

# Corrections in Minnesota

## Delivery System 101

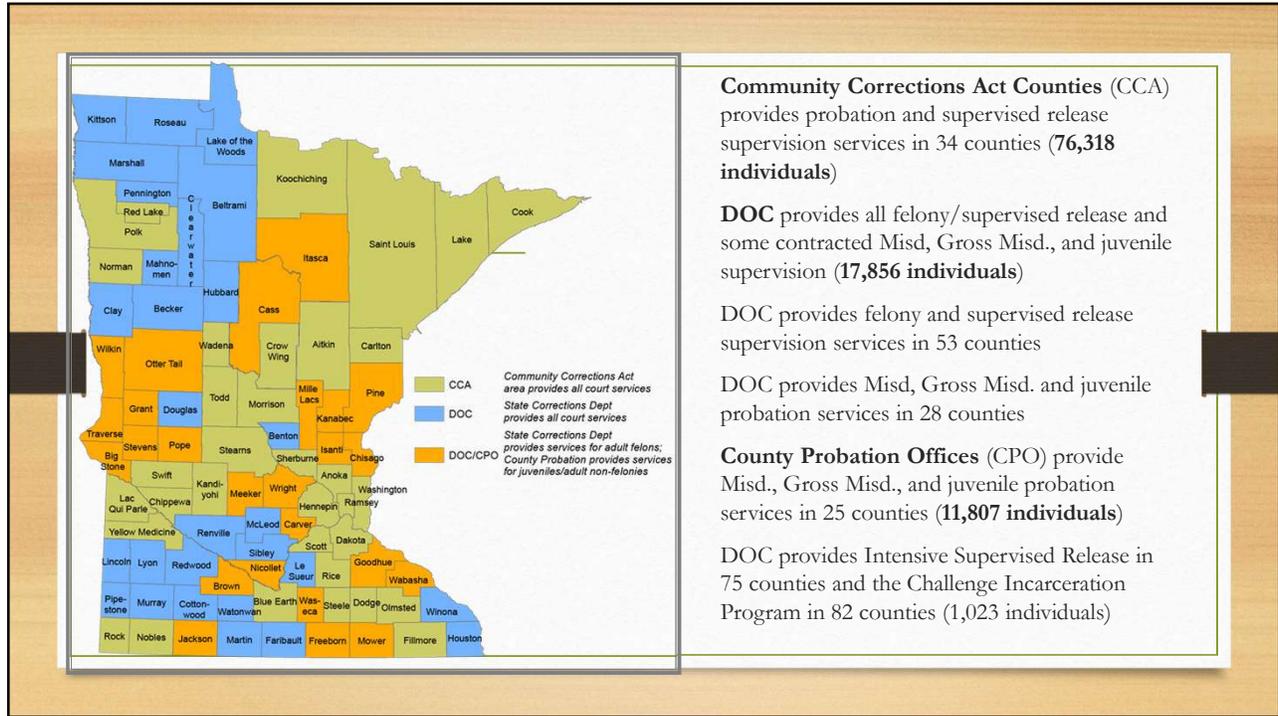
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## Community Supervision Overview

- Minnesota relies heavily on community supervision
- 105,981 adult and juvenile clients on probation supervision statewide \*
- 7,010 clients are in the community on supervised release statewide (MACCAC and DOC) \*
- Three delivery systems for community supervision

*\*2018 Probation Survey 2*

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## Common Approaches

- Approach client supervision based on core correctional practices supported by research
- Provide effective agent training through collaboration
- Complete similar tasks (Pre-Sentence Investigations, Supervision, searches, drug testing, etc.)
- Collaborate on policy changes involving all three delivery systems

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## Differences Between Systems

- Accountability/operational control
  - Who sets the vision?
  - Who determines priorities?
- Funding – different streams and sources
  - Sets the parameters for funding supervision services
  - What enhanced services and might the county want to provide their vision
- Organizational authority and reporting
  - Who makes the decisions?
  - Appointment and hiring of staff

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### Community Corrections Act

- Reserve prison for offenders that committed acts that the community regarded as intolerable and therefore required an extended period of incarceration.
- Created and supported by the DOC.
- Passed in 1973 and falls within MN State Statutes 401.
- Creation of a subsidy to incentivize providing services at the local level.
- Advisory board and Comprehensive Plan approved by the MN-DOC.

### COMMUNITY CORRECTIONS ACT of 1973

#### IMPLEMENTATION GUIDELINES

- o Inappropriate correctional solutions

A large number of recent studies tell us that criminal behavior is rooted in a community's socio-economic problems. If the community is the source of such deviant behavior then, logically, it should provide the solution. It makes little sense to banish the law breaker from his community, place him in a disorientating, artificial situation, and then expect him to return home well adjusted. It makes a good deal of sense, however, to keep him in his regular surroundings, extend him special assistance, help him to become reintegrated to work, training, education, family and friends.

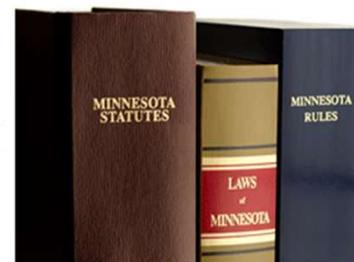
Thus, the plain fact is that incarceration in remote institutions is more likely to have a detrimental than a beneficial effect on offenders. The public is little better protected from a parolee who has "done time" than from one who hasn't. And, in the long run, it is the public, not the unrehabilitated offenders, who suffers most.

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## Key factors based on State Statutes-Rules

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- Aggregate population of 30,000 or more (401.02)
- County Board Resolution (2905.0300)
- State Biannual Budget process
- Community Corrections Act Statutes (401.01-401.16)
- County Probation Officers (244.19)



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## Corrections in Minnesota

### Community Supervision

# 101

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Community  
Supervision  
Considerations

Short-term vs. Long-term  
Public Safety

People we are scared of vs.  
People we are mad at

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Community  
Supervision  
Based on  
Science

Risk, Need, and Responsivity Are 3  
Principles of Evidence-Based  
Practices in Corrections

**Risk Principle** – target higher risk individuals  
WHO

**Need Principle** – target criminogenic risk/need factors  
WHAT

**Responsivity Principle**– use behavioral approaches  
HOW

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## Community Supervision Based on Science

# The Risk Principle

Match the Level of Service To The Individual's Risk of Re-Offending

- Risk refers to an individual's likelihood or chances of committing a new offense
- This is different than offense severity
- Risk factors are both static and dynamic

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## Risk Assessment Classifies Individuals According to Their Likelihood of Re-Offending

**Without Risk Assessment...**

**Classification by Risk**

Risk of Re-offending		
Low	Moderate	High
10%	35%	70%
re-arrested	re-arrested	re-arrested

**Supervision by Risk**

Risk of Re-offending		
Low	Moderate	High
10%	35%	70%
re-arrested	re-arrested	re-arrested

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## Community Supervision Based on Science

### The Need Principle

Identify and Target Needs Related to Re-Offending in Order to Reduce Risk

- Needs are dynamic risk factors, which are those needs that you can change in order to reduce risk
- Research identifies these as criminogenic needs
- Targeting needs related to risk can help reduce someone's chances of re-offending

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## The Responsivity Principle

Community  
Supervision  
Based on Science

Maximize an  
Individual's Ability To  
Learn

Most justice-involved individuals respond to cognitive-behavioral interventions

**General** { Type of Program (e.g., CBT)  
Core Correctional Practices

Interventions should take into account strengths, learning style, personality, motivation, and bio-social (e.g., gender, race) characteristics of the individual.

**Specific** { Staff and Offender Characteristics  
Motivation  
Mental Health  
Literacy/IQ  
Culture

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## THE MINNESOTA ASSOCIATION OF COUNTY PROBATION OFFICERS CPO SYSTEM



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- ✓ ESTABLISHED IN 1959
  - ✓ 25 COUNTIES STRONG
  - ✓ PROVIDE PROBATION SERVICES TO COUNTIES & COURTS

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## Who Are We, and What do We do?

\*Terry Fawcett, President of the Minnesota Association of County Probation Officers, and Past-President of the Minnesota Corrections Association (2011). Director of Pine County Probation.

\*MACPO represents the County Probation Offices, which comprise most of the rural areas of probation in the state with populations under 30,000. We supervise pre-trial clients (including felony-level offenders awaiting sentencing), GM, Msd, and all juvenile services in our respective counties.

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## “A Day in the Life of a County Probation Officer”

- ❑ Pine County completed an analysis in 2017 to secure funding for an additional agent. It showed that 32.7% of an agent’s time was devoted to doing Bail Studies. Bail studies take an average of 1.5 hours per evaluation.
- ❑ Pre-sentence investigations take an average of 5-6 hours to complete.
- ❑ Pine County Probation logged 303 hours of staff hours running evidence-based cognitive skills for offenders.
- ❑ There has been an exponential increase in the number of Bail Evaluations and supervision. The current CPO reimbursement formula does not take into consideration the supervision of pre-trial offenders or any juvenile work.
- ❑ Dosage Probation was piloted in Pine County, however, the highest risk offenders require 300 hours of intervention to decrease risk. Nobody has the resources to accomplish this.



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## Probation Officer Duties



### REPORTS/INVESTIGATIONS

- Pre-Sentence Investigation Reports
- Pre-Dispositional Reports
- Progress/Adjustment Reports
- Violation Reports
- Transfer Investigations
- Domestic Abuse Assessments
- Fine Determinations
- Gambling Assessments
- Victim Impact Statements
- Neighborhood Impact Statements
- Restitution Determinations
- Bail Study Investigations\*
- Interstate Compact Investigations\*
- EJJ/Certification Investigations
- Chemical Health Assessments

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## Bail Study Reimbursements

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Statute 629.74 says that local corrections departments shall be reimbursed \$25 by the DOC for each bail evaluation completed, however, this has never happened. So, a poor county like Pine, which completed 453 evals in 2017, on only statutory mandated crimes, would have received \$11,325, which is significant to a small county without a large tax base.

Probation numbers continue to climb, as Minnesota has the second lowest prison population in the country. This affects CPO counties due to the high number of pre-trial offenders being supervised.

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## Trends

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Governor Walz has publicly expressed his goal of giving increased focus to criminal justice reform.

New workload as a result of recent probation reform at the Sentencing Guidelines.

Sound evidence-based work takes time, and it also makes it difficult to meet supervision standards in the field. This, coupled with increasing court demands, makes getting out in the field very challenging, and very difficult to do in pairs, which is preferable due to officer safety.

Our jobs ARE dangerous. A central repository is being developed to compile safety data statewide.

A female agent in Wright County had a gun pulled on her this past year.

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## Other Services and Programming

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- File Apprehension and detain orders
- Crisis intervention
- Out of home placement of delinquents
- Drug testing
- Restitution Monitoring
- Attend court hearings
- Restorative Justice (a top priority for agencies to do sound evidence-based work but most don't because it is labor intensive.)** Process a case or work with a client
- Classify offenders using risk assessments/case plans
- Teach education classes
- Serve on community boards/committees



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## County Probation Officer Arrangement - CPO

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- County board controls department budget
- County must approve all new positions.
- Staff are county employees
- Probation Officers/Director appointed by Judiciary and approved by County Board
- Counties provide supervision of probation officers
- CPO reimbursement per statute for salary & fringe benefits for professional staff



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## Statute 244.19 Subd.6. Reimbursement of Counties

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\*In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, **the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50% of the costs of probation officers' salaries to all counties of not more than 200,000 population.**

**\*CPO counties have not received 50% reimbursement since 1996. This means the burden to fund counties to provide adequate services continues to fall on the backs of the counties.**

\*1986-1996 @ 50%

\*1970's four years funded at 50%

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## BENEFITS of CPO SYSTEM

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- ❖ **Local** control of services
- ❖ **High** quality of services
- ❖ **Consistent** funding stream
- ❖ **Immediate response** to local correctional needs (truancy-drug court -Batters Intervention Program, etc.)
- ❖ **COUNTY** driven services - ability to respond needs each community
- ❖ **Local Authority** to establish fee schedule
- ❖ **Local Control** of out of home placement budget for juvenile offenders
- ❖ **Sentenced Adult Felons** responsibility of the State Department of Corrections. CPO has worked in partnership with the DOC to supervise this population when needed.

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## FINANCIAL BENEFITS OF CPO

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### CURRENT REVENUES

- CPO REIMBURSEMENT
- CORRECTIONS FEES
- **CASELOAD/ WORKLOAD** (IN Pine County this is currently \$59,481, however, the agent in this position currently makes \$51,219, plus benefits. Therefore, this isn't enough to cover one position, and the DOC does not allow the county to request a larger amount when applications are due bi-annually.)
- GRANTS
- PROGRAM FEES
- LOCAL DECISION ON EXPENSES
- LOCAL DECISION ON BUDGETS
- COUNTY BOARD INVOLVEMENT IN BUDGET DEVELOPMENT



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## Supplemental Budget Request

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**MACPO's Legislative Agenda for 2020 is to advance a supplemental budget request, in partnership with MACCAC at 4%.**

**Streamline the caseload/workload and CPO reimbursement to one line-item.**

MACPO Platform items that contribute to lessening overly punitive state criminal justice polices:

- \*MACPO supports to eliminating the sentence of life without parole for juveniles. Instead, it should be revised to life with parole after serving a minimum sentence.
- \*MACPO supports legislation to provide effective mental health services for juveniles and adults.
- \*Don't treat trafficked victims as offenders.
- \*MACPO supports early release from prison/jail if judged able to live in their community without public danger.

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## It's a Partnership

Regardless of the Probation Delivery System, Counties have similar responsibilities to fill.

Delivery Systems must work together for public safety and professional accountability.



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**JUDICIARY** must have a strong working relationship with their probation delivery system.

**COUNTIES** need to believe they have the most cost effective delivery system for their area.

**STATE** needs to believe that counties will provide for court services in a fair and just manner.

**LOCAL COMMUNITY** needs to know their probation system is set up to provide for their safety.

**OFFENDERS** need to know the probation system they are in will hold them accountable, but also provide for rehabilitation using probation proven services to reduce recidivism. **Your communities and your clients could care less what delivery system you belong to. They only care that WE care, and that we are providing adequate services. We need to think 1Team1Fight, and work together.**

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## It's Up to You.....

You have to ask and be able to answer....

- Is the Probation System in your County working?
- Do you know if your community is being supervised according to supervision standards?
- Are counties able to do sound evidence-based work, or are we just "checking boxes?"
- Have you ever went on a home visit in a CPO community?
- Are you willing to fund probation departments adequately?
- Are you interested in reform efforts that address the current challenges?



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# Corrections

## The Intersect between Community Supervision and the Institutions



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### 5th *Lowest* Incarceration Rate

| Rank<br>(2016) | State                | Incarceration Rate<br>(per 100,000 adults<br>18 and over) |
|----------------|----------------------|-----------------------------------------------------------|
| 1              | Oklahoma             | 1310                                                      |
| ...            | ...                  | ...                                                       |
| 47             | Minnesota            | 380                                                       |
| 48             | Rhode Island         | 370                                                       |
| 49             | Massachusetts        | 360                                                       |
| 50             | Vermont              | 340                                                       |
| 51             | District of Columbia | 320                                                       |

### Minnesota Has a Reputation for Low Incarceration Rates

Source: Bureau of Justice Statistics, Correctional Populations in the United States, 2016,  
<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6226>

In 2016, Minnesota had the 5<sup>th</sup> lowest incarceration rate in the nation at 380 individuals per 100,000 adults 18 and over.

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### 5th *Highest* Community Supervision Rate

| Rank (2016) | State        | Community Supervision Rate (per 100,000 adults 18 and over) |
|-------------|--------------|-------------------------------------------------------------|
| 1           | Idaho        | 2980                                                        |
| 2           | Pennsylvania | 2880                                                        |
| 3           | Ohio         | 2840                                                        |
| 4           | Rhode Island | 2730                                                        |
| 5           | Minnesota    | 2450                                                        |

### Less Well Known is Minnesota's High Community Supervision Rate

Source: Bureau of Justice Statistics, Correctional Populations in the United States, 2016, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=626>

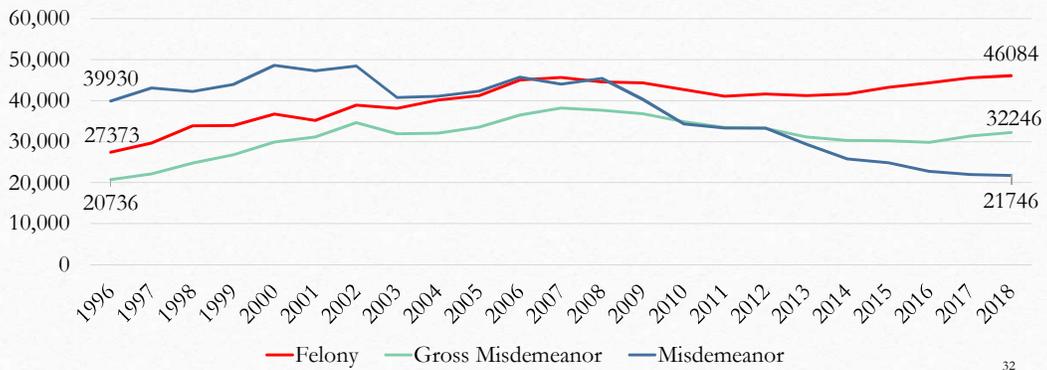
In 2016, Minnesota also had the fifth *highest* rate in the nation for persons under community supervision (which includes probation and supervised release) at 2,450 persons per 100,000 adults 18 and over.

The low incarceration rate and high community supervision rate combined placed Minnesota as having the 13<sup>th</sup> highest rate of people under correctional control, at 2,810 people per 100,000 adults 18 and over.

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### The Felony Probation Population Increased 170% Since 1996

Source: MN Dept. of Corrections, 2018 Probation Survey, [https://mn.gov/doc/assets/2018%20Probation%20Survey\\_tcm1089-383296.pdf](https://mn.gov/doc/assets/2018%20Probation%20Survey_tcm1089-383296.pdf)

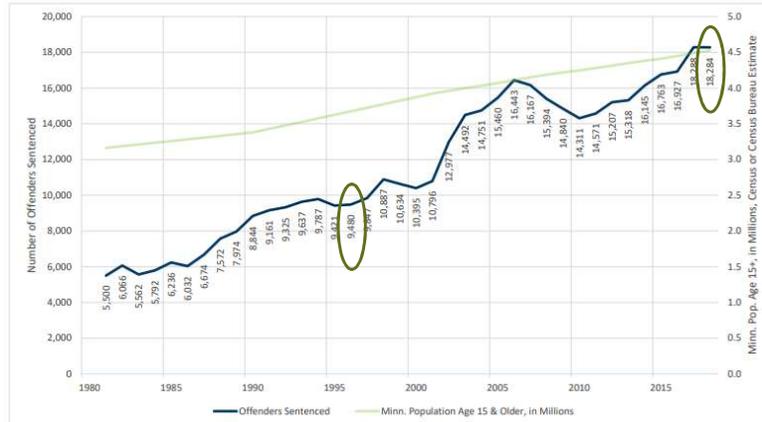


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# Felony Convictions Have Nearly Doubled Since 1996

Source: Minnesota Sentencing Guidelines Commission, 2018 Sentencing Practices, <http://mn.gov/msgc-stat/documents/reports/2018/MSGC2018AnnualSummaryStatistics.pdf>.

Figure 1. Number of Offenders Sentenced for Felony Convictions, 1981–2018



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## Community Supervision as part of the larger Justice System

Our criminal justice system works because of probation, which is a court-ordered sanction that allows a person to remain in the community under the supervision of a probation officer.

The role of the corrections agent is not only to “supervise,” but to also bring about “change” directed at lowering recidivism.

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## Community Supervision as part of the larger Justice System

If the aim of corrections is Public Safety through reduced recidivism, it cannot be achieved through criminal sanctions without appropriate correctional treatment or programming ...it simply does not work.

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## Community Supervision as part of the larger Justice System

The most volatile and dangerous offenders need to be incarcerated, but probation is the best answer both economically and socially for keeping tabs on other levels of non-violent criminals and those who have served their time and are released back into the community. Minnesota's spending on prisons as a percent of general funds, is the second lowest in the nation largely because of the effectiveness of community corrections.

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## The Change

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### Community Supervision

- Supervision alone does not reduce recidivism
- Interventions matter – Agents are Interventions
- Practice has changed – funding must follow

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## CCA Formula and Base Funding

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Statute 401.10 (Ran every two years-can change based on the formula or new funding.)

- Percent of state population under 24
- Percent of statewide number of felony, juvenile, and gross misdemeanor case filings
- Percent of statewide total of convicted felony offenders that did not receive executed sentence
- Percent of adjusted net tax capacity

2015 Base- Includes maintenance of effort and DOC pass through work relief funding (Static)

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Thoughts, questions,  
comments.

Thank you.

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