means participating in efforts to create interventions in areas of mental health, education, child protection (particularly truancy), chemical dependency, cultural services, and others. I am a member of and involved in numerous local, state, and national criminal justice related organizations and collaboratives. I am currently active on many justice related groups and collaboratives including the Minnesota Corrections Association (MCA) Legislative Committee and Juvenile Justice Committee.

In honesty, I am disappointed to not see a few parties represented in this work group. These issues most directly involve the field of corrections, yet unfortunately it does not appear that anyone from Minnesota's largest corrections organization, the Minnesota Corrections Association (MCA), is represented. Having people working on the front line of this issue is also important, professionals from field services and our institutions. I also would encourage representation from victim advocacy groups and the Minnesota Police and Peace Officers Association (MPPOA). I would additionally suggest far more representation from greater Minnesota as it appears that commonly the focus of these discussions surround the metro which seems to unfortunately imply that the rest of the state simply does not

matter. Some of the highest crime rates in the state, including violent crime, are outside of the metro in the northern part of the state. Which includes very serious crimes being increasingly committed by juveniles. There are also statistically more social problems and far fewer resources throughout greater Minnesota. I respectfully suggest that the group not forget that these are Minnesota problems, not just Minneapolis/St. Paul metro problems.

I would first like to make a distinction that may sound obvious to some but seems very often confused or blurred throughout the state of Minnesota. This is the distinction between the juvenile system and the juvenile justice system. On the one hand, we have the juvenile system which encompasses all sorts of services, programs, and resources for youth and families. These services include areas of mental health, chemical dependency, education, child protection, etc. Those agencies exist within the law to provide their respective services and apply for all youth and families regardless of if a youth has committed an offense or not. Those services also continue to apply before, during and after any period in which a youth may have committed an offense and been involved with the juvenile justice system. So, on the other hand, we have the Juvenile justice system which applies when a juvenile commits an offense or delinquency as most are termed in the juvenile justice system, a crime for lack of a better term. Even aside from the elements of due process, I understand that the juvenile justice system and delinquency can be a bit confusing for others to understand, but there are simple distinctions we can make to better illustrate the roles and responsibilities of the juvenile system and that of the juvenile justice system. I have routinely heard of failures in the system being attributed to the juvenile justice system when in all reality they are not at all inherently part of the juvenile justice system. Understanding these systems is critical to identifying how we can work as a governmental system to better identify issues and address those issues surrounding our youth, and I don't mean just youth in the juvenile justice system.

In my experience, I have found that Minnesota's juvenile justice system is very widely misunderstood, even by professionals in government at all levels. If we cannot get people to understand the system within our own government, how do we expect the public to understand what is happening in situations and why. Throughout my career, I have worked hard to identify and address our systemic problems at their source. For this purpose, I have condensed those issues down to three key areas. First, communication. All understanding of the system can only occur if there is effective communication, and this starts from the top. Communication among agencies in Minnesota has been poor so it's really no wonder to me why agencies often do not understand each other. This creates a situation in which agencies or entire jurisdictions become siloed in their ways of conducting business. Minnesota could benefit greatly from better statewide uniformity throughout services, however by uniformity I do not at all mean bureaucracy. The lack of communication has led to agencies simply not understanding each other. And when agencies do not understand each other, they tend to defer their responsibilities if another agency is working with a youth. It then often feels like a very Minnesotan game of hot potato, passing the situation off to other agencies or choosing not to act at all. In most places this seems to be simply born of high case numbers and lack of personnel, creating a culture of reducing workload by just passing the buck or avoiding issues when agencies are involved. In my experience this has unfortunately even caused some agencies to seemingly forget what the scope of their duties are within the system.

Second, collaboration. It seems like Minnesota is notorious for constantly trying to reinvent the wheel and has lost sight of the basics, the stuff that already exists. Minnesota seems to often have the flavor of the week, such as the recent push for "restorative" practices. I personally prefer the term "storative," because we cannot restore what may not have been there in the first place. However, restorative

practices are great but not at all a new concept, one that is actually ingrained in the law and has been for a long time. So, while we continue to hear buzz words like restorative, Crossover, Dual-Status, or Multidisciplinary, it is important to understand that these are concepts largely already in the law. Examples of these are Attendance Review Boards (truancy), Local Children's Advisory Council (Children's Mental Health), Juvenile Treatment Screening Team (Out-of-home placements), Multidisciplinary Child Protection Team, and many others. The problem is that often these collaboratives are not being used at all by jurisdictions across the state. If we really want to be restorative, we must first exercise the restorative collaboratives that already exist. These are the essence of prevention. Once those are being used, we can always then find new, innovative ways of expanding our restorative practices.

Which brings me to the third area, follow the law. We as a government are a team. We each play a position as defined by law. We must play our positions and hold others accountable to play theirs if we expect to have a functional governmental system. We don't, we lose, and I am afraid that right now, we are losing. Following the law is critical and I am not saying the law is perfect by any stretch, it is always in need of modification and improvement. However, I have found that a lot of our dysfunction as a system in Minnesota is simply because the law is not being followed. The law defines why we exist and what we do as agencies. We first must recognize that and what each agency contributes to the overall system. We can then better collaborate and communicate to meet the needs of youth and families and the public.

In my experience, I have seen many youths, particularly high-risk youth committing serious offenses, come into the juvenile justice system with an array of unaddressed issues. We have youth entering the juvenile justice system at the ages of 16 or 17 with no stable homes, no personal identification, sometimes not even knowing who their legal guardian is, unaddressed serious mental health issues, issues of abuse and neglect, inadequate clothes or personal effects, trauma, victimization, not in school (sometimes not for years), and the list goes on. And then we wonder why our youth have taken the life path they have. At some point we must ask ourselves, "What happened, or more importantly what did not happen, in the first 17 years of that youth's life for them to be in this situation?" Unfortunately, often the juvenile justice system becomes the first or only positive intervention for youth. Once a youth commits an offense and enters the juvenile justice system, in the nature of restorative practices, reports and/or referrals are often sent to the respective agencies to address the youth's problems. These efforts in the juvenile justice system are also ingrained in law. One of the biggest problems in juvenile justice system is securing services from the juvenile system to help those justice involved youth. We in the juvenile justice system have routinely been dismissed or rejected help, parents as well, simply because it seems to be viewed as an exclusively correctional problem now and one we should apparently now solve by locking the youth up for life and throwing away the key. We can in juvenile justice system definitely provide the accountability and facilitation of change, but services providers still have a responsibility to provide their services under the law. In my experience, areas of child protection and mental health have been the most avoidant to justice involved youth. And to be clear, I do not fault the workers in these agencies, but attribute most of these issues to the administrative lack of support and guidance for those workers. In reality we should all be working together in a restorative and crossover manner to meet all the needs of youth and families simultaneously, but that is not what is happening. It also becomes very apparent that many of the issues surrounding justice involved youth, could have been addressed much sooner and even yet with justice involvement, we still struggle immensely to get needed help for them. With a youth at the age of 16 or 17, what are the chances that the juvenile justice system at that point can even create some meaningful change before that youth now graduates to the adult criminal justice

system? We will and have been regardless trying our best. This problem also has immense implications for our adult criminal justice system, which is why I recognize that the juvenile system and juvenile justice system is the best opportunity to make the most impactful changes within our system and communities. Even with ensuring accountability among youth, creating positive changes for our youth is really the only way we are going to improve and accomplish long-term public safety.

Minnesota, like other places, has placed a massive emphasis on mental health services, as it should. However, in my experience I have not encountered another system as dysfunctional as that of mental health. From services being initiated, to the lack of facilities or providers to meet the need, to getting assessments or evaluations completed in a timely manner, to the recommendations, to getting people started with services, to the follow-up, to the continued case management, to the recommended level of care not being provided, to the overall continuum of care. I have seen family after family making every effort trying to get help for their children, only to be met with a lack of assistance and even resistance. The vast majority of mental health professionals I have worked with have been great, but the lack of cohesion within the system is appalling. I often hear ideas about how to better address mental health issues at the local level and create cohesion. But ironically, we actually already have those answers in the law. The law though is very clearly not always being followed or widely understood throughout the state. The law plainly outlines the Children's Mental Health System and how mental health services are to be dispensed at the county level throughout all 87 counties. Children's Mental Health services are also supported and even recently reaffirmed by federal law. These Minnesota laws are nothing new, in fact these go as far back as the 1980's. These county-based services do, or should, dispense mental health services and provide that cohesion within the system. I have found that many private mental health providers also do not even know about these services and have been exercising their duties to utilize them. These dysfunctions within the mental health system has only inappropriately put immense strain on the juvenile justice system and corrections. Without effective mental health intervention, the cycle of issues in the home and community, more justice involvement, and more victims continues. Furthermore, not having the appropriate level of mental health care available or provided to youth can also contribute to youth experiencing additional struggles, trauma, victimization, and deterioration, possibly even leading to suicide.

In terms of a solution, there is a very easy one to start with, follow the law and ensure accountability that agencies are providing the services within the law to the citizens of this state. That means actually utilizing the collaborative and restorative practices found in the law. This will naturally create better communication so the roles and responsibilities of agencies can be better understood. We as a system must though provide our workers with the support, tools, systems, and resources to be effective. In area of field services, public safety and the effectiveness of those restorative, evidence-based efforts we rely on, depend on us having low case numbers and adequate personnel so we can function as we should and serve the public as they expect. This is the place to invest. And of course, also applies to other areas like child protection and children's mental health as mentioned. It further extends to all law enforcement who often must deal with the same issues continuously as a result. So in short, communication, collaboration and following the law is critical to preventing issues across the governmental system and preventing continued issues among youth and families, improving social problems, preventing crime and preventing people from being victimized.

Lastly, in my opinion we in Minnesota also cannot be shy about the term accountability. We have accountability in all aspects of life, home, school, work, etc., yet some seem to regard this as a swear

word in the juvenile justice system. Youth need accountability and they respond well to accountability, but it matters how that accountability is provided. We know that our approach cannot be strictly punitive. But if it is coupled with an emphasis toward helping youth and guiding them to a better life and more opportunity, I would say that most youth are going to respect that and appreciate that. We as a system will also get a better result in the short term and long term. Also, the more options we have in the juvenile system to meet youth's needs, the less we will ever have the need to use detention centers or correctional programming in the first place. The standard in the juvenile justice system that is very important and must be upheld, which is the standard of using "least restrictive" alternatives. But that does not mean that juvenile detention centers should not exist. We need readily available access to detention centers for public safety, period. But the standard must remain, and we must as a system create other appropriate options for youth, the most important and ideal of those options being their home. Of course, we need alternatives to detention and that often means those levels of care and services at all levels provided by the juvenile system. Once a youth in the juvenile justice system is released to the community, that is where that investment in the field services and the ability to provide effective supervision (accountability), facilitation of services, and public safety pays off, preventing further crime and use of detention. It is a critical aspect to safely keeping youth in the community and in their homes. There are many other juvenile justice related issues that need attention and improvement, so I truly hope the discussions about specific topics can continue. Please reference our Minnesota Corrections Association (MCA) Legislative Committee and Juvenile Justice Committee agendas which address many of these pressing issues.

These are very serious matters. This is about the lives of our children, families, people's lives, their futures, public safety, victims, and the prosperity of our communities. In my opinion, there is really no crisis in the state of Minnesota more important than this one. I very much hope that positive changes to our systems can be made, and I am fully committed to being part of that solution. I would be very happy to participate in any and all groups, collaboratives and efforts to improve our systems for youth, families, victims, and all people of this state. Thank you all for listening to my testimony and feel free to contact me with any questions or additional information.