



Juvenile Justice 21

Information Sharing and Juvenile Justice in Minnesota

Executive Summary



Arielle Edelman McHenry, MPH and Robin Phinney, PhD

Executive Summary

A fuller understanding of youth's developmental needs, the large number of crossover youth in the juvenile justice system, and the complex and varied needs of many system-involved youth have elevated the need for smoother collaboration across agencies serving youth in Minnesota's juvenile justice system. The juvenile justice system alone is ill-equipped to serve all youth adequately, necessitating greater coordination and collaboration with other systems including mental health, chemical health, child welfare, and education.

Information sharing is central to cross-system coordination and collaboration on behalf of justice-involved youth. In this context, information sharing refers to the collection and sharing of personally identifiable information in order to facilitate case management on behalf of individual children and their families. A key aspect of many such approaches is the need to understand and ease the barriers around case-level information sharing for juvenile justice practitioners, as well as across systems.

"An integrated approach to assessment, case planning, and service delivery is at the heart of effective cross-systems partnerships. The foundation of this strategy is data sharing."

(Seigle, Walsh, & Weber, 2014)

[Authors' note: Use of the term 'data sharing' here refers to what we call 'information sharing' in this report]

Information sharing can take multiple forms: multi-disciplinary teams that bring together stakeholders from across systems, youth, and families at key decision points; a unified information management system; or use of liaisons who can identify youths' potential cross-systems involvement. The collaborations can be formalized in memoranda of understanding, interagency policies and protocols, or blended funding streams that leverage funds from multiple agencies to support shared processes and services.

Information sharing can also transpire outside of collaborative, cross-agency programs. For example, a youth may choose to share, or not, certain information with their probation officer. The child's probation officer may need information from a mental health provider in a different department in order to complete a risk assessment. A public defender may reach out to the child's school to learn

more about their involvement on the basketball team. In these instances, information is requested on a one-off basis, without the support of a system-wide protocol that could streamline the work. Individual juvenile justice staff are then more reliant on the discretion of colleagues in other systems than if there were formal mechanisms in place.

Although information sharing has been a focus of state initiatives as far back as 2007, such efforts have been complicated by the lack of a centralized governance body for juvenile justice in Minnesota. As a result, many questions remain. When does Minnesota law allow information sharing across departments and agencies? What informal factors affect the willingness and ability of juvenile justice staff to share case-level information? What are the risks associated with disclosing information about a youth across agencies? What are examples of programs that permit information sharing in Minnesota, and what are the formal mechanisms for doing so?

The report "Information Sharing and Juvenile Justice in Minnesota" describes findings from the 2018 Juvenile Justice 21 (JJ21) project, a multi-year project focused on building a unified vision for the future of juvenile

justice in Minnesota. To provide greater clarity regarding information sharing on behalf of justice-involved youth in Minnesota, we conducted a literature review of academic and policy research, thirty interviews with juvenile justice stakeholders and data practice experts across Minnesota, and an in-depth analysis of federal and state data practices laws. We also brought together a group of juvenile justice and data practice experts to guide the work and identify next steps. Below, we describe the central questions and key findings from the report.

What formal factors affect information sharing?

- The term “formal factors” refers to the laws that govern whether and how personal information that is collected by the government can be shared. The laws regarding information sharing are in federal laws and regulations, state statutes and administrative rules, and local policies and practices. Although some exceptions exist, information about youth who are involved in the justice system is considered private data that cannot be disclosed without consent.
- This section of the report outlines the laws and regulations that shape case-level information sharing and data sharing more broadly, in five areas: within juvenile justice, between juvenile justice and education systems, between juvenile justice and health entities, between juvenile justice and substance use disorder treatment entities, and between juvenile justice and welfare systems.
- Appendix A to the report summarizes the federal and state laws in a user-friendly guide for juvenile justice professionals.

What informal factors affect information sharing?

- Although federal and state laws restrict information sharing in several key areas, there are circumstances in which case-level information sharing is permitted. However, interviews with stakeholders indicate that there is a lack of knowledge about the type of information that can be shared, with whom, and when.
- The interviews also suggest a set of additional factors that affect information sharing on behalf of system-involved youth. These informal factors include risk aversion from frontline staff as well as leadership, organizational structures that create departmental and program siloes within units of local government, organizational dynamics involving funding and turnover, inability to obtain parental consent to information sharing, and skepticism among some stakeholders about the benefits of information sharing for youth of color.

What are the risks of information sharing?

- Barriers to case-level information sharing are generally viewed as problematic for effectively serving youth who are involved with multiple systems. Yet multiple interviews with probation officers, public defenders, and advocates across the state, as well as outside research, indicate that information sharing initiatives are not without controversy.
- There are reasons to suspect that information sharing initiatives can be harmful – even when information is shared appropriately and within the confines of the law. Risks associated with information sharing initiatives and collaborative programs include the risks of self-incrimination, implicit bias and lack of knowledge among staff, the “net-widening effect” of information sharing

programs, the collateral consequences of system involvement for youth in Minnesota, and the risks related to out-of-home placement for youth of color, and Native youth in particular.

- The risks listed above are particularly acute for youth of color, who are disproportionately represented in the juvenile justice system.
- These risks may be mitigated by limiting the information that is shared; ensuring that consent is informed; protecting against self-incrimination; monitoring and evaluating outcomes by race; reducing implicit bias and lack of knowledge through training and practice; “putting families in the driver’s seat”; and engaging community.

What are examples of successful information sharing and collaboration?

- While information sharing poses risks, there are several examples of local entities in Minnesota utilizing formal mechanisms to share information in order to better coordinate services or collaborate on behalf of youth involved in multiple systems. These partnerships – many of which are longstanding – involve both formal programs (such as the Crossover Youth Program) as well as informal collaborative efforts.
- Mechanisms for information sharing in formal collaborative efforts include memoranda of understanding, joint powers arrangements, and standing court orders.
- Analysis of these programs reveals that such “successful collaborations” tend to feature buy-in from key stakeholders; tailoring to local context; personal relationships between departments and programs; partner engagement; specialization; leadership with varied perspectives; and legal mechanisms that define the partnership.

How can the juvenile justice field move forward?

- The report reveals the complexity of the topic of information sharing. On the one hand, information sharing between agencies can connect youth in multiple systems to appropriate services, thereby supporting youth’s rehabilitation. In this way, information sharing can be protective of youth and families who are justice system-involved. On the other hand, information sharing between agencies comes with risks, particularly for youth of color, who are over-represented in the system.
- As Minnesota continues a push to expand information sharing programs and collaboration within juvenile justice, it is important to consider variable and potentially differing perspectives in order to improve outcomes for youth while mitigating the risks of information sharing for youth of color in particular.
- The report concludes with potential next steps for juvenile justice agencies, youth and families, communities, and state and local governments.