Overview

1. Introduction
2. Justice Reinvestment Initiative in Minnesota
3. Key Challenges
4. Next Steps
CSG Justice Center Staff Introductions

- **Grace Beil Call**
  - Deputy Division Director

- **David A. D’Amora**
  - Senior Policy Advisor

- **Jessica Gonzales-Bricker**
  - Policy Researcher

- **Matt Herman**
  - Data Scientist

- **Carl Reynolds**
  - Senior Legal and Policy Advisor

- **Michelle Rodriguez**
  - Project Manager
The Council of State Governments (CSG) is a region-based organization that fosters the exchange of ideas to help state officials shape public policy.
We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

**How We Work**
- We bring people together.
- We drive the criminal justice field forward with original research.
- We build momentum for policy change.
- We provide expert assistance.

**Our Goals**
- Break the cycle of incarceration.
- Advance health, opportunity, and equity.
- Use data to improve safety and justice.
The CSG Justice Center assists state and local jurisdictions on a wide range of public safety topics.

Stepping Up is a national initiative calling on counties across the country to reduce the prevalence of people with mental illnesses and co-occurring substance addictions being held in county jails.

The Justice and Mental Health Collaboration Program (JMHCP) facilitates collaboration among the criminal justice, juvenile justice, and mental health and substance use treatment systems to better serve people with mental illnesses and to increase public safety.

IOYouth helps states align their policies, practices, and resource allocation with what research shows works to reduce recidivism and improve outcomes for youth while enhancing public safety.
A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.
The Justice Reinvestment Initiative is a process that includes analysis, policy development, implementation, and sustainability.

Phase I

- Bipartisan, Interbranch Working Group
- Data Analysis
- Stakeholder Engagement
- Policy Option Development

Phase II

- Policy Implementation
- Monitoring Through Data
Over the past 15 years, the CSG Justice Center has helped 33 states control corrections spending and reinvest in strategies to increase public safety.

**States That Have Used a Justice Reinvestment Approach with Assistance from The Council of State Governments Justice Center**

- **27 PAST STATES**
- **5 CURRENT STATES**
- **1 LIMITED ENGAGEMENT**

*40 states have pursued a Justice Reinvestment (JR) approach with technical assistance from the CSG Justice Center, The Pew Charitable Trusts, the Crime and Justice Institute, or the Vera Institute of Justice. Impacts relate to states that the CSG Justice Center has worked with on JR.*

**Strengthening responses to supervision violations and the use of evidence-based practices**

**Concentrating supervision resources on individuals at the highest risk to reoffend**

**Identifying effective ways to use funding to improve community supervision**

**Strengthening gender-response approaches to supervision**

**Providing judges with more tools to determine probation term lengths**
Justice Reinvestment Initiative in Minnesota
In the spring of 2021, state leaders requested support from the U.S. Department of Justice’s Bureau of Justice Assistance and The Pew Charitable Trusts to utilize the Justice Reinvestment Initiative.

This initiative is supported by counties and all three branches of state government to seek criminal justice system improvements.

- Governor Tim Walz
- Chief Justice Lorie Skjerven Gildea
- Speaker of the House Melissa Hortman
- Senate Majority Leader Paul Gazelka
- Senator Julie A. Rosen, Chair of the Senate Finance Committee
- Association of Minnesota Counties President, Rich Sve
As part of their request for the Justice Reinvestment Initiative, state leaders outlined specific challenges and areas of analysis to be explored through the process.

**Scope of Work**

- Review corrections and community supervision spending in Minnesota.
- Analyze resources across the three community supervision delivery systems.
- Coordinate resources across community supervision, victim services, the judiciary, and corrections.
- Analyze population-based model for funding the DOC and impact on county partners and public safety.
- Advance sustainability of Minnesota’s corrections system and improve service delivery effectiveness.
- Ensure the equitable distribution of criminal justice system investments by both individual and location.
HF 63 charges this working group to “describe how the state and counties can achieve an effective supervision system together, balancing local control with state support and collaboration.”

1. A **proposal for sustainable funding** of the state's community supervision delivery systems
   - recommended funding model and the associated costs
   - alternative funding and delivery models
   - mechanisms to ensure balanced application of increases in the cost of community supervision services

2. **Definition of core standards** in accordance with the state's obligation to fund or provide supervision services that are
   - geographically equitable
   - reflect modern correctional practice

3. A **plan for tribal government supervision** of people on probation or post-release
The Delivery System Working Group established in HF 63 and composed largely of local practitioners.

DOC
- Paul Schnell
  DOC Commissioner
- Chris Dodge
  Chief Financial Officer, DOC
- Safia Khan
  Director of Government & External Relations, DOC
- Curtis Shanklin
  Deputy Commissioner, DOC
- Al Godfrey
  Field Services Director, DOC

CCA
- Catherine Johnson
  Hennepin County Community Corrections Director
- Midge Christianson
  Region 6W Community Corrections Director
- Nicole Kern
  Morrison County Community Corrections Director
- Tami Jo Lieberg
  Kandiyohi County Community Corrections Director
- Dylan Warkentin
  Anoka County Community Corrections Director
- Carli Stark
  AMC Public Safety Policy Analyst, MACCAC Executive Director

CPO
- Jason Anderson
  Itasca County Probation Director
- Terry Fawcett
  Pine County Probation Director
- Mike MacMillan
  Wright County Probation Director
- Stephen King
  Mower County Probation Director
- Jim Schneider
  Cass County Probation Director
- Les Schultz
  Brown County Probation Director

County Comm’r
- Jack Swanson
  Roseau County Commissioner
- Jeff Lunde
  Hennepin County Commissioner
- Kurt Mortenson
  Otter Tail County Commissioner
- Barb Weckman Brekke
  Scott County Commissioner
- Ron Antony
  Yellow Medicine County Commissioner

Courts & Tribes
- Jeff Shorba
  State Court Administrator
- Janet Marshall
  Inter-Governmental Liaison
- Kristen Trebil
  Court Services Director
- Kenneth Washington
  Chief, Leech Lake Tribal Police
- Clinton Alexander
  Director of Behavioral Health White Earth Reservation

Victims BH
- Kate Weeks
  Office of Justice Programs
- Bobbi Holtberg
  Minnesota Alliance on Crime Executive Director
- Nicole Matthews
  Minnesota Indian Women’s Sexual Assault Coalition
- Sue Abderholden
  NAMI Executive Director
The Governor’s Council on Justice Reinvestment, established through Executive Order will oversee the process and work in tandem.

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Each group has slightly different roles and responsibilities, and both are vital to the success of the project.

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<td>• Provides strategic direction in the development of policy recommendations</td>
<td>• Assesses the various community supervision models operating in the state</td>
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<td>• Creates momentum for adoption of policy recommendations</td>
<td>• Defines base-level supervision standards</td>
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<td>• Approves the Justice Reinvestment Initiative policy package</td>
<td>• Identifies a balanced and sustainable funding model for Minnesota’s community supervision system</td>
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<td>• Establishes a pathway for tribal governments to supervise people on probation and supervised release</td>
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Key Challenges 3
Although Minnesota has a low incarceration rate, its probation rate is among the highest in the country at 2,427 adults per 100,000.

Minnesota’s adult probation rate of 2,427 per 100,000 adults was the sixth highest in the country in 2019.

The data presented here is the most recently available and was collected in 2019. Minnesota’s probation rate may have changed in 2020.

Other states with low incarceration rates, such as Massachusetts and Maine, maintain lower probation rates—42nd and 48th, respectively.

The data presented here is the most recently available and was collected in 2019. Minnesota’s probation rate may have changed in 2020.

Minnesota’s rate of people under correctional control is 11th highest among states.

Probation Rate, 2019

Minnesota has the 6th highest rate of people on probation

Incarceration Rate, 2019

Minnesota has the 5th lowest rate of people incarcerated

Total Correctional Control, 2019

Minnesota has the 11th highest rate of people under correctional control

Sentences to probation make up about three-quarters of all felony sentences.

Number of People Sentenced to Probation or Prison by Year Sentenced, 2004–2019

- Probation Sentence
- Prison Sentence

The vast majority of sentences to probation include conditional confinement in jail; 91 percent of all sentences in 2019 included confinement.

Number of People Sentenced to Probation without Confinement, Probation with Confinement, or Prison by Year Sentenced, 2004–2019

91% of sentences included prison or local confinement

Black and Native American people are overrepresented in Minnesota’s probation system.

The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White people on felony probation.

For Native Americans, this rate was more than nine times higher than for White people.

Probation Rate by Race and Ethnicity per 10,000 Adults, 2019

- Asian: 60
- White: 81
- Hispanic: 138
- Black: 384
- Native American: 737

Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.

Probability Revocation Rates by Race and Ethnicity

- Asian: 13%
- Hispanic: 14%
- White: 15%
- Black: 15%
- Native American: 26%
Nearly one-quarter of admissions to prison are the result of a probation violation, and two-thirds of admissions are for supervision violations (including probation).

In 2020, the CSG Justice Center conducted a national survey to better understand how probation and parole violations make up states’ prison populations. Minnesota reported that 23 percent of admissions are due to probation violations.

*As reported to the CSG Justice Center by Minnesota Department of Corrections. Breakout of new sentence vs. no new sentence was not available for probation violations.

Minnesota is one of 12 states where the state is not solely responsible for operating probation.

At both the state and county levels, probation systems are housed in either the executive or judicial branch.
Minnesota’s probation system is unusual in that counties choose how to provide supervision.

Minnesota Counties by Probation Delivery System and Judicial District, 2021

Judges in 7 of 10 judicial districts encounter two or three supervision systems.

- Minnesota Community Corrections Act (CCA)
- Department of Corrections (DOC)
- DOC/County Probation Officer (CPO)
Over 80 percent of adults on probation are supervised by local agencies; for felony cases it is almost three-quarters.

Minneapolis Probation Population by Delivery System, 2020

<table>
<thead>
<tr>
<th>Total Adult Probation Population</th>
<th>Felony Probation Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>N = 85,254</td>
<td>N = 41,664</td>
</tr>
<tr>
<td>CCA</td>
<td>71%</td>
</tr>
<tr>
<td>DOC</td>
<td>18%</td>
</tr>
<tr>
<td>CPO (misdemeanor only)</td>
<td>11%</td>
</tr>
<tr>
<td>DOC</td>
<td>27%</td>
</tr>
<tr>
<td>CCA</td>
<td>73%</td>
</tr>
</tbody>
</table>

The composition of probation populations varies across types of supervision agencies.

**Probation Type for Five Largest Probation Organizations in Minnesota, 2020**

- Hennepin County CC: 16,315
- MN DOC: 15,596
- Ramsey County CC: 8,525
- Anoka County CC: 5,681
- Dakota County CC: 5,416

**Type of Offense for People on Probation by Agency Type, 2020**

- CCA (N = 60,660):
  - Violent: 12%
  - Property: 13%
  - Drug: 35%
  - DWI: 9%
  - Family: 12%
  - Other (including Traffic): 15%

- DOC (N = 15,696):
  - Violent: 15%
  - Property: 16%
  - Drug: 29%
  - DWI: 10%
  - Family: 12%
  - Other (including Traffic): 49%

- CPO (N = 8,998):
  - Violent: 4%
  - Property: 8%
  - Drug: 49%
  - DWI: 18%
  - Family: 10%
  - Other (including Traffic): 21%

DOC/CPO supervision delivery systems have higher rates of residents on probation for gross misdemeanor and misdemeanor offenses.

Probation Rate per 10,000 Adults by Supervision Delivery System and Offense Level, 2020

<table>
<thead>
<tr>
<th></th>
<th>CCA</th>
<th>DOC</th>
<th>DOC/CPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Adult</td>
<td>184</td>
<td>200</td>
<td>242</td>
</tr>
<tr>
<td>Felony</td>
<td>92</td>
<td>109</td>
<td>99</td>
</tr>
<tr>
<td>Gross Misd.</td>
<td>60</td>
<td>58</td>
<td>89</td>
</tr>
<tr>
<td>Misd.</td>
<td>32</td>
<td>33</td>
<td>55</td>
</tr>
</tbody>
</table>

Corrections spending has increased, and the state has prioritized spending on prisons.

DOC Budget, 2015–2021

Source: Email correspondence between CSG Justice Center and MN DOC, January 2021.
State probation funding subsidies and grants involve seven funding streams.

<table>
<thead>
<tr>
<th>FY2020 DOC Funding Streams</th>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  CCA Subsidy</td>
<td>Pass Thru</td>
<td>$61,006,999</td>
</tr>
<tr>
<td>2  CPO Reimbursement</td>
<td>Pass Thru</td>
<td>$5,043,000</td>
</tr>
<tr>
<td>3  CL/WL Reduction Grant</td>
<td>Grant</td>
<td>$1,314,812</td>
</tr>
<tr>
<td>4  Alternative to Incarceration Grant</td>
<td>Grant</td>
<td>$160,000</td>
</tr>
<tr>
<td>5  Reentry HWH Grant</td>
<td>Grant</td>
<td>$300,000</td>
</tr>
<tr>
<td>6  REAM Grant</td>
<td>Grant</td>
<td>$603,000</td>
</tr>
<tr>
<td>7  Intensive Supervision ISR Grant</td>
<td>Grant</td>
<td>$3,869,000</td>
</tr>
<tr>
<td><strong>Total DOC Funds</strong></td>
<td></td>
<td><strong>$72,296,811</strong></td>
</tr>
</tbody>
</table>

Source: FY20-21 Budget Detail Information provided by Department of Corrections.
Critiques we have heard about the delivery systems and funding approaches.

- Too complex
- No definition of risk or workload
- Does not account for variances in sentencing practice
- Outcomes, innovations, and efficiencies are not considered or encouraged
- Easier to shift costs with multiple sources of funding
- Funding per capita varies less in CCA counties compared to non-CCA counties
- Not based on what probation officers do
- Different formulas for funding for people convicted of sex offenses, intensive supervised release, and caseload reduction
- 99% of the CCA aid distribution is determined by the population variable

The state has a long history of tinkering with supervision systems in statute.

- Amendments to delivery of supervision
- Differentiating county choices by population
- A penchant for complexity:
  - Three different models
  - Details of the CCA formula (§ 401.10)
  - Multiple statutes and case law on revocation
In the 1990s, Minnesota repeatedly studied its supervision systems and funding, putting a lot of time, energy, and resources into improving its system.

1993—Minnesota Probation: A System in Crisis
1994—Probation in Minnesota: Putting the Pieces Together
1995—Fair and Equitable: a new community corrections formula
1996—Funding for Probation Services
1997—Distribution Formula: Probation Caseload Reduction Funding
1997 was the last time a major set of adjustments was made to state and county roles.

- Numerous changes in Ch. 244, Corrections: Criminal Sentences, Release
- § 260.311 renumbered as current § 244.19 (the CPO statute) and added duty of counties to supervise adults convicted of misdemeanors and juveniles
- New:
  - § 244.20 provides the state’s duty to supervise
  - § 244.21 initiated data collection
  - § 244.22 established caseload reduction grants
  - § 244.24 required probation classification systems
- Included in omnibus bill Ch. 230 but originated in SF 31/HF 504, which were based upon the legislative auditor’s findings in 1996.

1. Although Minnesota has a low incarceration rate, its probation rate is the sixth highest in the country; Minnesota’s rate of people under correctional control is eleventh highest among states.

2. Sentences to probation make up about three-quarters of all felony sentences.

3. Despite the state’s commitment to avoiding costly incarceration, most sentences to probation include conditional confinement in jail.

4. Black and Native American people are overrepresented in Minnesota’s probation system, and Native Americans have their probation revoked at a higher rate than any other racial or ethnic group.

5. Over 80 percent of adults on probation are supervised by local agencies, and for felony cases it is almost three-quarters.

6. Corrections spending has increased, and the state has prioritized spending on prisons.

7. For many years, the state has put a lot of time, energy, and resources into improving its delivery systems and funding approaches.
Next Steps
Over the next several months, CSG Justice Center staff will be collecting both qualitative and quantitative data.

<table>
<thead>
<tr>
<th>Qualitative Data</th>
<th>Quantitative Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Surveying judges, prosecutors, and probation directors</td>
<td>• Secured data sharing agreements with 21 CCA agencies and 23 CPO agencies (files received)</td>
</tr>
<tr>
<td>• Focus groups with people on probation and community members</td>
<td>• Received probation data for cases active between 7/1/2015 and 6/30/2020, including conditions of supervision and LSCMI risk and needs assessments</td>
</tr>
<tr>
<td>• Interviews with local criminal justice stakeholders</td>
<td>• Received prison data for people in prison between 1/1/2016 and 1/1/2021, including risk and behavioral health assessments</td>
</tr>
<tr>
<td>• Review of statutes, case law, appropriations, and published reports</td>
<td>• Received sentencing data for felony sentences between 2009 and 2019</td>
</tr>
</tbody>
</table>
As part of collecting qualitative data, staff from the CSG Justice Center are assessing Minnesota’s supervision system.

Counties were selected to reflect the diversity of the state.

- 4–5 agencies from each delivery system—13 total
- Counties both large and small, by geography and population
- Counties from all regions of the state
Minnesota’s Justice Reinvestment Initiative will run through 2022.

Project Launch

September 2021 - December 2021

CSG Justice Center staff conduct independent data analysis and extensive stakeholder engagement, facilitate working group meetings, and develop policy recommendations.

Summary report of Justice Reinvestment Initiative policy recommendations released

2021

2022

Winter 2022

Minnesota’s 2022 legislative session begins

Justice Reinvestment Initiative policy recommendations are introduced

Spring 2022

Justice Reinvestment Initiative implementation can begin

Ongoing technical assistance and data monitoring to ensure the policy recommendations are successfully implemented
Thank You!

Join our distribution list to receive updates and announcements:

https://csgjusticecenter.org/resources/newsletters/

For more information, please contact Michelle Rodriguez at mrodriguez@csg.org

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