



THE DELIVERY SYSTEMS CHANGE PROCESS

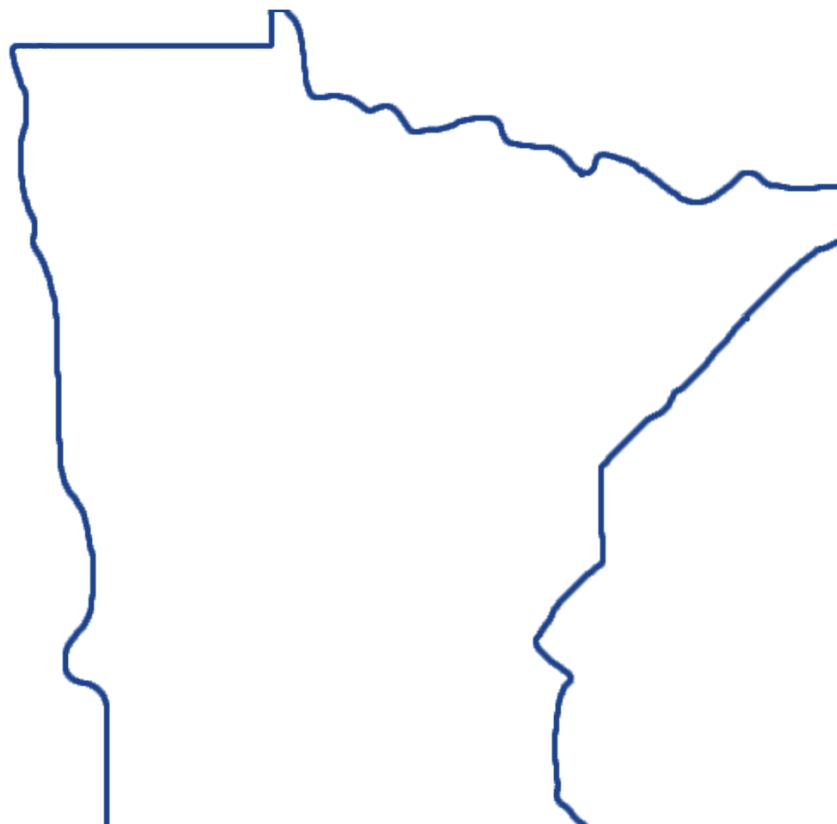




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TIM WALSH, CO-CHAIR
COMMUNITY SERVICES DIRECTOR
SCOTT COUNTY

TERRYL AROLA
COURT SERVICES DIRECTOR
PINE COUNTY

MARY JO CALDWELL
ADMINISTRATIVE MANAGEMENT DIRECTOR
MINNESOTA DEPARTMENT OF CORRECTIONS

ANDY DOOM
REGIONAL DIRECTOR
MINNESOTA DEPARTMENT OF CORRECTIONS

WARREN LIEPITZ
COURT SERVICES DIRECTOR
MILLE LACS COUNTY

JON RAMLO
DIRECTOR
ROCK/NOBLES COMMUNITY CORRECTIONS

MARTHA NZIMBI, COMMITTEE STAFF
GRANTS SPECIALIST INTERMEDIATE
MINNESOTA DEPARTMENT OF CORRECTIONS

KEN MERZ, CO-CHAIR
ADMINISTRATIVE SERVICES DIRECTOR
MINNESOTA DEPARTMENT OF CORRECTIONS

DAYNA BURMEISTER
DISTRICT SUPERVISOR
MINNESOTA DEPARTMENT OF CORRECTIONS

MARY DOMBROVSKI
GRANTS & SUBSIDIES DIRECTOR
MINNESOTA DEPARTMENT OF CORRECTIONS

JOHN KLAVINS
COURT SERVICES DIRECTOR
CARVER COUNTY

THERESE MCCOY
DIRECTOR
SCOTT COUNTY COMMUNITY CORRECTIONS

MARK SIZER
DIRECTOR
STERNS COUNTY COMMUNITY CORRECTIONS

INTRODUCTION TO DELIVERY SYSTEMS

Overview of Project

The purpose of this guidebook is to assist local units of government to determine and transition to the correctional services delivery system appropriate for them. This guidebook is not intended as an advocacy document, nor is it designed to persuade or advise counties on policy matters. Its purpose is procedural in nature and function. Its ultimate objective is to provide a means for counties and the Minnesota Department of Corrections (DOC) to be satisfied and confident that any transition is complete, successful and thorough.

Background

Prior to 1959, state adult probation and parole services were under the Division of Institutions, which was part of the Department of Public Welfare. Hennepin, Ramsey and St. Louis Counties were responsible for providing their own adult probation services. The county/juvenile courts provided all juvenile and adult misdemeanor services.

In 1959, the Minnesota Legislature established the DOC as a separate agency and charged it with the responsibility to operate the state's adult and juvenile institutions as well as provide a wide variety of services to non-incarcerated adult and juvenile offenders in conjunction with the provisions of the County Probation Officer Reimbursement Act of 1959. Many changes have occurred both within the department and throughout the state's criminal justice system since the DOC was established.

The network of local correctional systems in Minnesota is large and elaborate. On an average day, nearly 145,000 adult and juvenile offenders are receiving supervision services on probation or supervised release status in the community. Another 7,000 adults are confined in local jails and workhouses, while more than 250 juveniles are in secure placement locally. In addition, hundreds of programs provide specialized services to adult and juvenile offenders in residential and non-residential settings.

Comparing these numbers to the average number of Minnesotans confined in state institutions (9,270 adults and 111 juveniles on January 1, 2008), it is apparent that locally-delivered corrections is an integral and highly significant part of the overall corrections system.

In the past 35 years, changes have occurred that have affected local systems. Some changes were planned, such as the Community Corrections Act (CCA) of 1973 and the creation of the Minnesota Sentencing Guidelines Commission in 1978. Other changes, like increased caseloads for supervision agents and pressure for larger prison and jail populations, seem to be responses to the changing public attitude toward policy implications regarding crime.

Minnesota Correctional Delivery Systems

Minnesota has three delivery systems for the supervision of offenders on parole, probation, and supervised release (intensive and regular). The supervision of offenders in the community is provided by agents of the county or state who: guide offenders in their compliance with orders of the court or other sentencing authorities; provide information and recommendations of diagnostic quality to the courts and other authorities so they can make appropriate decisions; increase public understanding and acceptance of the offender and correctional programs; and encourage the development of appropriate community resources and seek the most effective methods of attaining community service goals. This guidebook provides a brief description of each system.

For additional information and specific duties of supervision agents, see:

Appendix A – Probation Delivery Systems - Comparison, and

Appendix B – Probation Agent Duties - 1980, 1992, 2007.

MINNESOTA DEPARTMENT OF CORRECTIONS (DOC)

As of January 1, 2008, the DOC provides felony probation and supervised release services in the 55 counties that are not part of the CCA. State-provided services are under the direction of district supervisors, and the full cost is borne by the State of Minnesota.

In addition to felony services, the DOC also provides juvenile, adult misdemeanor and gross misdemeanor services to the court in 27 counties.

These counties, referred to as contract counties, are billed for services. Salary and fringe benefits are eligible for reimbursement by the state.

The DOC also provides intensive supervised release (ISR) services, either directly under two ISR supervisors or through contracts with six CCA jurisdictions.

COMMUNITY CORRECTIONS ACT (CCA)

Any Minnesota county or group of contiguous counties with a population exceeding 30,000 may elect to enter the CCA. There are currently 17 jurisdictions, representing 32 counties organized under this system. The county or jurisdiction provides all correctional services. Funding is provided by a combination of state subsidy, county tax dollars, and various state and federal grants. This system is guided by the county board of commissioners in each jurisdiction. The county must submit a Comprehensive Plan for approval by the DOC.

COUNTY PROBATION OFFICERS (CPO)

CPOs are appointed by the judiciary of the district court in the county where they work. Supervision of the corrections department is provided by the county's court services director. Salary and fringe benefits of the director and CPOs are eligible for reimbursement by the state.

CPOs in these counties supervise all juveniles and most adult misdemeanor and gross misdemeanor offenders. There are currently 28 counties utilizing this method of correctional delivery system.

Funding for Delivery Systems

The Field Services Unit of the DOC is solely funded by legislative appropriations. In those jurisdictions that the DOC provides services directly or through contract with the county, all categorical funding such as caseload/workload (CL/WL) reduction, enhanced sex offender supervision and adult felony supervision, are included in the Field Services Unit budget.

The CCA jurisdictions receive a subsidy from the state that is distributed according to the formula set in M.S. 401. These jurisdictions also receive funding from the county or counties in the jurisdiction through the county budget process.

The CPO system and contract counties receive funding through the county budget process. The county is then eligible to apply for reimbursement from the state for up to 50 percent of an agent's salary and fringe benefits under M.S. 244. If the state appropriation for this reimbursement is not sufficient to support 50 percent, the reimbursement is prorated. For example, in 2007, the state reimbursed CPO counties for 38.87 percent of agent salaries.

Additionally, all three delivery systems may receive categorical funding appropriated by the state legislature. (See Appendix C - Grants, Subsidies/Reimbursements & Contracts).

It should be noted that the DOC budget is appropriated on a biennial fiscal year cycle. Counties, in most cases, operate on a calendar year cycle. Therefore, the timing of a delivery system change needs to be carefully planned. For specific detail, see section three, Planning for a Change.

Delivery Systems Statutory Citations

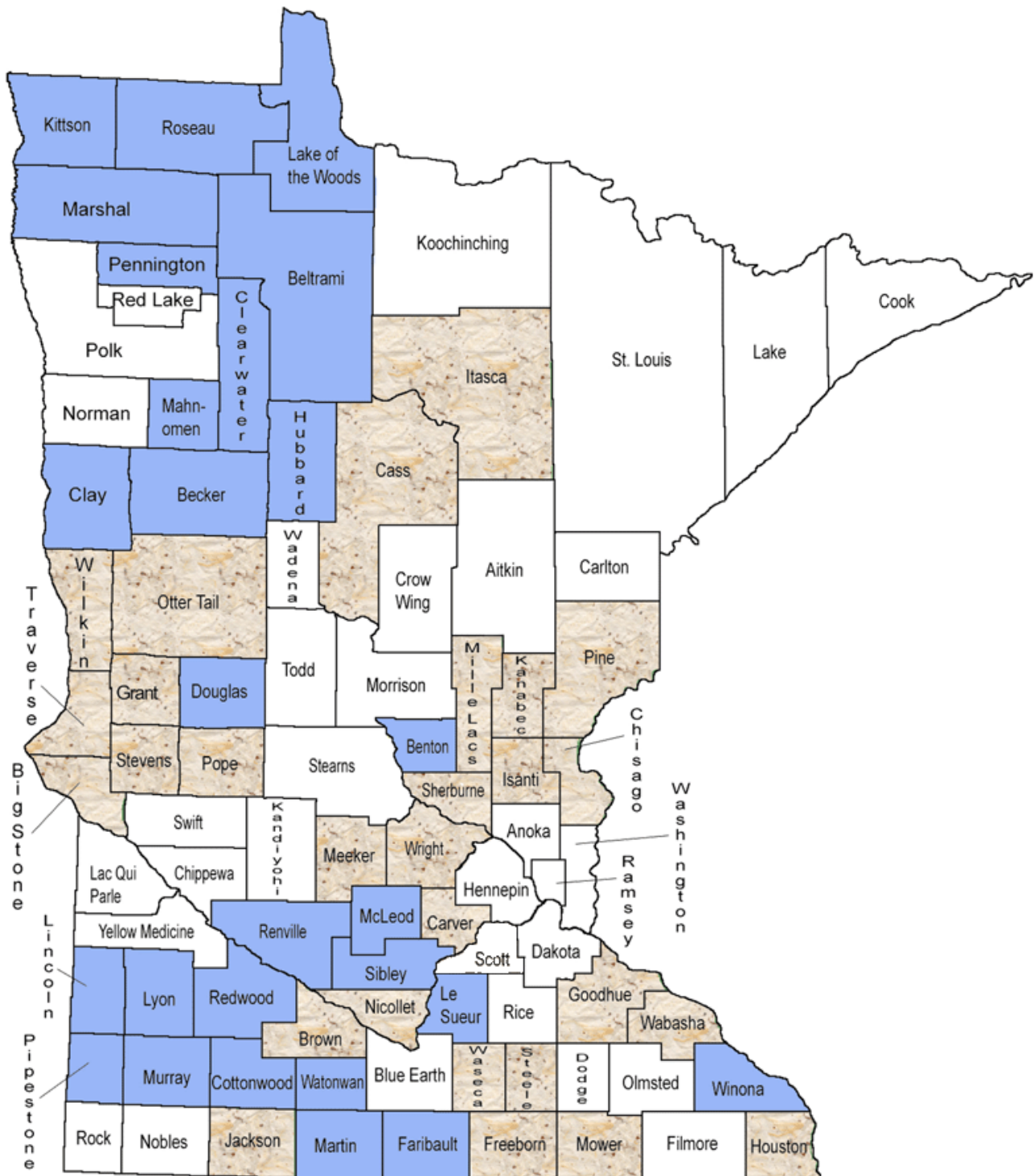
DOC – M.S. 609.115, 611A.037, 609.14, 609.15, 243.05(d), 244.20 (Appendix G)

CCA – M.S. Chapter 401 (Appendix H)

CPO/DOC – M.S. 244.19 (Appendix I)

Court Services Delivery Systems

27 DOC 28 DOC/CPO 32 CCA





CONSIDERING A DELIVERY SYSTEM CHANGE

Steps

There are steps in delivery system change which primarily are led by key policy/decision-makers in the county or counties considering a change. The policy/decision-makers may not actually perform the work to accomplish these steps, but they provide approval, oversight, direction and guidance to:

- Form an advisory group of key policy/decision-makers;
- Get critical input from key staff and advisory people, as well as other counties;
- Complete a policy analysis on correctional delivery system change;
- Compare the three delivery systems;
- Determine whether a change in the system will make a significant difference;
- Determine the structure and organization of the new department;
- Support and take care of staff during organizational change;
- Dedicate the necessary resources for the project planning and implementation.

Factors

There are numerous factors which go into a county's decision to adopt a particular correctional delivery system.

FACTORS INFLUENCING THE ORGANIZATIONAL STRUCTURE OF COMMUNITY-BASED CORRECTIONS:¹

- Level of court involvement in probation management
- Precedents for program standardization/centralization vs. program variation/decentralization
- Level of state/local cooperation and trust
- Geography of the state
- Resource base of state and local governments

- Role of a key leader, interest group or organization
- Grant-supported pilot projects
- Issue, critical event or crisis

Policy Analysis Leading to the Recommendation

(See Appendix D for an example of a policy analysis model)

Regardless of the catalysts for delivery system change, the decision to change a probation delivery systems is, first and foremost, a policy decision. A simple definition of policy is the strategic political and organizational direction of a county or region. It is recommended that counties conduct a policy analysis in preparation for discussions to consider change.

POLICY ANALYSIS INCLUDES (BARDACH, 2005):²

Define the Issues: Be clear about the reasons that the county or counties are considering a change.

Assemble Some Evidence: Find out if these reasons are supported by the evidence; find out if other counties have done research or analyzed correctional delivery system change; check out the research that has been done by the state; and talk to counties who have decided for or against changing their systems in recent years.

Construct the Alternatives: Based on the reasons that the county or counties are considering change; generate some possible solutions to address these issues. The solutions may involve addressing the organizational issues rather than changing the delivery system.

Select the Criteria: Be clear about what criteria will be utilized to evaluate each possible option/solution. In other words, decide what values or outcomes are most important in comparing possible solutions. A 2006 assessment of the Goodhue County corrections system summarized the evaluative criteria as follows.

¹ Minnesota Department of Corrections & Association of Minnesota Counties (1998). Committee on Delivery of Correctional Services: Report/Recommendations.

² Bardach, E. (2005). *A Practical Guide for Policy Analysis: the eightfold path to more effective issue solving*. 2nd ed. Washington D.C.: CQ Press Inc.

Will the new structure:

- Provide better *funding* (current and/or future)?
- Improve the *effectiveness* of services?
- Improve *efficiency* and reduce duplication?
- Improve *collaboration* and policy development?
- Improve *accountability* to those most impacted by the services (i.e., local citizens and elected officials)?³

Project the Outcomes: The county or counties need to go into a new delivery system with wide-eyed realism about what a change in delivery system will or will not accomplish in terms of outcomes, given the criteria.

Confront the Trade-offs: There may be pluses and minuses, costs and benefits to one delivery system versus another, or a delivery system may do better on one criterion but not others. It often comes down to the values and preferences of decision-makers. The Goodhue County report captures this conclusion well: “The decision on the delivery system should *center on the goals and values* of the local elected officials and not primarily by funding. The funding differences among the three delivery systems are not significant enough to justify a change on immediate revenue alone.”⁴

Decide: Hopefully the policy analysis will assist the county or counties to decide. Some counties, in recent years, have employed outside consultants, multi-disciplinary teams, and consulted with other counties as a part of their analysis and recommendations. These outside observers are not necessarily more objective or accurate in their viewpoint; they may simply be less vested in particular outcomes and therefore will have a different perspective. Whether the outside observer or inside perspective is the right or best viewpoint is a matter of evaluation—both should be considered.

Tell the Story: The *story* is the communications plan for the policy analysis and recommendations. The county may want to decide beforehand how the report will be communicated to those people who have a vested stake in the decision.

The Decision is a New Policy Direction

County boards, along with other elected officials, set the policy direction of the county. How correctional delivery systems are organized is a strategic policy decision. The decision to change the correctional delivery system ultimately requires that the county board or boards approve the decision. For a change to two of the delivery systems (CPO, DOC), the district court should be involved and the DOC consulted, but it is the county or counties that approves the decision. The decision to change delivery systems is relatively infrequent and, given the effort to make this change, that should not be surprising (see history timeline in the introduction).

The county board or boards makes the decision after consulting with other elected and appointed officials as well as the experts within the local justice system. Because it is a major decision, counties should choose to have an advisory group of the key decision-makers as part of the “considering a change” phase. An *advisory group* assists with coordination and communication on the deliberation over the policy decision and also facilitates agreement on the recommendation to change or not change. In the end, there may not be total agreement, but at least every key decision-maker was involved and heard.

The county board or boards also consults with experts in the local justice system when considering to change or not change the probation delivery system. Thus, counties in recent years have also formed additional task forces, or committees, consisting of staff and other key justice system stakeholders to provide input to the analysis and recommendations on correctional system change.⁵ There has to be good coordination and communication at all levels of the organization at every phase in the life of the new policy.

The Focus of the New Policy Direction is the Delivery System

A *delivery system* is simply the means by which programs or services are provided. It is often said that the public doesn’t necessarily care who provides public services (or what uniforms they wear, what color car they drive, or to whom they report) but whether that service delivers real value to them. The public doesn’t normally care about *how* probation services are provided or the means of service provision unless it impacts upon these outcomes. Thus, the decision to change delivery

³ The Carey Group (2006). Community Corrections Assessment Goodhue County Final Report, January 5, 2006.

⁴ Ibid. TCG (2006).

⁵ Coordinated System Wide Planning is also necessary after the transition to the new system via a new advisory board, a justice coordinating committee, or executive or governing board (Carey, 2006).

systems is largely a discussion within local government—at the state, district court and county levels—and centers on the key differences between the three systems of probation delivery.

Decision-makers have to discern whether the key differences between delivery systems truly make a difference for a county or counties. A true difference would be the prediction that changing the delivery system would increase service efficiency, effectiveness, quality or outcomes for the community, people victimized by crime, offenders or public servants. These predictions are difficult to prove. All correctional delivery systems (other than prisons) are local and regional in nature. The functioning of these systems is reliant upon a good working partnership between:

- the State Department of Corrections,
- County corrections (or administration),
- the courts,
- the local community,
- other justice system stakeholders and a continuum of corrections providers.

The three probation delivery systems can be alike in all important ways and dissimilar in all insignificant ways.

Nevertheless, there are differences.

Difference #1: Roles and responsibilities.

There are statutorily-defined responsibilities, and the rest must be agreed to by all of the partners in corrections delivery in that locality or region (see Appendix B).

Difference #2: Funding streams or sources, the amount of funding and methods of reimbursement (see Appendix C).

Difference #3: Organizational authority and reporting—who reports to what government agency. The supervising agency has authority over employment issues such as hiring, firing, promotion and supervision. By way of supervisory and administrative control, the agency is able to exert operational control over the probation/corrections department.

Difference #4: Accountability—the probation/corrections department is accountable to whom? This may be different than the formal reporting structure of

the corrections department. For example, the corrections department may report to an official of the district courts but receive day-to-day direction from the judges. Or, the corrections department, per its mission, may define its stakeholders as the community, victims and offenders rather than the county or courts per se. The corrections department may formally report to a division head but be truly accountable to an executive or governing board, or the corrections board might function in an advisory capacity rather than a governance role.

Difference #5: Operational control. A government agency may indicate an interest in “increasing control” as a basis for changing delivery systems. By that, they usually mean that they believe a shift in delivery system will transfer budget control, operational control, program and service design and implementation, as well as accountability, more directly to that government agency versus other government agencies.

The Decision is to Create a New Organization

A decision to change the probation supervision delivery system entails numerous changes to organizational structure.⁶ ***Organizational structure*** is the way in which the interrelated groups of an organization are constructed.⁷

Counties redesign organizational structure generally to increase coordination or integration of services.⁸ Integration is the process of coordinating tasks, functions, and sub-units so they work effectively together and not at cross-purposes. In probation services, “integration” may mean better:

- coordination between felony, gross misdemeanor, and misdemeanor caseloads;
- cooperation between adult and/or juvenile services;
- coordination between traditional, intensive and specialized caseloads;
- incorporation of correctional facilities or various correctional programming into the department; and/or
- coordination throughout the justice system within a locality or region.

⁶ Structural problems include: Tasks, Division of Labor, Functional Areas, Specialization, Work Flow, Coordination of Work, Communication Systems, Information/Intelligence, Hierarchy, Power/Authority, Vertical Integration, Horizontal Integration, Service Integration, Span of Control, Rules/Standards, Resource Allocation, and Relation to other Systems.

⁷ The Free Dictionary.

⁸ Cf. the Minnesota Department of Corrections & Association of Minnesota Counties (1998). Committee on Delivery of Correctional Services: Report/Recommendations.

In some instances, a change in structure or organization is proposed as *the* solution for long-term issues with corrections leadership, staff, service quality or service levels, and real or perceived performance outcomes. The research literature on organizational strategies suggests that restructuring or reorganization does not necessarily fix organizational issues. For instance, moving boxes and solid and dotted lines along organizational charts may not solve what are really resource issues, poor business processes, inadequate performance management, lack of communication, ineffective contracted vendors, poor training, procedures and staff oversight.

Counties improve these types of issues without changing delivery systems. A comparative analysis to like counties with similar structures and comparable correctional systems may reveal key differences in operations which may be improved within the current structure. Correctional systems should also be subject to periodic evaluations of system programs, services and practices against the literature on evidence-based practices (EBP). EBP tools exist to assess the alignment of the organization, particular programs, or the continuum of services to the current body of research on what works to reduce offender recidivism and/or increase developmental assets/strengths.⁹ EBPs can be implemented well in any of the three systems. Best practices can be shared and implemented in all systems.

However, a change in organizational structure does, at times, free the county or counties to shift key aspects of the organization such as vision, mission, leadership, personnel, programs and services. Therefore, the initial analysis by the county should be on identifying the real organizational issues so that the organizational solutions may be targeted. Another way of posing this question is “if a change in organizational structure is the solution, what is the issue or issues it will fix?”¹⁰

WHAT NOT TO DO:

- Reorganize around current personalities.
- Reorganize in a way that is simply more convenient for directors and managers (i.e., form follows function; organize in a way that produces the best results).
- Structure around historical conflicts between people or units of government.
- Change for change sake—a bias that the new is always better than the old.
- Moving boxes to move boxes on the organizational chart.
- Consolidating power (empire building) rather than sharing power.
- Attempting to fix a business process, culture, interpersonal, or personnel problem with a structural solution.
- Presuming other units of government will not act in our unit of government’s best interest (i.e., reorganizing out of fear and mistrust). “Trust but verify—and hold accountable for results” (Osborne & Plastrik, 1998).
- Believe and act as if organizational structure should be set and unchanging (rather than dynamic and responsive). “That is the way we have always done it.”

A New Organization Means Organizational Change and Cultural Transformation

The three delivery systems for supervised probation and correctional services have fairly distinct histories, organizational structures, and funding streams. Though the corrections profession shares a commitment to high correctional standards, correctional practices in the field vary somewhat by delivery system, region and county. Therefore, a change in delivery system necessitates adaptation on all different levels of an organization—executive, administrative, and operational. Where counties have made this transition well, they report that they were intentional about addressing issues of *organizational change* and *cultural transformation* before, during and after the transition. Counties which have experienced lasting negative residue within the new organization report that this was largely due to the county and/or state not paying adequate attention to different aspects of organizational change and cultural transformation. For instance, probation staff may not have been communicated to at critical times in the transition about the changes which impact them the most such as a work unit and job assignment, duties, reporting structure and

⁹ “Correctional practices that have been shown through research to reduce recidivism. Examples include: validated risk/needs assessment tools, dynamic case planning techniques, cognitive behavioral programming, other interventions shown to reduce recidivism, and ongoing evaluation to monitor effectiveness. And since an evidence-based principle is that services and approaches should be matched with client needs in order to maximize the effectiveness, gender specific and culturally appropriate services are stressed.” <http://forums.doc.state.mn.us/ebp/default.aspx>.

¹⁰ Pine County Court Services (2006). *Probation Delivery in Minnesota: Finding the System that Works Best for You*.

supervisor assignment, pay, classification, benefits, and union membership, to name a few. Whether the organization will look on the surface largely the same—in terms of people, programs and services—it is, in reality, a new organization and therefore must be lead and managed as such.

An *organizational culture* is the “...set of basic assumptions which members of the group invent to solve the basic problems of physical survival in the external environment and social survival in the internal environment. It helps to create a sense of predictability that reduces anxiety and allows employees to: feel comfortable, establish meaningful relationships, understand what it takes to gain advancement, and enjoy work competence” (Ed Schien in Carey, 2006). The organizational culture generally refers to “the way it is around here” or “why we do what we do.” *Culture* refers to:

- the explicit or implicit values that guide decision-making and norms of behavior;
- how informal power and authority are assigned;
- how conflict is resolved;
- standards about work performance and how work is done;
- the collective history of the group; and
- dominant beliefs, as well as language, symbols, rituals and customs that characterize a group.

The reason that policy/decision-makers must pay attention to organizational culture is that culture tends to drive organizational behavior and organizational behavior drives performance and results. The county may want to preserve or change aspects of its organizational culture. The county may want to attempt to make a clean break with or respect the past but also progress into the future depending on its history with the old organizational culture. The county may also want the organizational culture of the new corrections department to be more in line with the county’s organizational culture.

The new corrections department may be formed with the merger of a few different work groups with different organizational cultures. Either the reconstituted group assumes the dominant culture or consciously attempts to establish a new organizational culture. To be intentional about organizational change and cultural transformation may mean that the county or state will

decide to involve key stakeholders, managers, supervisors and line staff in an effective process to either create a new or affirm the existing organizational vision, mission, values, strategic goals and outcomes for the new correctional organization.¹¹ This type of transitional planning group serves multiple purposes: an effective organizational planning forum; a team-building exercise; a communications forum; and a processing group to manage change.

In a recent correctional delivery system change, the county followed this plan for organizational change and cultural transformation:

- work with key, high-level stakeholders to create a vision, mission, values, and strategic goals and outcomes for a consolidated community corrections organization
- work with supervisors in securing their input on the proposed vision, mission, values, and strategic goals and outcomes
- support and involve supervisors in playing a leadership role in the organizational and cultural transformation process
- assist line staff in bridging the organizational and cultural transition from multiple agencies into a consolidated new organization
- work with county administration and high-level stakeholders to develop a Strategic Action Plan for implementing the new organization in the county.¹²

THE FIVE PHASES OF THE TRANSITION PROJECT:

Phase I:

- Review of background documentation. Conduct structured, high-level stakeholder discussions concerning the vision, mission, values, strategic goals, and outcomes of the new correctional department. Stakeholder review includes the examination of various alternatives for structuring the organizational consolidation of all programs and services that will be included in the new corrections department, especially as they relate to personnel.

Phase II:

- Determination of how to address the county’s human resource issues that are most important to staff, including the classification of personnel and the selection of pension plans.

¹¹ The Carey Group Scott County Community Corrections Act Proposal: October 31, 2005.

¹² Ibid.

- Communication of human resource plans to supervisors and staff, as well as proposed organizational structure for the new corrections department.
- This phase is the most critical in terms of long-term impact on staff.

Phase III:

- Obtain line staff and line supervisor input on the proposed vision, mission, values, strategic goals and outcomes of the new corrections department. Preparation includes training and facilitated process on how each member can play a leadership role in guiding staff through the process of cultural transformation.
- Development of a tactical plan for employees in instituting a new work culture as part of organizational and cultural change.

Phase IV:

- Training of staff in the process of organizational change and cultural transformation.
- Overview of organizational transitions required to create a unified corrections department.
- Discussion and specification of staff's new role in a consolidated organizational structure.
- Discussion of barriers to change and problem-solving.

Phase V:

- Report writing and presentation, including meeting with county administration and corrections key stakeholders and supervisors to begin action planning process for implementation of the new organization and creation of a unified corrections department.

The New Organization Has to Fit Within the Organizational Structure of the County/s

Counties have varied organizational structures. According to the Association of Minnesota Counties, county boards have generally moved to professional management models, including county administrator, county coordinator and county auditor/administrator models. Under the county administrator model, the administrator is typically the supervisor of all county institutions and agencies and of non-elected department heads (though some counties assign correctional facilities to

elected officials rather than to a non-elected department head; the correctional facilities may or may not be under the authority of the county's corrections department). Thirty-three counties operate under this model (as of September 2000).¹³

The county coordinator model is similar to the county administrator model except that the coordinator "generally does not have a supervisory role over county department heads, elected or appointed." Twenty-two counties currently employ this model. Three counties have combined county auditor/administrator roles and 23 counties "generally assign central administrative tasks to a department head within the county."¹⁴ Counties have flexibility within the law to organize in these various ways and therefore have freedom regarding where to place a new correctional department within their organizational structures. Clearly, the relationship between the board and its lead administrator and the adopted professional county managerial model of the county has a strong bearing on where the department would report. The size of the county's organizational structure is also a key factor. Some counties have opted for a fairly flat organizational hierarchy with many direct reports to the county administrator/manager and others have inserted additional administrative layers into the organization.

Still other counties have opted for a multi-county or regional partnership under a joint exercise of powers agreement (M.S. 471.59) and therefore may choose to have the corrections department report to an executive/governing board. The governance agreement has to address questions such as whether the personnel will be employees of one of the counties or operate as a stand-alone agency; how certain administrative functions such as employee relations, information technology support, accounting, and legal services will be provided by one county or another or contracted out; and how various insurances will be structured (risk, liability, health, dental, etc.).

In a CPO county, the court services director reports to the district court. The state DOC organizes its offices under geographic districts; therefore the reporting structure is defined.

The county will consider various structural factors in designing its particular organizational architecture. For instance:

- What is the best fit for the corrections department organizational culture within the county (i.e., with what departments or divisions does it align?)

¹³ Association of Minnesota Counties (2007). *For Your Information: County Government Structure*. Retrieved August 29, 2007, from <http://www.mnncounties.org>.

¹⁴ E.g. www.newhorizons.com; "New Horizons Integrated Learning" (2003).

- Is there a value to corrections being a structurally-separate department, or should it be integrated into a larger division?
- Does the county historically prefer a direct report of department heads to the county manager/administrator or to a deputy administrator or division head?
- If the corrections department will be structurally separate, how will the county assure that the department integrates well with other departments?
- Will the corrections out-of-home placement budget be within the department or another department/division?
- What programs, services and facilities are integral to the corrections department and therefore should be included in the department (i.e., they functionally and operationally relate and are central to the corrections mission)?
- Does the county board want these programs, services, and facilities to report to an elected official or an appointed official who reports to the board?
- Do these programs and services have to be placed organizationally within corrections in order to best integrate/coordinate them with like programs and services?
- Within a multi-county partnership, who will be the fiscal and administrative agent for the department?
- In a state/county system, how will the county probation functions work with the state probation functions? How will felony and gross misdemeanor adult cases be assigned?

sition to a new correctional delivery system is a major project. Consider just a few of the major tasks of project management:

- Assigning project oversight and management
- Defining the project management life cycle or master transition plan
- Assignment of project lead(s)
- Assignment of a transitional budget
- Resourcing for project support
- Dedicating a project team
- Backfilling duties
- Orienting, training and quality management of project staff
- Developing a transition charter, project schedule/timelines reporting/communications plan, project tracking and controls
- Defining and coordinating work groups
- Contracting for various project activities

The details of administrative and operational project planning and management will be covered in detail in the rest of this guidebook. It is necessary, on the front end of the transition project, for county and state leadership to resource it as a major project.

Project Planning

At the level of decision-makers and administrators, it is common wisdom and accepted practice to deem large capital projects as worthy of dedicated pre-planning, staff, resources and time. Counties reject design-build, pre-fabrication or “off the shelf” models for projects of incredible complexity, unique form and design, or that include large investments in customized or specialized technology and other systems. Probation delivery system change is a similarly immense project and cannot simply be an add-on to staff duties. The trend in both the corporate world and the public sector is away from this “by-the-seat-of-the-pants” practice and toward professional project planning and management. The tran-

PLANNING FOR A CHANGE

After the decision has been made to change the correctional delivery system, there are a number of factors that will need to be addressed in order to best facilitate entry into the new service model. Areas of consideration include how to:

- Educate stakeholders
- Develop the transition team
- Involve employee relations and labor management
- Prepare for financing and budget needs
- Consider timing of delivery system change
- Coordinate information technology needs and transferring data
- Consider programming and service needs or changes
- Plan for staffing assignments and agency structural changes
- Assess training needs and associated costs
- Review policies, standards and practices
- Consider special plans, reports and required documentation
- Plan for potential liabilities, complaints, and misunderstandings
- Plan communications

Educate Stakeholders

The importance of educating policy-makers and stakeholders in order to make an informed decision is addressed in the Organizational/Cultural section of this report. However, once the decision to transition to a new delivery system is made, there is another layer of stakeholders who need to be educated on issues related to the transition. For the most part, these will be the people who will have a direct role in the transition, including managers, line staff, support staff, and others. Some will be impacted more significantly than others, but it is important that people have a broad understanding of how their role affects the rest of the transition.

Develop a Transition Team

To the extent possible, the transitioning agencies should consider removing some or all of the normal job duties for a select group of staff in order to create an essential core “transition team.” This will allow for more time and greater commitment to the planning, implementation and transition process. Additional support staff may need to be added during the transition period in order to provide coverage for various duties and tasks, and the budgeting process should address these additional one-time costs for staff support and initial facility changes and needs. A transition team should include staff from all of the impacted counties and the state agency and should include representatives from the impacted employee or human resources areas and county and state administration staff. The following representatives or positions should be considered as transition team members: corrections department directors and managers; probation officers or agents; administrative staff; human resources generalists/specialists; judicial branch representatives; finance department representatives; and other staff from affected units, departments and agencies.

Involve Employee Relations and Labor Management

Agencies should include staff from these areas as soon as possible in the transition process. These members are responsible for addressing employee issues at both the state and county level. Some of the issues include transfer of benefits, job description updates and revisions, job classifications, seniority, union status, and salaries. Questions regarding future benefits and compensation impacts should also be addressed. Crucial decisions in these areas will directly affect staff at both the county and state level. As a result, the “unknown” can cause a great deal of stress with staff and can have a significant impact on job performance and morale. A communication plan should be established that allows for a timely response for staff questions in this area. Again, the earlier in the transition process that these issues can be addressed and communicated to staff, the better. Consideration should be given to having both a state and county employee from this area on the core transition team. Information on labor management and

union considerations should also be available to staff as requested or needed, and the conversion process should operate under a model that strives to keep staff whole to the extent possible.

Prepare for Financing and Budgeting Needs

At the state level, the Minnesota DOC can help to guide and clarify county funding sources and requirements for the transfer of funds reimbursements under the various delivery system options. By example, if transitioning from a CPO to CCA, the local county board will need to pass a resolution indicating their intent to enter the CCA prior to the DOC securing additional CCA subsidy funding in the Governor's budget. County staff should work with their local legislative representatives to carry the appropriate request. Timing on the state budget cycle to secure funding will also need to be determined with the DOC. Also, CCA requires maintenance of effort on the part of the county. This will be based on a prior year county corrections budget. Other budgetary considerations should include planning for one-time transition costs (both staff resources and facility/equipment needs), changes in funding streams that must occur at the state level (i.e. reimbursement funding subsidies for CPO vs. CCA vs. DOC contract), and actual county budget for maintenance of effort.

Converting agencies should recognize that the first year's budget expenditures under the new delivery system may not be an accurate reflection of subsequent years. Expenditures for services, staff, equipment, and other areas may change significantly (higher or lower) as the new system settles into operation. All impacted agencies should also be aware of the various budget cycles that may be overlapping (i.e., the state fiscal year runs from July 1 through June 30, whereas most county budgets operate within a calendar year cycle). Staff from all impacted financing departments should be part of the transition process.

Transition budgeting should also include one-time costs such as equipment purchases, remodeling and office furnishings and, salary or benefit buyouts. Also include contract services specific to the transition such as Information Technology programming, cultural and organizational development, and staff over complement for planning and transition.

Consider Timing of Delivery System Change

The first formal action for any county once a decision has been made to change the system for the delivery of

correctional services is for the county board to pass a formal resolution. This resolution will inform the commissioner of the county's intent and allow the department to begin to include the change in budget preparation. The State of Minnesota operates on a biennial budget. The legislature will pass this budget in the odd-numbered session years for the following two fiscal years. (The 2007 legislature approved the FY08-09 budget).

The DOC begins to develop its budget in the fall of the even-numbered year preceding the budget session. This is necessary in order to have time for the budget to be approved by the Department of Finance and the Governor's Office, and then be included in the budget the Governor presents to the legislature.

Therefore, a county must have its resolution to the commissioner of corrections no later than July of any even-numbered year in order to be included in the proper budget category for the next biennial budget to begin July 1 of the following year.

Coordinate Information Technology Needs and Transferring Data (electronic data and paper files)

Any transition will require an electronic transfer of the offender database. This will require programming efforts by both the receiving and the sending agencies. Whether the programming should be done internally or contracted should also be considered.

Timetables for programming, Beta testing and conversion should be set. It is recommended that an agreement between parties be reached on what information should be updated prior to the conversion and evaluated at the Beta testing for quality control. For example, conversion "shall include all court-ordered conditions and the status of the conditions." Agreements will need to be arranged on data transfer at a variety of levels, including which data fields to transfer (i.e., cases, conditions, status, etc.), which fields should be "populated," and to what standards should data be entered.

Consideration should also be given to what resources are necessary to update data prior to the actual conversion, as well as clarification as to who is responsible for making sure that all information standards are adhered to and to the acceptable standards of all agencies involved. If problems occur in this area during the transition, a safeguarding plan should be in place to address

any issues that may arise. A mediation process may need to be established as agreed upon by all parties.

Technical staff should also be involved in helping assess technology needs to meet the business requirements for each agency. This will include server space to accommodate new data, PCs and additional software needs. The estimated cost should be included in the transition budget. Ordering and receiving should be included in the facility setup plan.

As there will inevitably be differences in how case files are organized and maintained, a plan for the transfer of paper files must also be addressed. All parties should discuss their expectations and agree on standards prior to transition. A timeline should be established regarding the transfer of files, and the required resources and responsibilities needed to update or reorganize information as necessary should be considered.

Consider Programming and Service Needs or Changes

Depending on which system counties are transitioning to, programming, services, and policy issues will need to be addressed with the sheriff, county attorney, judiciary, county administration and the DOC. It is important to note that a new delivery system does not necessarily mean additional resources. It may, however, mean a restructuring of how those resources are used. Communication with other criminal justice stakeholders will be important for setting these priorities.

Reviewing the prior/present delivery system policies and procedures will help in identifying the issues that need to be addressed. There also may be additional requirements with the new delivery system. For example, CCA requires the county attorney have an Adult Diversion Program. These programs need to be developed and included in the comprehensive plan.

Reviewing service and program needs should be conducted early in the process and consideration given to which, if any, services may require contracts with outside vendors or providers. For example, services that should be reviewed include electronic home monitoring, UA collection (drug testing and analysis), adult and juvenile diversion programs, pre-trial services and conditional release, domestic relations and custody evaluations, detention or treatment services, etc. Costs for these services should be included in the ongoing budget process.

Policies and procedures will need to be developed to manage pre- and post-transition matters. By example, timelines and specific dates will need to be established for case assignment and completion of certain tasks or functions. When will new cases be assigned to the agency staff? When will PSIs become the responsibility of the new agency? When and who will contact clients/offenders about new report dates, times, and locations? These are just a few of the many issues that will need specific attention by the impacted agencies and users of the corrections system.

Plan for Staffing Assignments and Agency Structural Changes

Decisions will need to be made on individual staff assignments. Generally these should be made as early in the transition process as possible. The process in which these assignments are going to be made should be communicated to staff in a timely way. Staff input should also be part of the job assignment process. For example, will decisions about assignments be based on seniority, job preference, skills and experience or some combination of these? If there are promotional opportunities, should they be internal or open competitive? Again, these are areas that will directly affect employees, and the potential stress created can affect job performance and morale. Early staff assignment can allow for cross-training opportunities that will help with the actual transition.

In considering structure and job assignment, agencies should evaluate existing and new workload issues. This would include but not be limited to how client risk is assessed and what level of supervision is necessary for certain offenders. Other factors that will need to be considered include intake rates, pre-sentence or court-ordered investigations, and caseload sizes. See the “Review Policies, Standards and Practices” section for more details.

If the current physical space does not have the capacity to absorb additional staff, this issue will need to be addressed. Funding for the remodel or rental of space will need to be included in either the transition budget or the ongoing corrections budget. New space will need to be outfitted with office furniture and equipment and included in the transition budget as a one-time expense.

Department structure will impact workload management. Considerations include specialization, special programs, mixed caseload, or a combination of any of these. For example, does a county want a Pre-trial

Unit that handles court investigations and intake, with specialized supervision caseloads? Once the county determines the anticipated or projected workload and structure, it can decide on staffing allocations. After the transition, the county will want to continue to evaluate the allocations based on real workload.

Assess Training Needs and Associated Costs

Agencies will want to assess training requirements under the new delivery system model and potential training to develop new workload procedures or special training needs specific to the system. For example, if a county is transitioning from CPO to CCA, existing staff may need training related to felony offender supervision requirements and strategies. These may include sentencing guidelines, procedures for the DOC's Office of Hearings & Release, and predatory offender registration. Consideration should also be given to the level of training needed in the area of evidence-based practices and strategies (i.e., motivational interviewing, assessment, case planning, programming, reentry strategies, etc.). By example, if multiple agencies are utilizing different assessment instruments or case planning strategies, consideration must be given to how these differences will impact services and which strategies or services will become the new priorities. Costs for updated training and implementation of new tools and strategies may need to be assessed based on the needs of individual staff, units, and/or the entire department.

Review Policies, Standards and Practices

As each individual agency may be operating under different standards, policies and practices, consideration must be given to the impact of any existing differences. By example, agency differences in how offenders/clients are assessed and supervised will have an impact on how business is conducted within the new delivery system. This may also directly impact expectations and services for offenders and clients. All areas of offender supervision and practices should be considered, including but not limited to: offender risk levels, supervision levels, assessment standards and tools, case plans, treatment plans and programming, relapse plans, reporting instructions and/or requirements, caseload size, movement from one level of supervision to another, etc. Differences may exist in how probation services are offered at various levels, such as administrative or group supervision, traditional or standard probation, intensive or enhanced probation, special programs (DWI, sex offender, domestic assault, drug/alcohol offenders, etc.).

The transition team will need to consider how all of these factors will come together under the new delivery system and what resources will be needed to accomplish the established objectives and goals. By example, if it is necessary to reassess cases or clients and establish updated risk and/or supervision levels, a plan will need to be established to complete this work. Information regarding changes and expectations will need to be effectively communicated to staff, clients, victims, and key stakeholders as necessary.

In essence, all of the policies and procedures for each service unit or division should be reviewed, changed as recommended or necessary, and updated to meet standards and desired practices. The process of reviewing and recommending updates may need to be delegated to persons within the new delivery system and may go beyond the work of the transition team.

Consider Special Plans, Reports and Required Documentation

If a county is transitioning to the CCA, it will be required to develop a comprehensive plan for the delivery of correctional services. The DOC outlines the components of the plan (Appendix E). If a new CCA change is in process, a draft of the new plan will need to be submitted to the DOC at least three months prior to the actual date of the conversion. Also, Minnesota Statutes related to correctional delivery systems (M.S. 244 and M.S. 401) will provide further details as to various requirements under each delivery system model.

Plan for Potential Liabilities, Complaints, and Misunderstandings

In any major delivery system conversion, there will inevitably be some disagreements and customer concerns. Plans should be made as to how complaints, concerns, inconsistencies, and possible liability issues will be addressed. These concerns may come from staff in any of the affected agencies, clients or offenders, victims, law enforcement, the judiciary, political entities, other collaborative agencies, vendors, contractors and service providers, the public, media, etc. A reasonable process to address any concerns and identification of responsible key persons should be developed during the conversion process and instituted before the actual transition has occurred. Concerns may arise well after the conversion, and decisions may need to be made as to how issues will be handled even many months after the correctional delivery system has occurred.

Plan Communications

In a transition as significant as a change in correctional delivery system, communication plays a major role in its success. A communication plan identifies items that need to be communicated, when those items should be communicated, the form in which the communication will take place and who is responsible for its delivery. See Appendix F - Communication Plan - Outline.

An effective communication plan should include:

- Identifying stakeholders, both a core team and extended team members, for the system change project and communications distribution lists
- Appropriating communication resources such as a website, blog, communications forum or project plan file
- Assigning leads for communication on key aspects of the project plan
- Assigning work groups for action items on the project plan
- Committing to formal communication to stakeholders including written status reports, project plan updates, weekly project team meetings, and monthly reports to management and/or other stakeholders, and emailing all written communication to all indicated stakeholders
- Assigning formal communications responsibility to project lead
- Delineating necessary project meetings, the responsibility and format for the meetings, who must attend, and how meetings will be conducted
- Tracking project goals, action steps, key milestones and reporting responsibilities
- Planning for informal project communications to keep key stakeholders networked via phone calls, faxes, emails, and informal face-to-face conversations

MAKING THE CHANGE

Delivery System Change Checklist

Ensuring the efficient delivery of day-to-day corrections operations during the transition change from the current delivery system (CDS) to the new delivery system (NDS).

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Financial				
One-time Funding Processes				
Identify costs prior to transition: add'l space, equipment, furniture				
Determine benefit rollover conversion				
Staff notification - written				
Staff notification - oral follow-up				
Enter new staff into payroll				
Determine position salaries				
Staff notification of salaries				
Update existing staff into payroll				
*See Appendix C for Distributed Grants				
Ongoing Funding Process				
Expenditures by CDS - Maintenance of Effort - Maintain the amount of money the CDS needs prior to changing delivery system				
Create budget				
Budget input meeting				
Budget team meetings				
Budget approval				

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Operational One-Time Funding				
Specific personnel issues				
Determine job descriptions				
Write job descriptions				
Staff notification				
Determine job classifications				
Reclassify				
Determine job grades				
Establish grades				
Submit position descriptions to HR				
Assign agents to new positions and supervisors				
Staff benefit sign-up deadline				
Determination of union for agents				
Labor negotiations if new union				
Dev't of union contract if new union				
Staff notification of union eligibility				
Staff notification of union status				
Determine reporting structure				
Determine agent structure				
Determine number of units				
Determine supervision level				
Determine max # of clients per level				
Determine agents for each unit				
Interview agents				
Determine supervisor structure				
Determine number of supervisors needed				
Determine support staff structure				

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Client Transition (Client Files)				
Determine if closed files will move				
Open files				
File count				
Need additional file cabinets?				
Yes: - Order - Purchase - Determine where to put additional unit(s) - Deliver - Set up				
Determine where files will be stored				
File Retention				
Develop retention schedule				
Legislative action				
Secure monies from the DOC				
Technical				
Prepare for Data Migration				
Contact software vendor to determine its role				
Develop scripts to assist w/migration				
Request for quote on scripts for migration				
Script quote response				
Purchase STI scripts for migration				
Database clean-up - CDS				
Database clean-up - NDS				
Prepare for Data Migration (Testing)				
Begin regular meetings: software vendor/CDS/NDS				
Determine database size: CDS				

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Determine database size: NDS				
Create testing database on CDS server				
Create CDS dummy database for testing environment				
Can current server space handle CDS and NDS test database?				
No: - Purchase additional server space - Create server space for test environment				
Move testing databases to testing server				
Develop test plan - How long it takes to validate one record - Number of records want to validate - Est. criteria of what is thorough test: 2-3% of total records to testing - Who will test: # people - Who will validate: typically want more than 1 person - What makes a successful test - Documentation: who - Documentation: how - Who will implement modification as determined by testing results - Ideally want to allocate ample time - up to 1 month - between testing and live				
Approve test plan				
Implement test plan				
Begin preparation of contingency plan				
Approve contingency plan				
Contingency plan ready and valid				
Begin testing				
Complete testing: successful - as defined in project plan				
Document results until data goes live				
Make modifications based on results until data goes live				

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Live Data Migration				
Migrate data				
Validate data				
Accept data				
Prepare Work Environment				
Identify hardware, software, and network connection needs				
Order computer hardware				
Determine # and costs for n. personal computers (PCs)				
Approval of additional hardware, software				
Submit request for additional hardware and software				
Order additional hardware pagers				
Install any additional hardware				
Determine # and costs of new and additional software licenses				
Approval for additional software				
Purchase additional software				
Install software				
Configure work stations				
Begin set up complete PCs in offices				
Install offender database on new PCs				
Map new PCs for NDS staff				
Determine telecommunications needs - Order new phones - Assign new phone numbers				
Walk-through of reconfiguration				
Reconfigure work areas				
Add outlets/connectivity if needed				
Order materials for new work space				
Vehicle inventory				

Task Description	Resource Assigned	Date Due	Timing/ Dependency	Status
Prepare Training Environment				
Identify needed training facilities, tools and equipment				
Schedule trainers				
Secure training facilities				
Procure necessary equipment				
Obtain other tools needed for training				
Install necessary training equipment				
Schedule training and invite trainees				
Conduct mandated training - New employee orientation - Use of force - Defensive driving - Bloodborne pathogens - First aid/CPR				
NDS Office Orientation				
Safety training				
NDS office policies				
Intake process (support staff role)				
Offender database standards - Copy of standards document - Standards review				
Agent work review				
Office equipment (copier)				



APPENDICES

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APPENDIX A: THREE PROBATION DELIVERY SYSTEMS - COMPARISON

	COUNTY PROBATION SYSTEM (M.S. 244.19)	COMMUNITY CORRECTIONS ACT (M.S. 401)	DEPARTMENT OF CORRECTIONS (DOC) CONTRACT (M.S. 244.19)
ADMINISTRATION	Local courts in collaboration with county boards	County board (single county) or corrections executive board (multi-county) per comprehensive plan approved by the DOC	DOC
STAFF	Appointed by court with approval of county board; staff serves at pleasure of court	Hired in accordance with county board or corrections executive board policy	Provided by DOC
SUPERVISION	By director/chief probation officer; appointed by and serving at the pleasure of the court	Director responsible to county board or corrections executive board	By DOC supervisor
FUNDING	State reimburses counties up to 50% of probation officer salaries and fringe benefits	Block grant by state augmented with continued level of local spending; block grant is based upon a five factor-based formula	County reimburses state for probation officer salaries in accordance with the same formula as county system
SERVICES PROVIDED	Determined by court Served and approved by the county board as it relates to funding	Range of services as determined by the board and authorized by the comprehensive plan; may include local correctional facilities	As requested by the court and approved by the commissioner of corrections
OFFENDERS SERVED	County supervises: Juveniles, misdemeanors, and most gross misdemeanor offenders DOC supervises: Adult felons and supervised releasees from prison	All offenders, adult and juvenile; may also serve offenders in local correctional institutions	DOC contract agents supervise juveniles, misdemeanants, and most gross misdemeanants DOC supervises adult felons and supervised releasees from prison
PERSONNEL POLICIES	Established by court along with local personnel policy	As set by county board or corrections executive board and/or negotiated by union contracts	By DOC as may be impacted by union contracts
PROFESSIONAL SALARIES	Set by court at no less than the state salary scale	Set by county board or corrections executive board and/or negotiated per union contract	State classified civil service per negotiated union contracts
SUPPORT STAFF	Provided locally at county wage and expense	Provided locally from block grant and local funds	May be either state or county employee per negotiated contract; expense paid by county



APPENDIX B: PROBATION AGENT DUTIES - 1980, 1992 & 2007

RESPONSIBILITY	1980	1992	2007
Client contacts (documentation needed has increased steadily)	X	X	X
Pre-sentence investigations	X	X	X
Progress reports	X	X	X
Violation reports	X	X	X
Transfer investigations - interstate and intrastate	X	X	X
Prison pre-release investigations	X	X	X
Court appearances (long waits due to calendar overcrowding)	X	X	X
Transporting clients (necessary to supervision)	X	X	X
Restitution services	X	X	X
Sentencing guideline worksheets	X	X	X
Conditional pre-trial release supervision	X	X	X
Bail evaluations	X	X	X
Pre-sentence investigations of misdemeanor and gross misdemeanor (court-ordered on selected cases)	X	X	X
Drug & alcohol testing (as court or DOC-ordered condition)	X	X	X
Community work service (began in 1970s; became sentencing option in early 1990s; increased risk level of average client; impacts difficulty of placements)	X	X	X
Alcohol Safety Chemical Use Assessments in DUI matters	X	X	X
Mandatory minimum training standards and annual in-service for Chemical Use Assessments	X	X	X

1980 Responsibilities:

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Some services provided by probation in 1980; not mandated until later.

RESPONSIBILITY	1980	1992	2007
Notification of victim services & rights		X	X
Fine recommendations (mandatory minimum fines for certain offenses 1987; offenses with mandated minimums greatly expanded 1992)		X	X
Electronic monitoring (started in 1990; mandated as part of intensive supervised release program)		X	X
Victim impact statements in pre-sentence investigations (mandated 1984)		X	X
Neighborhood impact statements in pre-sentence investigations (mandated 1988)		X	X
Notification to state if sex offender is bus driver (mandated 1985)		X	X
Family court notification of certain offenses (mandated 1990)		X	X
Compulsive Gambling Assessments in pre-sentence investigations (mandated 1991)		X	X
Chemical assessments & determination of whether alcohol/drugs contributed to felony offense (mandated 1992)		X	X
Intensive supervised release (established by statute 1990)		X	X
Sentencing to Service (began 1986)		X	X
Formalized risk-needs assessments		X	X
Mental health screening & services (MI & MR clients increased; services available decreased) M.S. 383A.404, sub 5 (5) (adult) & M.S. 260.157 (juv)		X	X
Data system entry (including data for statewide information systems)		X	X
Sex offender assessments, adult (mandated 1992)		X	X
Supervision of conditional release period for serious sex offenders (5 or 10-year periods added to supervised release; mandated 1992)		X	X
Specialized training requirements (sex offender supervision, intensive supervision, chemical use assessment)		X	X
DNA testing (sex offenders; mandated 1989)		X	X
Registration of sex offenders & address changes (mandated 1991, expanded 1993; list of offenses has expanded almost annually since 1991)		X	X

RESPONSIBILITY	1980	1992	2007
Fingerprinting on adult interstate transfer clients (mandated 1992)			X
Increase in notification procedures to victims of certain offenses (mandated 1993; requirements expanded almost annually)			X
Provide cognitive skills groups (research driven; piloted DWI groups 1994; began regular cognitive skills groups 1997)			X
Notification to state Department of Human Services (DHS) of convictions for wide range of offenses by persons working in DHS-licensed facilities (mandated 1995)			X
Domestic abuse assessments/investigations (mandated 1996; pre-sentence investigations on these cases mandated 1997)			X
Participation in community notification for sex offenders (community notification mandated in 1997)			X
Corrections fee collection			X
Alcohol monitoring of certain offenders during pre-trial release (mandated 1998; provided through Remand)			X
DNA testing (all other felons; mandated 2000)			X
Minimum case contacts & case management standards implemented (1998)			X
Requirement for interpreter services - greatly expanded number of languages & number of clients			X
Report sex offender addresses, phone numbers, property owned, employment, school & accessible vehicles (added to sex offender registration 2000)			X
Registration of non-sex offenders (broad list of offenses) who have past sex offense & probation expired before registration (mandated 2000)			X
Outcome measures required for county plan/budget; state (state began 2001)			X
Felony DWI created, increasing probation to six years, adding 5-year conditional release, enhancing pre-sentence investigations (mandated 2002)			X
"Short-term" offenders transferred from state to local facilities - increases local supervision population and case management (legislative shift 2003)			X
Probation required to provide custody credit at sentencing hearings (mandated 2003)			X
Pre-plea worksheets (1994 court-ordered)			X

RESPONSIBILITY	1980	1992	2007
Pre-trial screening and supervision of remote electronic alcohol monitoring (2003) and outcomes reporting			X
Interstate transfer and supervision of misdemeanor and gross misdemeanor DUI and person offenders (mandated 2004)			X
Data entry for CSTS related to statewide outcome measures			X
Fingerprinting of felons on suspense file cases (2003)			X
Attend and testify at Unpaid Fine Morrissey Hearings			X
Investigation and supervision of .08 DWI offenders (effective 2005)			X
Added intake and coding responsibilities for court orders for CSTS data entry			X
Conditional release of non-violent controlled substance offenders; opportunity for drug treatment after serving one-half of the prison commit (2005)			X
Domestic abuse no-contact order offense added, increasing misdemeanor caseloads, PSIs (2005)			X
Domestic abuse by strangulation offense added, increasing felony caseloads, PSIs (2005)			X
Harassment & stalking crimes added, increasing gross misdemeanor caseloads, PSIs (2005)			X
Mandatory lifetime conditional release for heinous and repeat sex offenders (2005)			X
Notice to victims of predatory offenders - re: placement on probation and conditions (2005)			X
Placement of predatory offender - duty to notify child protection (2005)			X
Duty to notify receiving county of impending predatory offender relocation and transfer of supervision (2005)			X
Registration of predatory offenders - reporting and photograph requirements added; notification to health care facilities added; adding new crimes for failure to comply; adding ten-year conditional release supervision for Level III offenders (2005)			X
Use of polygraph conditions for sex offenders on probation or conditional release added (2005)			X
Domestic violence crimes enhanced, creating new felonies and gross misdemeanors, increasing caseloads (2006)			X
Changes to crimes involving use of minors in sexual performance or pornographic materials - increasing conditional release time (2006)			X

2007 Responsibilities:

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APPENDIX C: GRANTS, SUBSIDIES, REIMBURSEMENTS & CONTRACTS

DOC - Community Services Division FY2008 Grants

FUNDS	AMOUNT	RECIPIENTS	PURPOSE
Adult Felony	\$964,000 base	16 CCA jurisdictions and DOC	Reduce adult felony caseloads by hiring additional probation officers
Caseload/Workload Reduction	\$13,861 million base	17 CCA, 26 CPO jurisdictions and DOC	Reduce probation caseloads by hiring additional probation staff, contracting for services, technology purchases and prevention/diversion services; \$1.05 million funding came out of the 2005 session, \$2 million added as a result of 2007 session
Community Services - AMICUS	\$120,000	AMICUS	Match volunteers with pre- and post-release offenders and prepare offenders for release (e.g., jobs, housing, clothing)
Dodge-Filmore-Olmsted (DFO) Sex Offender	\$138,285 base	DFO Community Corrections	Increase supervision of sex offender caseloads to an average of 35 per probation officer
Intensive Supervised Release	\$3,248,469 base	6 CCA jurisdictions and DOC	Provide intensive supervision to supervised releasees in their areas (Washington County no longer receives as of mid-year FY05); additional funding was received from legislative session (\$1.2 million for CCA); DFO became funded for the first time
Remote Electronic Alcohol Monitoring	\$608,000	37 county probation offices and sheriff's departments	Monitor offenders in the community who are ordered to abstain from alcohol as a condition of pre-trial release or post-trial probation
Restorative Justice	\$206,000 base	13 county and nonprofit agencies	Provides funds to establish restorative justice programs (circle sentencing, community conferencing) in communities
Sex Offender Supervision - CCA	\$3,804,715 base	15 CCA agencies	Reduce sex offender caseloads by hiring more probation officers
Sex Offender Treatment	\$1.922 million base	29 county and nonprofit agencies	Provide programming, treatment and increased monitoring of adult and juvenile sex offenders; \$1 million funding came out of the 2005 session; \$108,000 used for in-patient treatment beds
Sex Offender Treatment Laws of 2005	\$1 million base	Counties and vendors	Funding came out of the 2005 session; additional funding was provided to the current vendors in FY06; RFP to be issued after the standards and criteria are developed by the workgroups; \$108,000 used for in-patient treatment beds
8-Day Temporary Hold	\$459,000 base	5 counties (Olmsted, Washington, Polk, Brown, Carver)	Funds given to five 8-day holdover facilities (Brown, Carver, Olmsted, Polk and Washington) to reimburse them for providing detention services to eligible juveniles

DOC - Community Services Division
FY2008 Grants continued

FUNDS	AMOUNT	RECIPIENTS	PURPOSE
Transitional Housing	\$1.37 million base	Total amount for offender housing	New funding came out of the 2005 session; to be used for ISR housing (\$201,000), ATTIC project (\$276,000), halfway houses (\$400,000 supplement), emergency housing (\$50,000 if needed), 3/4 way houses to be developed by the DOC (\$200,000), Special Needs statewide to be developed by the DOC (\$120,000)
Sex Offender Assessment Reimbursement	\$350,000 million base	Available to counties	Funding came out of the 2005 session for court-ordered assessments that will be reimbursed up to \$600 per assessment
Sex Offender Polygraphs	\$166,000 base	Available to counties	\$250,000 came out of the 2005 session for polygraphs of offenders under supervision for a sex offense; 70% available to CCA counties; 30% to field services; polygraph must be court-ordered as an intermediate sanction under 609.135 or as a condition of release and the offender must not be in treatment
Specialized Caseloads for Sex Offenders, Domestic Violence Offenders and Other Violent Offenders	\$1.05 million base	Available to CCA and DOC	Funding came out of the 2005 session
Mentoring Grant	\$250,000 base	Big Brothers/Big Sisters	One-time funding came out of the 2006 session; DOC Re-entry team responsible for program monitoring

**DOC - Community and Juvenile Services
FY2008 Subsidies and Reimbursements**

FUNDS	AMOUNT	RECIPIENTS	PURPOSE
County Probation Officer (CPO) Statute 244.19	\$5.296 million base	27 CPOs and 28 DOC contract counties	Reimburse counties for a portion (up to 50%) of the salary and fringe benefit costs for juvenile and adult misdemeanant probation officers (additional \$500,000 in funding came out of 2005 session); \$145,000 increase in FY07 as Scott County entered CCA; additional \$600,000 from 2007 session
Emergency Housing	\$50,000 million base	Any probation department that assists supervised releasees is eligible for funds - funds are paid directly to housing vendor	Assist supervised releasees experiencing housing emergencies to pay for shelter care, motel rooms or provide assistance with rent
Community Corrections Act (CCA) Counties Statute 401.10	\$38.903 million base	17 CCA jurisdictions	Provide CCA counties with funds to provide local correctional services to adult and juvenile offenders
Short-Term Offender Housing	\$3.466 million base	Any county jail that provided housing to a short-term offender	As of July 1, 2003, most offenders with less than a 180-day sentence will be housed at the local level and reimbursement will be made at the end of the fiscal year; additional \$2.5 million from 2007 session

**DOC - Community and Juvenile Services
FY2008 Contracts**

FUNDS	AMOUNT	RECIPIENTS	PURPOSE
Ancillary Services - Residential	\$1.556 million base	Damascus Way, Duluth Bethel, 180 Degrees, RS Eden	Provide residential services, electronic monitoring, day reporting, chemical dependency treatment, and pre- and post-release services to offenders released from adult correctional facilities
Ancillary Services - Miscellaneous	Included in the above base	RS Eden, My Home, Wilder Foundation (EXCEL) and AMICUS, Inc.	Provide electronic monitoring, day reporting and pre- and post-release services to offenders released from adult correctional facilities
Ancillary Services	\$162,000	RS Eden	Track and monitor movement and location of high-risk offenders on supervised release



APPENDIX D: POLICY ANALYSIS

A county or counties go through varied paths for considering probation delivery system change. They may explore it on a periodic basis and decide to remain the same, but then a change in course occurs. There are differences in what was the tipping point for various counties but, as in all major policy changes, the policy window was opened by a series of events, a critical event, a change in politics or administration or key political players within the policy environment, the emergence of policy “entrepreneurs,” and a convergence in thinking that an organizational change is necessary (Kingdon, 2003).¹

A Policy Analysis Model (Bardach, 2005)²

Define the Issues. The definition of the issue should be evaluative, meaning that it can be defined in such a way that it can be assessed, analyzed, and addressed. The public issue should be quantifiable if possible; i.e., conditions that suggest that the public is not receiving the best value for its tax dollars. The concern regarding corrections should be identifiable and actionable—something that local government can do something about.³

Because a change in a delivery system is such a major change, the issue should rise to the level of being “threatening, harmful, disruptive or otherwise unacceptable” (Gosling, 2004, p.40).⁴ The change in the correctional delivery system should alleviate significant public issues or take advantage of a substantial opportunity for addressing a public issue within the policy arena of corrections. The issue statement should not imply your solution or make causal connections that are not proven. The conditions are thought to create the policy issue, and the solution (policy) is thought to address the issue. For instance, issues such as system fragmentation, lack of agency control, lack of agency accountability, uncertain outcomes, duplication of resources and services, lack of strategic direction and funding may or may not be causally linked to the choice of probation delivery system.

Assemble Some Evidence. The purpose of the evidence collection is to “assess the nature and extent of the problem(s), assess the particular features of the policy situation being analyzed and assess policies thought to have worked effectively in situations similar to that being analyzed”⁵ (Bardach, 1997). The evidence should be specific to the issue definition, review available literature, and cite best practices or current policies regarding solutions as well as any empirical studies. In this instance, there are numerous states that have adopted various correctional delivery systems. The state has also conducted studies regarding probation delivery, funding systems and specific probation services. There are a fair number of recent examples of counties that have considered changing their delivery system and decided against it and counties that have decided for it.

Construct the Alternatives. There are many courses of action to address the identified issues. The options are not simply to change or not change delivery systems. There are many promising organizational strategies. For instance, if the organizational issue is truly a long-term pattern of lack of communication and cooperation between two agencies, then a logical alternative is to have joint problem-solving meetings that may be mediated by a trusted third party. Similarly, the county or counties could consider changes in mission, service provision, accountability, leadership, personnel, policy, procedure, training, quality assurance, and so on in order to address current issues. The alternative in these instances is targeted at the organizational issue rather than the whole organization. At this stage of analysis, consider comprehensive policy options and various courses of action. The policy represents a strategy or intervention to solve or mitigate the issue; therefore, the construction of alternatives is the generation of multiple solutions. The policy or advisory team should note which policy alternatives that policy-makers and decision-makers are currently pursuing (these alternatives have already survived the agenda setting and early political process) but also attempt to be creative and invent new alternatives. It should also be considered what the benefits and costs would be of doing nothing.

¹ Kingdon, J. W. (2003). *Agendas, Alternatives, and Public Policies*. 2d. ed. New York: HarperCollins.

² Bardach, E. (2005). *A Practical Guide for Policy Analysis: the eightfold path to more effective issue solving*. 2nd ed. Washington D.C.: CQ Press Inc.

³ Kingdon, J. W. (2003). *Agendas, Alternatives, and Public Policies*. 2d. ed. New York: HarperCollins.

⁴ Gosling, J.L. (2004). *Understanding, Informing, and Appraising Public Policy*. New York: Pearson Education Inc.

⁵ Bardach, E. (1997). *A Practical Guide for Policy Analysis* (1st ed.).

Select the Criteria. In making the decision to change delivery systems, it is recommended that the county or counties be clear about what criteria will be utilized to evaluate each possible option/solution. Common criteria are: supported by elected officials; fiscally responsible; alignment with organization vision, mission and values; enhances local control; and improves service standards and outcomes. Kingdon (2003) asserts that alternatives should be technically feasible, supported by decision-makers' values, fiscally possible and could be broadly supported by the public. Gosling (2004) adds that the alternatives should be legal and politically feasible and meet certain public values such as efficiency, effectiveness, and justice. Bardach (2005) suggests that the alternative should maximize the utility to individuals and the public interest (i.e., the common wealth or public good). Bardach cites that common public values are efficiency, equality, equity, fairness, freedom and justice (ibid). Good solutions are also practical, robust and improvable in the implementation and evaluation phases of the policy. The goals or preferred outcomes can also serve as the evaluative criteria. A recent report summarized the evaluative criteria as follows.

Will the new structure:

- Provide better **funding** (current and/or future)?
- Improve the **effectiveness** of services?
- Improve **efficiency** and reduce duplication?
- Improve **collaboration** and policy development?
- Improve **accountability** to those most impacted by the services (i.e., local citizens and elected officials)?⁶

Project the Outcomes. The county or counties need to go into a new delivery system with wide-eyed realism about what a change in delivery system will or will not accomplish in terms of outcomes, given the evaluative criteria. The policy analyst should express lack of certainty or confidence levels, be realistic about projections, and use qualifiers when necessary. Methods may include cost-benefit analysis, causal modeling, multi-goal analysis, and comparative analysis.

Confront the Trade-offs. From a research standpoint, it would be tremendously difficult if not impossible to demonstrate that one correctional delivery system is superior to the others on any measurable criteria for a particular county or counties. The analysis would have

to prove that it was the delivery system itself (rather than the other organizational issues outlined above) that accounted for superior performance. This type of analysis is hindered by the lack of availability of outcome data across the three delivery systems.⁷ Most counties have had experience with only one delivery system for decades and, if they have had experience with another system, so much time has passed that comparisons are no longer valid. Counties are left to compare to one another, which does provide some meaningful analysis. However, as Association of Minnesota Counties staff are fond of saying when dealing with 87 different counties, "When you have talked with one county about any policy matter, you have talked with one county." That is not to say that what one county does has no application to other counties—clearly it does—but rather that each county is particular or unique in its policy preferences.

Therefore, it is probable that the valuation of options will be largely subjective and based on the values and preferences of decision-makers. "When one alternative produces better outcomes on each evaluative criterion, it is considered dominate and no tradeoffs exist. However, in the real world this doesn't often happen with regard to policy analysis. Trade-offs occur on the margin" (Bardach, 1996). A recent report captures this conclusion well: "The decision on the delivery system should **center on the goals and values** of the local elected officials and not primarily by funding. The funding differences among the three delivery systems are not significant enough to justify a change on immediate revenue alone."⁸

One course of action results in not taking other courses or sacrificing other alternatives. There are avoidance costs for not choosing certain alternatives but also opportunity costs for solutions not implemented. Alternatives will be projected to perform better on some criteria and less well on others. If the criteria are weighted to reflect the values of the county or counties, they can assist in balancing the tradeoffs.

Decide. The decision or recommendation should flow from the analysis and the criteria. If it does not, the analysis should be rechecked step by step. Because the decision to change delivery systems is deeply political, it does matter who is doing the analysis, what their interests are, and their level of objectivity in making recommendations. That is why counties, in recent years,

⁶The Carey Group (2006). Community Corrections Assessment Goodhue County Final Report, January 5, 2006.

⁷Ibid TCG (2006).

⁸ Ibid. TCG (2006).

have employed outside consultants, multi-disciplinary teams, and consulted with other counties as a part of their analysis and recommendations. These outside observers are not necessarily more objective or accurate in their viewpoint; they may simply be less vested in particular outcomes and therefore may have a different perspective. Whether the outside observer or inside perspective is the right or best viewpoint is a matter of evaluation—both should be considered.

Tell the Story. The story is the communications plan for the policy analysis and recommendations. The county may want to decide beforehand how the report will be communicated. How will the research be disseminated? Can it be easily communicated? What is a meaningful way of communicating it to the sponsors/stakeholders? Who is the wider audience? The narrative of the report should flow through the steps of the research analysis (i.e., the items listed here).



APPENDIX E: PLAN REQUIREMENTS

CCA Long Format Plan Requirements (initial participation and every other year)

Highlights

Highlights changes from previous plan and major accomplishments.

Introduction

Describe the community framework in which your CCA system operates to include:

- Demographics
- Geographic location
- Economy
- Crime rates
- Size
- Political system

Administration and Organization of Correctional Services

Describe the administration and organization of your CCA system to include:

- Vision and mission
- Organization chart
- Department budget and FTEs by program area
- Advisory board
- Staff training
- Volunteers
- Research and evaluation efforts
- Signed board resolution
- Salary roster

Program Descriptions

There shall be a section in each of the following areas:

JUVENILE PROBATIONS*

- Risk/needs assessment**
- Diversion/prevention
- Field services
- Probation services by risk level
- Programming (brief program description)
- Institutions
- Out-of-home placements

ADULT PROBATION*

- Risk/needs assessment**
- Diversion
- Field Services
- Probation services by risk level
- Programming (brief program description)
- Institutions

CONTRACT SERVICES/GRANTS

RELATED SERVICES (OPTIONAL)

- Family court services
- Domestic relations
- Psychological services

For each of the above sections, include a description of the services and volume of client activity.

*These sections must include/integrate descriptions of programming for persons of color and female offenders. In addition, programming for special populations (e.g., mentally ill, non-English speaking) should be included when appropriate.

**These sections shall describe the offender population by minimum, medium, and maximum supervision and describe the assessment instrument utilized.

Strategic Plan

This section shall include the major goals and objectives of the department for the next 2-5 years. The strategic goals/objectives and outcomes (following) shall be tied together whenever possible.

Outcome Measurement

The Uniform Statewide Probation Outcome Measures Workgroup issued a report to the legislature in January 1998. This report identified four major outcomes for corrections in Minnesota and the corresponding indicators to measure those outcomes. Each CCA jurisdiction shall work toward collecting the following indicator data, with the eventual goal of measuring these outcomes.

OUTCOME 1: COMMUNITY SAFETY

Indicator: The percent of felony offenders who are re-arrested, re-convicted or incarcerated for a new felony offense during the first three years of probation, parole or supervised release.

Responsible Authority: The DOC in cooperation with local correctional agencies. Recommended for immediate implementation.

OUTCOME 2: RESTORE THE CRIME VICTIM

Indicators: 1) Number of cases with restitution ordered;

- 2) Number of cases with restitution paid in full;
- 3) Percentage of cases where restitution is collected when ordered; and
- 4) Percent of victims responding to a survey who indicated satisfaction with the manner in which their cases were handled by the supervising agency.

Responsible Authority: Indicators 1-3 - State court administrator in cooperation with local correctional agencies. Indicator 4 - Each corrections agency will be responsible for data collection and analysis. The DOC should provide collective data as supplied by counties. Recommended for future implementation.

OUTCOME 3: COMMUNITY RESTORATION

Indicators: 1) Number of Sentencing to Service (STS) hours ordered;

- 2) Number and value (\$) of STS projects completed;
- 3) Number and proportion of offender cases with community work service (CWS) ordered; and
- 4) Number and proportion of offenders who have completed CWS upon discharge.

Responsible authority: The DOC in cooperation with local corrections agencies. Recommended for future implementation.

OUTCOME 4: DEVELOP OFFENDER COMPETENCIES AND ASSIST OFFENDERS TO CHANGE

Indicators: 1) Number of offender assessments and reassessments completed;

- 2) Number of case plans developed that address factors relating to criminal behavior;
- 3) Number of offenders obtaining/maintaining employment while under supervision;
- 4) Number of offenders obtaining education while under supervision; and
- 5) Percent of felony offenders re-convicted of a new felony offense within one year of supervision discharge.

Responsible authority: Local corrections agencies in cooperation with the DOC. Recommended for future implementation.

Annual Progress Report

Outcome Measures: Update with the most current outcome measurement data.

Strategic Plan: This section shall include progress on the goals and objectives identified in the previous year's plan. It shall also include any changes in the goals and objectives from the previous plan. The strategic goals/objectives and outcomes shall be tied together whenever possible.

CCA Short Format Plan Requirements (second year and every other year)

Administration and Organization of Correctional Services

- Organization chart
- Department budget and FTEs by program area
- Salary roster

Program Descriptions

This section shall be included only if there are changes in services/programming from the previous year's plan.

Annual Progress Report

Strategic Plan: This section shall include progress on the goals and objectives identified in the previous year's plan. It shall also include any changes in the goals and objectives from the previous year's plan. The strategic goals/objectives and outcomes shall be tied together whenever possible.

Outcome Measurement: Update with the most current outcome measurement data.

APPENDIX F: COMMUNICATION PLAN - OUTLINE

Transition Project

Stakeholders

This project has approximately ____ stakeholders. They consist of members of one of the following two classes:

Core Team Members (CT): Includes the project executive, project lead, technical lead, representatives from the DOC, and individual technical contributors on the project.

Extended Team Members (ET): Includes stakeholders and consultants to be included in reviews or tapped for their expertise as needed: Community Corrections Advisory Board, county management, information & technology, facilities, accounting, and employee relations.

Project Communication Resources

COLLABORATION SPACE:

This project will utilize a collaboration space at url:

_____.

This space will be accessible through the county intranet. It will also be accessible to DOC employees, with password protection.

The space will be used to store:

- Project status summaries
- Question and answer forum
- Other information as determined by the project executive

EMAIL DISTRIBUTION LIST

All CT and ET members will be included on an email list with the name **Corrections Transition**. The technical lead will set up and maintain any changes to this list. Any team member may use this list to communicate easily with the team on matters that affect the entire team.

Formal Project Communications - Project Management Related

Formal project communication will consist of *written status reports, project plan updates, weekly project team meetings, and monthly reports to management and/or other stakeholders.*

All written communication will be emailed to all indicated stakeholders.

WEEKLY STATUS REPORTS

Responsibility and format: The project lead and the technical lead will generate a weekly status report using the Project Status Report template format (see next page). Status reports will be available on a shared network drive.

MEETINGS

Responsibility and format: The project executive and/or the project lead are responsible for initializing and facilitating meetings/updates of CT and ET members.

Who attends: The project executive, project lead, and technical lead will attend and facilitate all meetings. ET members may request attendance or may be invited as appropriate.

Media/tools: Meetings will be held face-to-face. Meetings will be scheduled with date, time and meeting location published no later than one day prior to the meeting.

Ground Rules: Meeting minutes with action items will be distributed via email within two days following the meeting.

WEEKLY PROJECT PLAN UPDATES

Responsibility and format: The project lead will generate an updated version of the project plan based on information received from weekly status reports and project core team meetings.

Ground rules: The updated plan documents will be posted on a shared network drive.

Project Phase:		
Prepared By:		
Reporting Period: From: To:		Conclusion: ☐ Proceeding According to Plan ☐ Manageable Issues ☐ Serious Issues - Need Help
PLANNED TASKS FOR THIS REPORTING PERIOD		
Task Description	% Complete	Task Status
1.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
2.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
3.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
4.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
5.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
6.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
7.	☐ <50% ☐ 90-99% ☐ 50-74% ☐ 100% ☐ 75-89%	☐ On Plan ☐ Not on Plan ☐ Ahead of Plan
Corrective Actions:		
Objectives for Next Reporting Period:		
Notes:		

MONTHLY MANAGEMENT TEAM AND CORRECTIONS

ADVISORY BOARD MEETINGS

Responsibility and format: The project and technical leads will update the project executive in a face-to-face meeting prior to the monthly management team and advisory board meetings. A project summary report will be produced and used as a handout for the management team and the corrections advisory board (see next page). The report will cover:

- Progress against project milestones (milestone name, target date, and completion date)
- Upcoming milestones (milestone name, responsible person and target date)
- Milestone changes and impact
- Issues/recommendations
- Comments

Ground rules: The report, Transition Update for Management Team and the Corrections Advisory Board, must be submitted to the project executive two days before the monthly meetings with enough copies for the meeting attendees.

Informal Project Communications

Informal project communication includes phone calls, faxes, emails and informal face-to-face conversations. The primary communication collaboration paths will be CT members – CT members and CT members – ET members. The media and tools required for each type of communication are:

CT MEMBERS TO CT MEMBERS

- *Media/tools:* CT members must maintain access to the following media and tools: email, voice mail, the network server, and Microsoft Word, Microsoft Excel or equivalent programs.
- *Ground rules:* CT members will check email once daily and reply within 24 hours to any project-related items. CT members will check voice mail daily and reply within 12 hours to any project-related items.

CT MEMBERS TO ET MEMBERS

- *Media/Tools:* ET members are required to maintain the same media and tools as CT members.
- *Ground rules:* ET members will follow the same ground rules as the CT members.

Corrections Transition Update

Date:

Report for: County Management Team, Corrections Advisory Board

1. Successful milestones for this reporting period:

Milestone	Target Date	Completion Date
<i>Description of milestone</i>	<i>dd/mm/yyyy</i>	<i>dd/mm/yyyy</i>

2. Upcoming milestones:

Milestone	Person/Area	Current Target Date
<i>Description of milestone</i>	<i>dd/mm/yyyy</i>	<i>dd/mm/yyyy</i>

3. Milestone changes and impact:

Milestone	Impact
<i>Description of affected/amended/changed milestone</i>	<i>Brief description of any changes to the project schedule required as a result of the amended milestone(s)</i>

4. Comments:

Include any general comments that may support/enhance/add to the above sections.

5. Issues:

Brief description of any business issues associated with the project that have arisen since the previous report and need to be addressed by the steering committee, project sponsor or senior manager, etc.

6. Comments:

Brief statement(s) for the steering committee, project sponsor or senior manager to consider and/or endorse.

				Audiences		
What	When	How	Responsible	<i>DOC, County</i>	<i>Project Team</i>	<i>Corrections Advisory Board</i>
<i>Project kickoff</i>		<i>Meeting</i>		<i>Receive</i>	<i>Receive</i>	<i>Receive</i>
<i>Project plan</i>		<i>Document</i>			<i>Input</i>	<i>Receive</i>
<i>Team meetings</i>	<i>Weekly</i>	<i>Document meeting notes</i>				
<i>Project status report - team</i>	<i>Weekly</i>	<i>Email</i>		<i>Receive</i>	<i>Consult</i>	<i>Receive</i>
<i>Project status report - Mgmt</i>	<i>Monthly</i>	<i>Meeting</i>		<i>Receive</i>	<i>Input</i>	<i>Consult Receive</i>
<i>Major milestone announcements</i>	<i>As completed</i>	<i>Email</i>		<i>Receive</i>		<i>Receive</i>
<i>Acceptance testing</i>	<i>End of test</i>	<i>Letter</i>			<i>Input</i>	<i>Receive</i>
<i>Project close-out report</i>	<i>End of project</i>	<i>Document</i>		<i>Receive</i>	<i>Input</i>	<i>Receive</i>

Communication Snapshot

The above communication plan identifies items that need to be communicated, when those items should be communicated, the form the communication should take, the person responsible for delivering the communication, and who is impacted by the communication and at what level of involvement. The following defines the levels of involvement:

- Person(s) who consults with the communication lead to produce the communication.
- Person(s) who has input in the communication and whose comments will result in changes to the communication before it occurs.
- Person(s) who approves the communication prior to dissemination or distribution.
- Person(s) who receives or reviews the communication but who does not have review or approval role in the communication.

APPENDIX G: STATUTORY CITATIONS - DOC

609.115 PRESENTENCE INVESTIGATION (2007).

Subdivision 1. **Pre-sentence investigation.** (a) When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a pre-sentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. At the request of the prosecutor in a gross misdemeanor case, the court shall order that a pre-sentence investigation and report be prepared. The investigation shall be made by a probation officer of the court, if there is one; otherwise it shall be made by the commissioner of corrections. The officer conducting the pre-sentence or pre-dispositional investigation shall make reasonable and good faith efforts to contact and provide the victim with the information required under section 611A.037, subdivision 2. Pre-sentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the Rules of Criminal Procedure.

(b) When the crime is a violation of sections 609.561 to 609.563, 609.5641, or 609.576 and involves a fire, the report shall include a description of the financial and physical harm the offense has had on the public safety personnel who responded to the fire. For purposes of this paragraph, "public safety personnel" means the state fire marshal; employees of the Division of the State Fire Marshal; firefighters, regardless of whether the firefighters receive any remuneration for providing services; peace officers, as defined in section 626.05, subdivision 2; individuals providing emergency management services; and individuals providing emergency medical services.

(c) When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

(d) The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

(e) When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota Sentencing Guidelines. The worksheet shall be submitted as part of the pre-sentence investigation report.

(f) When a person is convicted of a felony for which the Sentencing Guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel, the court may, when there is no space available in the local correctional facility, commit the defendant to the custody of the commissioner of corrections, pending completion of the pre-sentence investigation and report. When a defendant is convicted of a felony for which the Sentencing Guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the Sentencing Guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, the court may commit the defendant to the commissioner with the consent of the commissioner, pending completion of the pre-sentence investigation and report. The county of commitment shall return the defendant to the court when the court so orders.

Subd. 1a. **Contents of worksheet.** The Supreme Court shall promulgate rules uniformly applicable to all district courts for the form and contents of sentencing worksheets. These rules shall be promulgated by and effective on January 2, 1982.

Subd. 1b.[Repealed, 1987 c 331 s 13]

Subd. 1c.[Repealed, 1987 c 331 s 13]

Subd. 2. **Life imprisonment report.** If the defendant has been convicted of a crime for which a mandatory sentence of life imprisonment is provided by law, the probation officer of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make a post-sentence investigation and make a written report as provided by subdivision 1.

Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant has been convicted of a felony, including a felony for which a mandatory life sentence is required by law, the court shall cause a sentencing worksheet as provided in subdivision 1 to be completed and forwarded to the Sentencing Guidelines Commission. For the purpose of this section, “mandatory life sentence” means a sentence under section 609.106, subdivision 2; 609.185; 609.3455; 609.385, subdivision 2; or Minnesota Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

Subd. 3. **Criminal justice agency disclosure requirements.** All criminal justice agencies shall make available at no cost to the probation officer or the commissioner of corrections the criminal record and other relevant information relating to the defendant which they may have, when requested for the purposes of subdivisions 1 and 2.

Subd. 4. **Confidential sources of information.** Any report made pursuant to subdivision 1 shall be, if written, provided to counsel for all parties before sentence. The written report shall not disclose confidential sources of information unless the court otherwise directs. On the request of the prosecuting attorney or the defendant’s attorney a summary hearing in chambers shall be held on any matter brought in issue, but confidential sources of information shall not be disclosed unless the court otherwise directs. If the pre-sentence report is given orally the defendant or the defendant’s attorney shall be permitted to hear the report.

Subd. 5. **Report to commissioner or local correctional agency.** If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment. If the defendant is sentenced to a local correctional agency or facility, a copy of the report must be provided to that agency or facility.

Subd. 6. **Report disclosure prohibited.** Except as provided in subdivisions 4 and 5 or as otherwise directed by the court any report made pursuant to this section shall not be disclosed.

Subd. 7. **Stay of imposition of sentence.** If imposition of sentence is stayed by reason of an appeal taken or to be taken, the pre-sentence investigation provided for in this section shall not be made until such stay has expired or has otherwise been terminated.

Subd. 8. **Chemical use assessment required.** (a) If a person is convicted of a felony, the probation officer shall determine in the report prepared under subdivision 1 whether or not alcohol or drug use was a contributing factor to the commission of the offense. If so, the report shall contain the results of a chemical use assessment conducted in accordance with this subdivision. The probation officer shall make an appointment for the defendant to undergo the chemical use assessment if so indicated.

(b) The chemical use assessment report must include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3. The assessment must be conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An assessor providing a chemical use assessment may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider, except as authorized under section 254A.19, subdivision 3. If an independent assessor is not available, the probation officer may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

Subd. 9. **Compulsive gambling assessment required.** (a) If a person is convicted of theft under section 609.52, embezzlement of public funds under section 609.54, or forgery under section 609.625, 609.63, or 609.631, the probation officer shall determine in the report prepared under subdivision 1 whether or not

compulsive gambling contributed to the commission of the offense. If so, the report shall contain the results of a compulsive gambling assessment conducted in accordance with this subdivision. The probation officer shall make an appointment for the offender to undergo the assessment if so indicated.

(b) The compulsive gambling assessment report must include a recommended level of treatment for the offender if the assessor concludes that the offender is in need of compulsive gambling treatment. The assessment must be conducted by an assessor qualified either under Minnesota Rules, part 9585.0040, subpart 1, item C, or qualifications determined to be equivalent by the commissioner, to perform these assessments or to provide compulsive gambling treatment. An assessor providing a compulsive gambling assessment may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If an independent assessor is not available, the probation officer may use the services of an assessor with a financial interest or referral relationship as authorized under rules adopted by the commissioner of human services under section 245.98, subdivision 2a.

(c) The commissioner of human services shall reimburse the assessor for each compulsive gambling assessment at a rate established by the commissioner. To the extent practicable, the commissioner shall standardize reimbursement rates for assessments. The commissioner shall reimburse the assessor after receiving written verification from the probation officer that the assessment was performed and found acceptable.

2007 M.S. §611A.037

611A.037 PRESENTENCE INVESTIGATION; VICTIM IMPACT; NOTICE.

Subdivision 1. **Victim impact statement.** A pre-sentence investigation report prepared under section 609.115 shall include the following information relating to victims:

- (a) a summary of the damages or harm and any other problems generated by the criminal occurrence;
- (b) a concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of the victim's opinion; and
- (c) an attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the pre-sentence investigation with this written material within a reasonable time prior to the disposition.

Subd. 2. **Notice to victim.** The officer conducting a pre-sentence or pre-dispositional investigation shall make reasonable and good faith efforts to assure that the victim of that crime is provided with the following information by contacting the victim or assuring that another public or private agency has contacted the victim: (i) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty, or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (ii) the victim's right to request restitution pursuant to section 611A.04; (iii) the time and place of the sentencing or juvenile court disposition and the victim's right to be present; and (iv) the victim's right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (iv), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for post-conviction or post-juvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.

609.14 REVOCATION OF STAY (2007).

Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay and direct that the defendant be taken into immediate custody.

(b) When it appears that the defendant violated any of the conditions of probation during the term of the stay, but the term of the stay has since expired, the defendant's probation officer or the prosecutor may ask the court to initiate probation revocation proceedings under the Rules of Criminal Procedure at any time within six months after the expiration of the stay. The court also may initiate proceedings under these circumstances on its own motion. If proceedings are initiated within this six-month period, the court may conduct a revocation hearing and take any action authorized under rule 27.04 at any time during or after the six-month period.

(c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after proceedings to revoke the stay have been initiated by a court order revoking the stay and directing either that the defendant be taken into custody or that a summons be issued in accordance with paragraph (a), the proceedings to revoke the stay may be concluded and the summary hearing provided by subdivision 2 may be conducted after the expiration of the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke the stay shall not be dismissed on the basis that the summary hearing is conducted after the term of the stay or after the six-month period. The ability or inability to locate or apprehend the defendant prior to the expiration of the stay or during or after the six-month period shall not preclude the court from conducting the summary hearing unless the defendant demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 2. Notification of grounds for revocation. The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay of imposition or execution of sentence. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant is entitled to be heard and to be represented by counsel.

Subd. 3. Sentence. If any of such grounds are found to exist the court may:

(1) if imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order intermediate sanctions pursuant to section 609.135, or impose sentence and order execution thereof; or

(2) if sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order intermediate sanctions in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed.

Subd. 4. Restoration to liberty. If none of such grounds are found to exist, the defendant shall be restored to liberty under the previous order of the court.

609.15 MULTIPLE SENTENCES (2007).

Subdivision 1. Concurrent, consecutive sentences; specification requirement. (a) Except as provided in paragraph (c), when separate sentences of imprisonment are imposed on a defendant for two or more crimes, whether charged in a single indictment or information or separately, or when a person who is under sentence of imprisonment in this state is being sentenced to imprisonment for another crime committed prior to or while subject to such former sentence, the court in the later sentences shall specify whether the sentences shall run concurrently or consecutively. If the court does not so specify, the sentences shall run concurrently.

(b) When a court imposes sentence for a misdemeanor or gross misdemeanor offense and specifies that the sentence shall run consecutively to any other sentence, the court may order the defendant to serve time in custody for the consecutive sentence in addition to any time in custody the defendant may be serving for any other offense, including probationary jail time or imprisonment for any felony offense.

(c) An inmate of a state prison who is convicted of committing an assault within the correctional facility is subject to the consecutive sentencing provisions of section 609.2232.

Subd. 2. Limit on sentences; misdemeanor and gross misdemeanor. If the court specifies that the sentence shall run consecutively and all of the sentences are for misdemeanors, the total of the sentences shall not exceed one year. If the sentences are for a gross misdemeanor and one or more misdemeanors, the total of the sentences shall not exceed two years. If all of the sentences are for gross misdemeanors, the total of the sentences shall not exceed four years.

243.05 COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS (2007).

Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

(h) Unless the district court directs otherwise, state parole and probation agents may require a person who is

under the supervision of the commissioner of corrections to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Agents may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. The commissioner may authorize an additional 40 hours of community work services, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, parole and probation agents are required to provide written notice to the offender that states:

- (1) the condition of probation that has been violated;
- (2) the number of hours of community work service imposed for the violation; and
- (3) the total number of hours of community work service imposed to date in the 12-month period.

An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances. Community work service includes sentencing to service.

Subd. 1a. **Detention of felons who flee pending sentencing.** The commissioner of corrections shall assist law enforcement agencies in locating and taking into custody any person who has been convicted of a felony for which a prison sentence is presumed under the Sentencing Guidelines and applicable statutes, and who absconds pending sentencing in violation of the conditions of release imposed by the court under rule 27.01 of the Rules of Criminal Procedure. The written order of the commissioner of corrections is sufficient authority for any state parole and probation agent to take the person into custody without a warrant and to take the person before the court without further delay.

Subd. 1b. **Victim's rights.** (a) This subdivision applies to parole decisions relating to inmates convicted of first degree murder who are described in subdivision 1, clauses (a) and (b). As used in this subdivision, "victim" means the murder victim's surviving spouse or next of kin.

(b) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's parole review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be paroled at that time. The commissioner must consider the victim's statement when making the parole decision.

Subd. 2. **Rules.** The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. **Duty of commissioner; final discharge.** It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

- (a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that the parolee is reliable and trustworthy;
- (b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and
- (c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmate's record while in prison, the date of parole, the inmate's record while on

parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in this section or section 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. **Hearing officers; powers; duties.** To carry out the powers and duties conferred by this section, the commissioner of corrections may designate from among staff members, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. **Deputization of out-of-state agents.** The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of deputization and must be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. **Supervision by commissioner of corrections; agents.** (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. The commissioner may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the County Probation Act, Laws 1959, chapter 698.

244.20 PROBATION SUPERVISION (2007).

Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the Department of Corrections shall have exclusive responsibility for providing probation services for adult felons in counties that do not take part in the Community Corrections Act. In counties that do not take part in the Community Corrections Act, the responsibility for providing probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy.

APPENDIX H: STATUTORY CITATIONS - CCA

2007 M. S. Chapter 401

401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.

Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is authorized to make grants to assist counties in the development, implementation, and operation of community-based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.

Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following terms have the meanings given them.

(b) “CCA county” means a county that participates in the Community Corrections Act.

(c) “Commissioner” means the commissioner of corrections or a designee.

(d) “Conditional release” means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(e) “County probation officer” means a probation officer appointed under section 244.19.

(f) “Detain” means to take into actual custody, including custody within a local correctional facility.

(g) “Joint board” means the board provided in section 471.59.

(h) “Local correctional facility” has the meaning given in section 241.021, subdivision 1.

(i) “Local correctional service” means those services authorized by and employees, officers, and agents appointed under section 244.19, subdivision 1.

(j) “Release” means to release from actual custody.

401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.

Subdivision 1. **Qualification of counties.** One or more contiguous counties, having an aggregate population of 30,000 or more persons, may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board, designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

Subd. 2. **Planning counties; advisory board members expenses.** To assist counties which have complied with the provisions of subdivision 1 and require financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 401.08, the commissioner may designate counties as “planning counties”, and, upon receipt of resolutions by the governing boards of the counties certifying the need for and inability to pay the expenses described in this subdivision, advance to the counties an amount not to exceed five percent of the maximum quarterly subsidy for which the counties are eligible. The expenses described in this subdivision shall be paid in the same manner and amount as for state employees.

Subd. 3. **Establishment and reorganization of administrative structure.** Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may establish, organize, and reorganize an administrative structure and provide for the budgeting, staffing, and operation of court services and probation, construction or improvement to juvenile detention and juvenile correctional facilities and adult detention and correctional facilities, and other activities required to conform to the purposes of this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision.

Subd. 4. [Repealed, 1998 c 367 art 7 s 15]

Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county probation officers may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning on the date on which community work service is first imposed. The chief executive officer of a community corrections agency may authorize an additional 40 hours of community work service, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the offender that states:

- (1) the condition of probation that has been violated;
- (2) the number of hours of community work service imposed for the violation; and
- (3) the total number of hours of community work service imposed to date in the 12-month period.

An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances. Community work service includes sentencing to service.

401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.

Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When it appears necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer in the county or any probation officer serving the district and juvenile courts of the county to detain and bring the person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing a probation officer serving the district and juvenile courts of the county to release a person detained under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the probation officer to release the detained person.

(c) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer in the county or any probation officer serving the district and juvenile courts of the county to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this paragraph is sufficient authority for the peace officer or probation officer to detain the person.

Subd. 2. Peace officers and probation officers in other counties and state correctional investigators.

(a) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain a person under sentence or on probation who:

- (1) fails to report to serve a sentence at a local correctional facility;
- (2) fails to return from furlough or authorized temporary release from a local correctional facility;
- (3) escapes from a local correctional facility; or
- (4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) A written order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, probation officer, or county probation officer to detain the person.

Subd. 3. Offenders under Department of Corrections commitment. CCA counties shall comply with the policies prescribed by the commissioner when providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.16, 244.05, and 244.065, including inter-county transfer of persons on conditional release and the conduct of pre-sentence investigations.

401.03 PROMULGATION OF RULES; TECHNICAL ASSISTANCE.

The commissioner shall, as provided in chapter 14, promulgate rules for the implementation of sections 401.01 to 401.16, and shall provide consultation and technical assistance to counties to aid them in the development of comprehensive plans.

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state and local correctional services presently provided in counties, employment shall be given to those state and local officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state or local correctional service.

State or local employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state

401.05 FISCAL POWERS.

Subdivision 1. Authorization to use and accept funds. Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may, through their governing bodies, use unexpended funds; accept gifts, grants, and subsidies from any lawful source; and apply for and accept federal funds.

Subd. 2. **Capital improvements; bonds; leases.** (a) A county or group of counties which acquires facilities under section 401.04 or constructs the facilities may finance the acquisition or construction and the equipping and subsequent improvement of the facilities in whole or in part by:

(1) the issuance of general obligation bonds of the county or group of counties in the manner provided in chapter 475; or

(2) the issuance of revenue bonds, secured by a lease agreement as provided in subdivision 3 and sections 469.152 to 469.165, by a city situated in any of the counties or a county housing and redevelopment authority established pursuant to chapter 469 or special law.

Proceedings for the issuance of general obligation bonds shall be instituted by the board of county commissioners of the county or boards of the group of counties.

(b) If counties have combined as authorized in section 401.02, the joint powers board created under section 471.59 shall, with the approval of the county board of each county which is a party:

(1) fix the total amount necessary for the construction or acquisition and the equipping and subsequent improvement of the facilities; and

(2) apportion to each county its share of this amount or of the annual debt service or lease rentals required to pay this amount with interest, as provided in subdivision 4.

Subd. 3. **Leasing.** (a) A county or joint powers board of a group of counties which acquires or constructs and equips or improves facilities under this chapter may, with the approval of the board of county commissioners of each county, enter into a lease agreement with a city situated within any of the counties, or a county housing and redevelopment authority established under chapter 469 or any special law. Under the lease agreement, the city or county housing and redevelopment authority shall:

(1) construct or acquire and equip or improve a facility in accordance with plans prepared by or at the request of a county or joint powers board of the group of counties and approved by the commissioner of corrections; and

(2) finance the facility by the issuance of revenue bonds.

(b) The county or joint powers board of a group of counties may lease the facility site, improvements, and equipment for a term upon rental sufficient to produce revenue for the prompt payment of the revenue bonds and all interest accruing on them. Upon completion of payment, the lessee shall acquire title. The real and personal property acquired for the facility constitutes a project and the lease agreement constitutes a revenue agreement as provided in sections 469.152 to 469.165. All proceedings by the city or county housing and redevelopment authority and the county or joint powers board shall be as provided in sections 469.152 to 469.165, with the following adjustments:

(1) no tax may be imposed upon the property;

(2) the approval of the project by the commissioner of employment and economic development is not required;

(3) the Department of Corrections shall be furnished and shall record information concerning each project as it may prescribe, in lieu of reports required on other projects to the commissioner of employment and economic development;

(4) the rentals required to be paid under the lease agreement shall not exceed in any year one-tenth of one percent of the market value of property within the county or group of counties as last equalized before the execution of the lease agreement;

(5) the county or group of counties shall provide for payment of all rentals due during the term of the lease agreement in the manner required in subdivision 4;

(6) no mortgage on the facilities shall be granted for the security of the bonds, but compliance with clause (5) may be enforced as a nondiscretionary duty of the county or group of counties; and

(7) the county or the joint powers board of the group of counties may sublease any part of the facilities for purposes consistent with their maintenance and operation.

Subd. 4. **Tax levies; apportionment of costs.** The county or each county of the group of counties shall annually levy a tax in an amount necessary to defray its proportion of the net costs of maintenance and operation

of the facilities, and shall levy a tax to pay the cost of construction or acquisition, equipping, and any subsequent improvement to the facilities or the retirement of any bonds or required lease payments for these purposes. Each county may levy these taxes without limitation on the rate or amount. This levy shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any limitation, to be reduced in any amount.

A joint powers board of the group of counties shall apportion the costs of maintenance and operation, construction or acquisition, equipping, and subsequent improvement of the facilities to each of the counties according to a formula in the agreement entered into by the counties.

Subd. 5. Correctional facilities fund. All money received for the operation and maintenance, payment of indebtedness or lease payments, and construction or acquisition, equipping, and subsequent improvement of the facilities must be deposited in a correctional facilities fund maintained in the treasury of the county in which the facilities are located or any county treasury of the group of counties as designated by the joint powers board. Payments from the fund shall only be made upon certification of the chair or board designee that the expenditures have been approved at a meeting of the board.

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy counties shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner. The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements. When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days' notice shall be given the county or counties and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

401.065 PRETRIAL DIVERSION PROGRAMS.

Subdivision 1. **Definition.** As used in this section:

(1) a person is an "offender" if:

- (i) the person is charged with, or probable cause exists to arrest or charge the person with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the person, but the person has not yet entered a plea in the proceedings;
 - (ii) the person has not previously been convicted as an adult in Minnesota or any other state of any crime against the person; and
 - (iii) the person has not previously participated as an adult in Minnesota in a pretrial diversion program, including a program that existed before July 1, 1994, and had charges dismissed or not filed as part of that program; and
- (2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program.

Subd. 2. Establishment of program. By July 1, 1994, every county attorney of a county participating in the Community Corrections Act shall establish a pretrial diversion program for adult offenders. If the county

attorney's county participates in the Community Corrections Act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

- (1) to provide eligible offenders with an alternative to confinement and a criminal conviction;
- (2) to reduce the costs and caseload burdens on district courts and the criminal justice system;
- (3) to minimize recidivism among diverted offenders;
- (4) to promote the collection of restitution to the victim of the offender's crime; and
- (5) to develop responsible alternatives to the criminal justice system for eligible offenders.

Subd. 3. **Program components.** A diversion program established under this section may:

- (1) provide screening services to the court and the prosecuting authorities to help identify likely candidates for pretrial diversion;
 - (2) establish goals for diverted offenders and monitor performance of these goals;
 - (3) perform chemical dependency assessments of diverted offenders where indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;
 - (4) provide individual, group, and family counseling services;
 - (5) oversee the payment of victim restitution by diverted offenders;
 - (6) assist diverted offenders in identifying and contacting appropriate community resources;
 - (7) provide educational services to diverted offenders to enable them to earn a high school diploma or GED;
- and
- (8) provide accurate information on how diverted offenders perform in the program to the court, prosecutors, defense attorneys, and probation officers.

Subd. 3a. **Reporting of data to criminal justice information system (CJIS).** (a) Every county attorney who establishes a diversion program under this section shall report the following information to the Bureau of Criminal Apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Subd. 4. **Reports.** By January 1, 1995, and biennially thereafter, each county attorney shall report to the state court administrator and the legislature on the operation of a pretrial diversion program required by this section. The report shall include a description of the program, the number of offenders participating in the program, the number and characteristics of the offenders who successfully complete the program, the number and characteristics of the offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the criminal justice system in the county.

401.07 EXISTING SINGLE JURISDICTION COUNTIES OR GROUPS.

In any county or group of counties where correctional services are currently being provided by a single jurisdiction within that county, nothing in sections 401.01 to 401.16 shall be interpreted as requiring a change of authority.

401.08 CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES.

Subdivision 1. **Members of board.** The corrections advisory board provided in section 401.02, subdivision 1, shall consist of at least nine members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen.

Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be appointed by the board of county commissioners or the joint board in the case of multiple counties and shall serve for terms of two years from and after the date of their appointment, and shall remain in office until their successors are duly appointed. The board may elect its own officers.

Subd. 3. **Joint corrections advisory board.** Where two or more counties combine to come within the provisions of sections 401.01 to 401.16, the joint corrections advisory board shall contain representation as provided in subdivision 1, but the members comprising the board may come from each of the participating counties as may be determined by agreement of the counties.

Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan for the development, implementation, and operation of the correctional program and services described in section 401.01, and shall make a formal recommendation to the county board or joint board at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Subd. 5. **Committee structure.** If a corrections advisory board carries out its duties through the implementation of a committee structure, the composition of each committee or subgroup shall generally reflect the membership of the entire board. All proceedings of the corrections advisory board and any committee or other subgroup of the board shall be open to the public; and all votes taken of members of the board shall be recorded and shall become matters of public record.

Subd. 6. **Rules.** The corrections advisory board shall promulgate and implement rules concerning attendance of members at board meetings.

401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.

Failure of a county or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state facility as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the subsidy due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of subsidy to which the participating county or counties are eligible.

401.10 COMMUNITY CORRECTIONS AID.

Subdivision 1. **Aid calculations.** To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply the following formula:

(1) For each of the 87 counties in the state, a percent score must be calculated for each of the following five factors:

(a) percent of the total state population aged ten to 24 residing within the county according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the most recent estimate of the state demographer;

(b) percent of the statewide total number of felony case filings occurring within the county, as determined by the state court administrator;

(c) percent of the statewide total number of juvenile case filings occurring within the county, as determined by the state court administrator;

(d) percent of the statewide total number of gross misdemeanor case filings occurring within the county, as determined by the state court administrator; and

(e) percent of the total statewide number of convicted felony offenders who did not receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines Commission.

The percents in clauses (b) to (e) must be calculated by combining the most recent three-year period of available data. The percents in clauses (a) to (e) each must sum to 100 percent across the 87 counties.

(2) For each of the 87 counties, the county's percents in clauses (a) to (e) must be weighted, summed, and divided by the sum of the weights to yield an average percent for each county, referred to as the county's "composite need percent." When performing this calculation, the weight for each of the percents in clauses (a) to (e) is 1.0. The composite need percent must sum to 100 percent across the 87 counties.

(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the county's adjusted net tax capacity amount, defined in the same manner as it is defined for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax capacity amount.

The adjusted net tax capacity percent must sum to 100 percent across the 87 counties.

(4) For each of the 87 counties, the county's composite need percent must be divided by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by the county's composite need percent, results in the county's "tax base adjusted need percent."

(5) For each of the 87 counties, the county's tax base adjusted need percent must be added to twice the composite need percent, and the sum must be divided by 3, to yield the county's "weighted need percent."

(6) Each participating county's weighted need percent must be added to the weighted need percent of each other participating county to yield the "total weighted need percent for participating counties."

(7) Each participating county's weighted need percent must be divided by the total weighted need percent for participating counties to yield the county's "share percent." The share percents for participating counties must sum to 100 percent.

(8) Each participating county's "base funding amount" is the aid amount that the county received under this section for fiscal year 1995, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section may be less than its base funding amount, provided that the total amount appropriated for this purpose is at least as much as the aggregate base funding amount defined in clause (9).

(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts for all participating counties. If a county that participated under this section during fiscal year 1995 chooses not to participate in any given year, then the aggregate base funding amount must be reduced by that county's base funding amount. If a county that did not participate under this section in fiscal year 1995 chooses to participate in any given year, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995, as reported by the commissioner of corrections, and the amount of increase shall be that county's base funding amount.

(10) In any given year, the total amount appropriated for this purpose first must be allocated to participating counties in accordance with each county's base funding amount. Then, any remaining amount in excess of the aggregate base funding amount must be allocated to participating counties in proportion to each county's share percent, and is referred to as the county's "formula amount." Each participating county's "community corrections aid amount" equals the sum of (i) the county's base funding amount, and (ii) the county's formula amount.

However, if in any year the total amount appropriated for the purpose of this section is less than the aggregate base funding amount, then each participating county's community corrections aid amount is the product of (i) the county's base funding amount multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

For each participating county, the county's community corrections aid amount calculated in this subdivision is the total amount of subsidy to which the county is entitled under sections 401.01 to 401.16.

Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and ways and means of the house of representatives, may, at

the end of any fiscal year, transfer any unobligated funds in any appropriation to the Department of Corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

Subd. 3. **Formula review.** Prior to January 16, 2002, the committees with jurisdiction over community corrections funding decisions in the house of representatives and the senate, in consultation with the Department of Corrections and any interested county organizations, must review the formula in subdivision 1 and make recommendations to the legislature for its continuation, modification, replacement, or discontinuation.

401.11 ITEMS INCLUDED IN PLAN PURSUANT TO RULE.

The comprehensive plan submitted to the commissioner for approval shall include those items prescribed by rule of the commissioner, which may require the inclusion of the following:

(a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner of corrections will be provided; (c) a program for the detention, supervision, and treatment of persons under pretrial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration of program.

In addition to the foregoing requirements made by this section, each participating county or group of counties shall develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action will be taken on them. A description of this procedure must be made available to members of the public upon request.

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.

Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. If in any biennium the subsidy is increased by an inflationary adjustment which results in the county receiving more actual subsidy than it did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.

401.13 CHARGES MADE TO COUNTIES.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

401.14 PAYMENT OF SUBSIDY.

Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy and proceed to pay same in accordance with applicable rules.

Subd. 2. **Quarterly remittance.** Based upon the comprehensive plan as approved, the commissioner may

estimate the amount to be expended in furnishing the required correctional services during each calendar quarter and cause the estimated amount to be remitted to the counties entitled thereto in the manner provided in section 401.15, subdivision 1.

Subd. 3. **Installment payments.** The commissioner of corrections shall make payments for community corrections services to each county in 12 installments per year. The commissioner shall ensure that the pertinent payment of the allotment for each month is made to each county on the first working day after the end of each month of the calendar year, except for the last month of the calendar year. The commissioner shall ensure that each county receives its payment of the allotment for that month no later than the last working day of that month. The payment described in this subdivision for services rendered during June 1985 shall be made on the first working day of July 1985.

401.15 PROCEDURE FOR DETERMINATION AND PAYMENT OF AMOUNT; BIENNIAL REVIEW.

Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days of the end of each calendar quarter, participating counties which have received the payments authorized by section 401.14 shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in furnishing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled to receive, making any adjustments necessary to rectify any disparity between the amounts received pursuant to the estimate provided in section 401.14 and the amounts actually expended. If the amount received pursuant to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent monthly payments made pursuant to section 401.14. Upon certification by the commissioner of the amount a participating county is entitled to receive under the provisions of section 401.14 or of this subdivision the commissioner of finance shall thereupon issue a state warrant to the chief fiscal officer of each participating county for the amount due together with a copy of the certificate prepared by the commissioner.

Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded each county by the equalization formula provided in section 401.10 and compute the subsidy rate accordingly.

401.16 WITHDRAWAL FROM PROGRAM.

Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last month of the quarter in which the notice was given. Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.

APPENDIX I: STATUTORY CITATIONS - CPO AND DOC

244.19 PROBATION OFFICERS (2007).

Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons is necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanor and juvenile probation services to district courts in one of the following ways:

- (1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;
- (2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;
- (3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;
- (4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;
- (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving.

(b) The commissioner of employee relations shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of employee relations, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of employee relations is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to meet the needs of the district court in each county. County probation officers serving district courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3, provide probation and parole services to wards of the commissioner of corrections resident in their counties. To provide these probation services counties containing a city of 10,000 or more population shall, as far as practicable, have one probation officer for not more than 35,000 population; in counties that do not contain a city of such size, the commissioner of corrections shall, after consultation with the chief judge of the district court and the county commissioners and in the light of experience, establish probation districts to be served by one officer.

All probation officers appointed for any district court or community corrections agency shall be selected from a

list of eligible candidates who have minimally qualified according to the same or equivalent examining procedures as used by the commissioner of employee relations to certify eligibles to the commissioner of corrections in appointing parole agents, and the department of employee relations shall furnish the names of such candidates on request. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.

Subd. 3. **Powers and duties.** All county probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order. All county probation officers serving a district court shall, in addition, provide probation and parole services to wards of the commissioner of corrections resident in the counties they serve, and shall act under the orders of said commissioner of corrections in reference to any ward committed to their care by the commissioner of corrections. All probation officers serving a district court shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency. All probation officers serving a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections.

Subd. 3a. [Repealed, 1Sp2003 c 2 art 6 s 7]

Subd. 4. [Repealed, 1998 c 367 art 7 s 15; 1998 c 408 s 11]

Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties. In all counties which obtain probation services from the commissioner of corrections the commissioner shall, out of appropriations provided thereof, pay probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone and telegraph services, and travel and subsistence. Each county receiving probation services from the commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections. Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the Department of Health. At least every six months the commissioner of corrections shall bill for the total cost and expenses incurred by the commissioner on behalf of each county which has received probation services. The commissioner of corrections shall notify each county of the cost and expenses and the county shall pay to the commissioner the amount due for reimbursement. All such reimbursements shall be deposited in the general fund. Objections by a county to all allocation of such cost and expenses shall be presented to and determined by the commissioner of corrections. Each county providing probation services under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose. The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to

render the required services.

Subd. 6. Reimbursement of counties. 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 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

Subd. 7. Certificate of counties entitled to state aid. On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of finance a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of finance shall draw a warrant in favor of the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of finance shall transmit such warrant to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 8. Exception. This section shall not apply to Ramsey County.

History: 1917 c 397 s 9; 1933 c 204 s 1; 1945 c 517 s 4; 1959 c 698 s 3; 1961 c 430 s 2-4; 1963 c 694 s 1; 1965 c 316 s 7-11; 1965 c 697 s 1; 1969 c 278 s 1; 1969 c 399 s 1; 1971 c 25 s 51; 1971 c 951 s 41-43; 1973 c 492 s 14; 1973 c 507 s 45; 1973 c 654 s 15; 1975 c 258 s 5; 1975 c 271 s 6; 1975 c 381 s 21; 1976 c 163 s 58; 1977 c 281 s 1-3; 1977 c 392 s 8; 1980 c 617 s 47; 1981 c 192 s 20; 1983 c 274 s 18; 1985 c 220 s 5,6; 1Sp1985 c 9 art 2 s 76; 1986 c 444; 1987 c 252 s 8; 1988 c 505 s 1-4; 1992 c 571 art 11 s 10; 1996 c 408 art 8 s 8; 1997 c 239 art 9 s 32,51; 1998 c 367 art 7 s 2,15; 1998 c 408 s 10; 2003 c 112 art 2 s 31

