

**Drug Offenders in
Minnesota Prisons
and Communities**

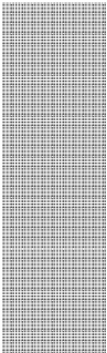
September 2010

**Chemical Dependency Treatment
In Minnesota Prisons**

Steve Allen
Behavioral Health Services Director

Overview

- Alcohol, drugs, and crime
- NIDA principles
- Substance abuse in Minnesota
- Overview – prison chemical dependency (CD) treatment
 - Certification standards
 - Treatment availability
 - Budget
 - Treatment process
 - Program evaluation
 - Initiatives



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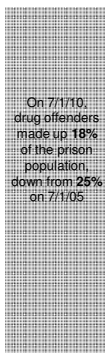
Offenders and Substance Abuse

- Offender population
 - Low rate of incarceration
 - Implications for prison population
- Relationship between substance abuse and crime
 - Responsible use
 - Problematic and illegal use
 - Addiction
 - Offenders and substance abuse

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FY10 Drug Offenders

- 89% male
- 52% white
- Average age: 36
- 41% committed from metro-area county
- Average sentence length: 65 months
- Average number of prior felony convictions: 3
- 42% had prior prison commitment



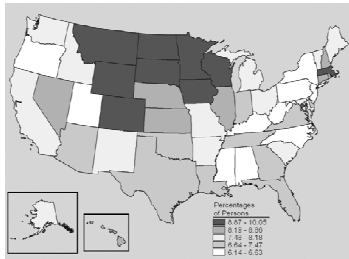
NIDA Principles

- Treat both the substance abuse and the criminality
- It takes time
- Collaboration is critical
- Individualize treatment
- Address co-occurring disorders
- Mandatory treatment is effective

Principles of Drug Addiction Treatment
National Institute on Drug Abuse, 2009

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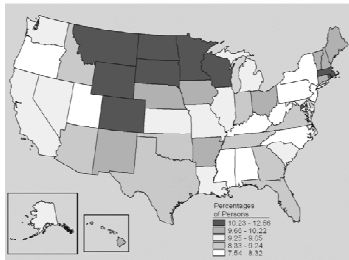
Alcohol Dependence or Abuse (12 and older)



Alcohol Dependence or Abuse in Past Year Among Persons Aged 12 or Older, by state: percentages, annual averages based on 2006 and 2007 NSDUHs

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Illicit Drug Dependence or Abuse (12 and older)



SAMHSA: Dependence on or Abuse of Illicit Drugs or Alcohol in Past Year Among Persons Aged 12 or Older, by state: percentages, annual averages based on 2006 and 2007 NSDUHs

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Minnesota is Among States with Highest Rates of:

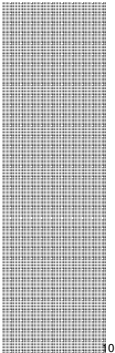
Measure	Age Groups
Past month alcohol use	12+, 18-25, 26+
Past month binge alcohol use	12+, 26+
Least perception of risk associated with monthly use of marijuana	12+, 26+

National Survey on Drug Use and Health, 2006

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Treatment – DOC System Overview

- Available to adult and juvenile offenders at every state prison custody level except maximum (Oak Park Heights)
- Continuum of CD services, including treatment readiness, primary long-term treatment, and aftercare
- CD programs specifically designed for offenders
- Intensive, long-term treatment



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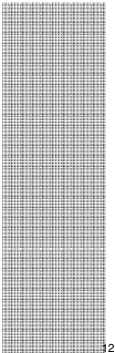
Assessment & Referral Process

- All offenders assessed at intake
 - Determines CD, mental health, and sex offender (SO) treatment needs
 - Prioritized and placed on tiered waiting list
- Treatment program entry
 - More detailed assessment including psychological assessments, file review, and clinical interview
 - Development of treatment plan
- Treatment
- Release planning

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Treatment Parameters

- 25 hours of programming per week
 - 12 hours “core” services (group + individual therapy, psycho-education, etc.)
 - 13 hours additional programming (education, support groups, homework, healthy physical activity, etc.)
- Staffing ratio of 12:1 (females 8:1)
- Treatment addresses both substance abuse and criminogenic factors
 - Attitudes and beliefs
 - Associates
 - Social skills



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FY10 Treatment "Fast Facts"

- 960 treatment beds
- 3,650 newly-committed offenders and release violators assessed for CD abuse or dependency
- 90% diagnosed as chemically abusive or dependent
- 80% directed to treatment
- 1,597 offenders entered treatment programs
 - 76 treatment refusals
- 33% of new commit offenders released with a directive to primary treatment had a treatment entry prior to initial release
- Those who do not complete treatment are referred to programs in the community

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Planned Changes FY 2011

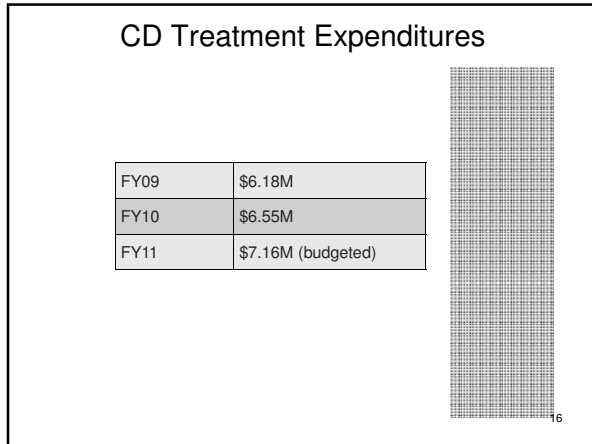
- Closure of Lino Lakes TRIAD Unit 200 (70 primary treatment beds) due to staffing reductions
- Grant projects
 - Expansion of dual diagnosis treatment program by 16 beds
 - New release violator treatment program (20 beds) focused on relapse prevention

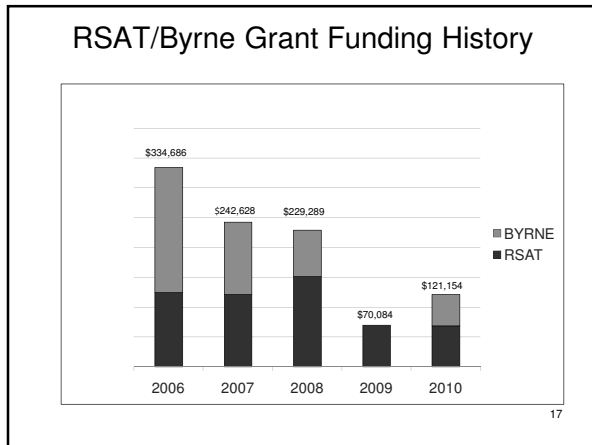
CD Program Evaluation

- 1,852 offenders directed to treatment were released to the community in 2005
 - 926 treated vs. 926 untreated
 - Control group carefully "matched"
 - Followed three years post-release
 - 70% successful participation rate
- DOC evaluation found that successful treatment participation reduced recidivism by 27%

Prison-Based Chemical Dependency Treatment in Minnesota: An Outcome Evaluation, March 2010
www.doc.state.mn.us/publications/documents/03-10CDTXEvaluationReport_Revised.pdf

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- ### Initiatives
- Integrated Dual Disorder Treatment (IDDT) project
 - Federal grant-funded projects
 - Traumatic Brain Injury
 - Co-occurring treatment
 - Release violator treatment
 - Motivational interviewing training
 - Shift to specialized sex offender-specific CD treatment in some programs (St. Cloud, Moose Lake)
 - CD release planning
 - Rule 25 evaluation training
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Funding for Treatment & Prevention

Of every dollar *federal and state governments* spent on substance abuse and addiction in 2005

- 95.6 cents went to shoveling up the wreckage
- 1.9 cents to prevention and treatment
- 0.4 cents to research

Shoveling Up II: The Impact of Substance Abuse on Federal, State and Local Budgets
National Center on Addiction & Substance Abuse (CASA), 2009

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Good Investment

According to the National Institute on Drug Abuse, the return on investing in treatment alone may exceed 12:1; that is, every dollar spent on treatment can reduce future burden costs by \$12 or more in reduced drug-related crime and criminal justice and health care costs.

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Why Provide Treatment in Prison?

- Strong link between substance abuse and crime
- Offenders who abuse chemicals are more likely to return to prison
- Advantages of providing treatment in prison
 - Abstinent
 - Lack of distractions
 - Long-term treatment
 - Designed for offenders
 - Therapeutic community model
- Treatment is effective in reducing recidivism
- Treatment is a sound investment in public safety

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**Overview of DOC Field Services
Probation and Supervised Release**

Chris Bray, Deputy Commissioner, Community Services Division
Sheila Fontaine, Supervision Agent

Three Supervision Delivery Systems

- Minnesota Department of Corrections (DOC)
 - 55 counties, adult felon supervision
 - 28 counties, juvenile and misdemeanor supervision
- Community Corrections Act (CCA)
 - 32 counties (17 jurisdictions), adult felon, misdemeanor, and juvenile supervision
- County Probation Officers (CPO)
 - 27 counties, juvenile and misdemeanor

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DOC Field Services

- Probation, parole, and supervised release for adult felons in 55 counties not organized under CCA
- Probation services to adult misdemeanants and juveniles in 28 of the 55 counties
- Intensive supervised release in 75 counties
- Challenge Incarceration supervision in 82 counties

The **advantage** is a consistent set of policies and practices in all DOC supervised counties

The **challenge** is providing services in greater Minnesota

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Evidence-Based Practices

The DOC uses evidence-based practices in all 55 counties:

- Risk assessments (LSI-R and YLS)
- CD assessments
- Motivational interviewing
- Case planning
- Targeted interventions
- Outcome measurements

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Field Services – Probation

- Pre-trial services
 - Bond studies, supervision, drug testing, pre-plea worksheets
- Probation supervision
 - Presentence investigations (PSI) for felony, gross misdemeanor, and misdemeanor
 - ✓ LSI-R assessment/screening tool
 - ✓ CD assessment
 - ✓ Mental health – diagnostic assessment
 - ✓ Support groups
 - ✓ Recommendations – drug testing, support groups, jail/electronic home monitoring/house arrest

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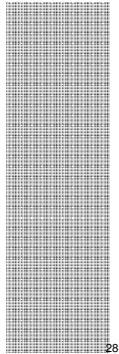
Field Services – Probation (continued)

- Supervision
 - ✓ Contact – frequency determined by LSI-R
 - Develop case plan with offender
 - Scheduled/random contacts and testing
 - Enhance intrinsic motivation for change – motivational interviewing skills employed
 - Collateral contacts – family, treatment, law enforcement
 - Broker services and assist with processes (assessments, treatment, driver's license reinstatement, Ignition Interlock, etc.)
 - ✓ Violations
 - *Intermediate* – no court involvement
 - *Formal* – report submitted to the court, which may include reinstatement with additional sanctions, execution of sentence, or alternative programming such as DWI/Drug Court
- Discharge
 - All conditions met
 - Sufficient time elapsed

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Field Services – Supervised Release

- Release plan
 - Initiated by prison
 - Investigated by agent
 - Conditions agreed upon
- Supervision
 - Determined by LSI-R
 - Case plan
 - Support and accountability



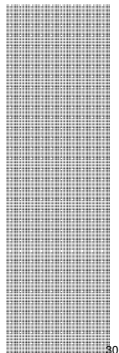
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- Violation
 - Hearings & Release Unit (HRU)
 - ✓ Authorizes restructure plan on low-level violations
 - ✓ Issues warrants if absconded/risk to public safety
 - ✓ Schedules hearings
 - ✓ Hearing officer rules on case
 - Agent responsibility
 - ✓ Notify HRU of violation and/or restructure plan, file report
 - ✓ Notify/serve offender and State Public Defender with violation, evidence, etc., within 7 days prior to scheduled hearing
 - ✓ Present case facts to Hearings & Release Officer
- Expiration

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Challenges

- Rural vs. metro
- Geography
 - Transportation
 - Income
 - Employment opportunities
 - Services – CD, mental health, etc.



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Snapshot of Drug Offenders on 12/31/09

Statewide	
In prison	1,844
On supervised release	1,484
On probation	14,150

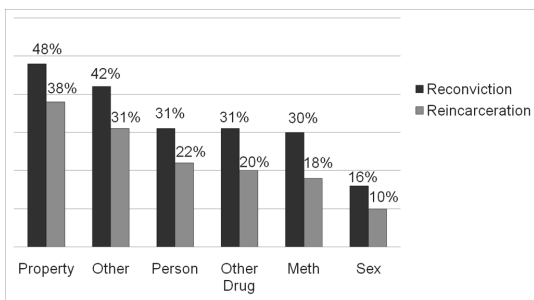
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Evaluation of Minnesota Comprehensive Offender Reentry Plan (MCORP)

- Continuity of care produced the best recidivism outcomes
- New offense reincarceration rate for offenders in
 - Drug treatment in both prison and community = 4%
 - Drug treatment in prison only = 9%
 - Drug treatment in community only = 14%
 - No drug treatment = 16%
 - 50% of offenders were untreated

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Recidivism Rates for Prison Releases



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Overview of the Restructure/Revocation Process and Guidelines

Jeffrey Peterson
Executive Officer, Hearings & Release Unit

What are Conditions of Release?

- Statements of specific behavioral requirements or limitations applied to offenders upon release in order to protect the public
- Conditions manage offender risk of reoffending through methods of surveillance, control, rehabilitative programming, and positive reinforcement
- Conditions are applied under two categories
 - *General conditions*: Conditions required for all those released according to Promulgated Rule 2940.2000
 - *Special conditions*: Conditions designed specifically for individual offender type and circumstance – may include but are not limited to residential placement, intensive supervision, electronic monitoring, CD programming, and SO programming

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What is a Release Violator?

A release violator (RV) is a person who:

- Has been committed to the commissioner of corrections, according to Minnesota Sentencing Guidelines, to serve a prison sentence following conviction of a felony(s) offense
- Has served two-thirds of his/her sentence in prison and has been released to serve the remaining one-third in the community under supervision
- During this one-third time period, has been found in violation of release condition(s) and, subsequently, revoked and returned to prison for an amount of time up to and including the remaining sentence

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Types of Release Violators

Historically, discussions relating to RVs have centered around two types

- Offenders on supervised release that return to prison due to a new conviction for a **new criminal offense**
- Offenders on supervised release that return to prison due to what the field of parole deems a **technical violation(s)**

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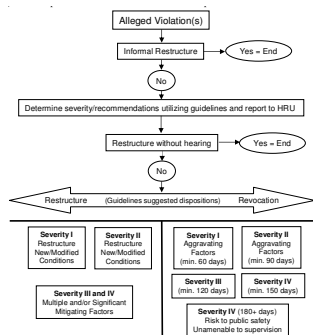
Technical Violations

- Offender negative behavior related to a condition(s) of his/her release that may include new criminal conduct that has **not** resulted in a criminal conviction but has been found to be a violation of a condition(s) of release
- Standard of proof for a violation of a release condition(s) is not as high as required for a criminal conviction (preponderance of evidence vs. beyond a reasonable doubt)
- Therefore, sufficient proof of an offender's criminal conduct that endangers public safety might exist for purposes of a revocation hearing but not for purposes of a new conviction

Technical violators are a simplified way of looking at the RV population who have been returned to prison for violations other than a new criminal conviction(s). The term doesn't necessarily constitute less serious types of violations.

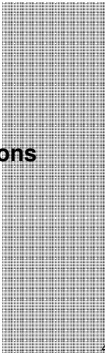
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Supervised Release Restructure/Revocation Process



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Examples of *Technical Violations*



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Sex Offender

Criminal offense involved drinking alcohol at girlfriend's residence and sexually abusing girlfriend's 12-year-old daughter
Offender has recently had a drinking violation, and agent imposed an "informal sanction" prior to the new technical violation
Technical violation: Agent discovers offender at girlfriend's residence drinking alcohol with minor present <ul style="list-style-type: none"> • Violation of <i>standard</i> condition regarding use/possession of intoxicants (severity level II) • Violation of <i>special</i> condition regarding no contact with minors (severity level IV)
Formal restructure/revocation process engaged <ul style="list-style-type: none"> • Offender may be restructured back to the community or revoked and returned to prison • Dependent upon aggravating or mitigating factors as established in revocation guidelines

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DWI Offender

Criminal offense involved First-Degree DWI
Offender was previously restructured by HRU for drinking alcohol and directed to complete CD evaluation and follow all assessment recommendations
Technical violation: Agent visits offender at his/her residence and he/she is intoxicated <ul style="list-style-type: none"> • Violation of <i>standard</i> condition regarding use/possession of intoxicants (severity level II) • Violation of <i>special</i> condition from restructure to enter and complete CD treatment and the offender has now been terminated from treatment due to his/her use of alcohol (severity level III)
Formal restructure/revocation process engaged <ul style="list-style-type: none"> • Offender may be restructured back to the community or revoked and returned to prison • Dependent upon aggravating or mitigating factors as established in revocation guidelines

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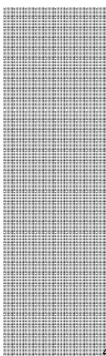
Drug Offender (controlled substance)

Criminal offense involved possession of methamphetamine and intent to distribute
Offender has completed treatment in the community
Technical violation: Agent discovers the offender has possession of large amounts of chemicals and supplies for manufacturing methamphetamine in his/her home <ul style="list-style-type: none"> • Violation of <i>standard</i> condition regarding use/possession of drug paraphernalia (severity level II)
Formal restructure/revocation process engaged <ul style="list-style-type: none"> • Offender may be restructured back to the community or revoked and returned to prison • Dependent upon aggravating or mitigating factors as established in revocation guidelines

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Release Violator Data

- Approximately 5,500 offenders are currently on release status
- RVs equal approximately 15% of the **total** inmate adult population on any given day
- Approximately 31% of total annual prison admissions are RVs



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Restructures & Revocations

The following data is from HRU actions taken during a six-month period April 2008-September 2008 (*Review of Guidelines for Revocation of Parole and Supervised Release, 2009 DOC report*)

Of 2,128 contacts with HRU regarding violation behavior for 1,931 offenders

- 1,089 contacts (51%) resulted in a restructure – allowing the offender to remain in the community
- Remaining 1,039 contacts resulted in a revocation and return to prison (49%)

These violation action numbers are consistent with numbers over time – approximately 50% restructure to remain in the community and 50% revoke and return to prison

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Most often-cited reasons for violation for 1,039 offenders whose violation(s) resulted in revocation (*Review of Guidelines for Revocation of Parole and Supervised Release, 2009 DOC report*)

Violation Resulting in Revocation	Frequency
Treatment failure/refusal (CD and SO)	163
Approved residence/residential treatment failure (CD and SO)	156
SO restrictions/special conditions	89
Drug/alcohol issues (use, refusal to test, etc.)	460
Agent contact issues	287
Other (including following prior restructure directions, leaving state, notifying agent of contact with law enforcement, etc.)	421
Failure to remain law-abiding (does not include those held in abeyance for criminal hearings)	145
Failure to follow curfew, house arrest, ISR restrictions	188
Assaultive behavior	41

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This presentation contains information from *Review of Guidelines for Revocation of Parole and Supervised Release (2009 DOC report to the legislature)*

More information on this process and how it relates to best practices nationally is available in the report at www.doc.state.mn.us/publications/legislative-reports/documents/ReviewofGuidelinesforParole-ReleaseRevocation2009Report_002.pdf

Thank you!

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