

Motioning Youth for EJJ or Certification
2014-2019 (N=3,897)¹

While we have quite a bit of information about who is motioned, for what offense and the type of motion that the Hennepin County Attorney's Office decides to submit to the court, **we know little about the youth who are not motioned but who also commit serious offenses.**

This study seeks to answer this question: **Are there youth who look like those who are motioned but whom prosecutors did not motion?**

Methodology

The methodology employed for this analysis starts with Propensity Score Matching. This technique allows us to match youth who are motioned with youth who are not. Matching criteria is based on the legal criteria as set in court rules (Minn.R.Del.P.19.04, subd.1): The originating offense must be a Felony level charge, and the child must be 14-17 at the time offense.

Beyond that, prosecutors tend to focus on *more serious* Felony charges and youth with a significant criminal history. To account for these later two criteria, this study differentiated felony charges by separating them into three categories: Non-Presumptive Commit Charge², Presumptive Commit levels 6-8, D, D8 and H, and Presumptive Commit Level 9-11, A, and B. These levels correspond to the guidelines grid where the higher the number the more serious the offense. The highest level (9-11) is reserved for murder, sex crimes and aggravated assault with great bodily harm. The middle category can be presumptive commit to prison IF the criminal history is severe enough.

Criminal history was calculated by focusing only on convictions and differentiating offenses based on both level of offense and seriousness. I scored felony person or weapon offenses as the most serious (8 points), felony property or drug offenses next most serious (6 points), non-felony person offenses third (4 points) and finally, non-person property, drug offenses or other offense fourth (2 points). The criminal history score was a summation of a person's convicted cases points.

These factors were used to match motioned vs non-motioned children charged with a felony case while they were between the ages of 14-17. Motioned youth and non-motioned youth were matched on age (in years: 14, 15, 16 or 17), the seriousness of the current offense (non-presumptive commit, low level presumptive commit, high level presumptive commit) and criminal history score.

Once this match was done, a logistic regression was conducted to review extra-legal variables such as: Geographic area (was the arresting agency outside of Hennepin County, a suburban Hennepin city, or Minneapolis); Year of offense (2014 to 2019), whether the child retained a private attorney, gender, and self-reported race/ethnicity of the child.

¹ All Felony cases filed between 2014 and 2019, for 14–17-year-old children and whose case was not transferred out of Hennepin County for disposition.

² As based on Minnesota Sentencing Guidelines Commission standards.

This same matching process and follow-up logistic regression analyses were then conducted for each separate possible decision beyond just motioned vs non-motioned: EJJ motion vs juvenile petition, adult certification motion vs juvenile petition, and EJJ motion vs adult certification motion.

Findings:

Motioned vs Non-Motioned felony youth

The legal variables of seriousness of current offense, being older and having a more significant criminal history were the most dominant factors in who ended up getting motioned. Specifically, 16- and 17-year-old youth were significantly more likely to be motioned for adult certification or EJJ status, those youth with a more serious current offense and a larger criminal history were motioned more often.

Extra-legal variables:

There was no difference between suburban arresting agencies and Minneapolis but arresting agencies outside of Hennepin County tended to arrest felony cases that were not motioned for EJJ or adult certification.

Having a retained private attorney compared to a public defender made **no significant difference** in whether a child was motioned.

Year of offense showed significant differences between 2014-2016 compared to 2017-2019, indicating that the earlier years might have had different findings than we see currently. The coefficients indicate that the year of finding could have affected whether a child was motioned or not. Earlier years motioned at a much higher rate than later years.

Female youth are **significantly less likely to be motioned for EJJ or adult certification** than similarly situated males.

White youth, black youth and other youth of color **showed no significant differences** in their likelihood of being motioned for EJJ or adult certification.

Other analyses:

These findings held for each of the other analyses (EJJ vs non-motioned, adult certification vs non-motioned and EJJ vs adult certification) with one exception: In the analysis reviewing the differences between youth who prosecutors chose to motion as EJJ compared to adult certification, gender was no longer significant.

This summary document was provided by 4th Judicial Branch Research Director, Marcy Podkopczyk, Ph.D., prior to her retirement. Due to staffing limitations, there is no full report available beyond this summary.