

Subject Limitations on the detention and restraint of juveniles

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Overview

This bill addresses several aspects of the detention and restraint of individuals. It limits the use of physical restraints in courtrooms, removes the requirement that certain juvenile proceedings be public, permits law enforcement agencies to work with community organizations to establish alternatives to detaining juveniles, and requires the use of a risk assessment instrument to determine whether a juvenile should be released or detained.

Summary

Section	Description
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| 1 | <p>Use of restraints.</p> <p>Prohibits the use of restraints on children appearing in court unless the court makes findings that there are no less restrictive alternatives available and the use is necessary to prevent physical harm to the child or another, or to prevent the child from fleeing. Describes factors the court can consider. Requires the court to hold a hearing before ordering the use of restraints, and further requires the court to make findings of fact in support of the order.</p> |
| 2 | <p>General.</p> <p>Removes the statutory requirement that the court open hearings in juvenile proceedings when a child is alleged to have committed an offense that would be a felony if committed by an adult and the child is at least 16 years old.</p> |
| 3 | <p>Alternative to arrest of certain juvenile offenders authorized.</p> <p>Establishes that a peace officer may refer a child to a program that the law enforcement agency deems appropriate if the officer has probable cause to believe that the child is a delinquent child or juvenile petty offender. Permits law enforcement to defer issuing a citation, referring the matter to a prosecutor, or otherwise initiating a proceeding in juvenile court after referring a child to an appropriate program. Prohibits issuing a citation, referring the matter to a prosecutor, or otherwise initiating a proceeding in juvenile court after a child</p> |

Section	Description
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	successfully completes an appropriate program. Prohibits prosecution of a child who successfully completes a program to which the child was referred.
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4	Risk assessment instrument.
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	Requires a peace officer or parole officer who does not release a child to communicate with a secure detention facility to determine whether the child should be detained. The facility must use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Requires that the risk assessment instrument assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court. Requires release of the child pursuant to existing law if, after use of the assessment, a decision is made that release is appropriate.
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