Justice Reinvestment Initiative Minnesota

CSG Justice Center

Minnesota's Justice Reinvestment Initiative

Fifth Presentation to the Service Delivery Systems Working Group

January 14, 2022

Justice Reinvestment Initiative Minnesota

Overview

1 Goals and Process

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Goals and Process

1

Justice Reinvestment Initiative

HF 63 charged this working group with describing "how the state and counties can achieve an effective supervision system together, balancing local control with state support and collaboration."

A proposal for **sustainable funding** of the state's community supervision delivery systems

1

Definition of core standards in accordance with the state's obligation to fund or provide supervision services

2

A plan for tribal government supervision of people on probation or post-release

3

HF 63 accessed Sept. 25, 2021, at http://wdoc.house.leg.state.mn.us/leg/LS92/1_2021/HF0063.2.pdf

Over the course of this project, additional challenges were identified. The following changes could strengthen the supervision work, and ideas are introduced in this presentation.

4 Bolster behavioral health services for people on probation

5 Support victims of crime

6 Increase housing and employment opportunities for people on probation

GOAL: The Minnesota supervision system must be effective, equitable, and adequately resourced.

Understanding the Contents of Today's Presentation

- This is an **opening offer** of items that could be included in the report to the legislature due February 1, 2022.
- The purpose of the presentation is to spark discussion and understand if/where there is **consensus on ideas to move forward**.
- Not all ideas included in today's presentation may be included in the final report.
- Members of the Delivery System Working Group are welcome—and encouraged—to **provide additional/alternative ideas**.
- The working group may choose to **meet again** before January 27 to finalize these ideas as recommendations.

Draft Ideas | 2

Policies to Be Prioritized through the February 1 Report

- Target the right people with the right level of intervention.
- Prioritize people on supervision who pose the greatest risks to public safety.
- Confirm which supervision responsibilities are the state's and which are the counties' and/or tribes.'
- Coordinate some quality assurance activities and responsibilities statewide and regionally.
- Consistently resource supervision services across the state, regardless of supervision system, through a single funding formula.
- Create opportunities for tribes established within Minnesota borders to provide supervision for their enrolled members.

1. A proposal for sustainable funding of the state's community supervision delivery systems

Key Budget Takeaways

1. In 2020, Minnesota spent the lowest proportion of state general funds on corrections.
2. Corrections spending has increased, and the state has prioritized spending on prisons.
3. For many years, the state has put a lot of time, energy, and resources into improving its delivery systems and funding approaches.
4. The state grant/subsidy funding mechanisms are too complex.
5. The amount of state and county dollars spent on corrections varies dramatically by county/agency.

There are different potential methods for determining an updated funding formula.

Funding formula should be defined in statute with codified review dates.

1) Set a minimum investment for each county/tribe.
   - Add additional resources based on the county/tribal population and geography.
   - Set aside a percent off the top for centralized services and another percent off the top for innovative or emerging practices.
2) Develop an FTE or workforce/capacity-based formula.
3) Create a capitated rate formula based on per diem costs.
4) Other

As a start, Oregon used the following baseline caseload requirements.

Case-Based Workload Assessment Algorithm

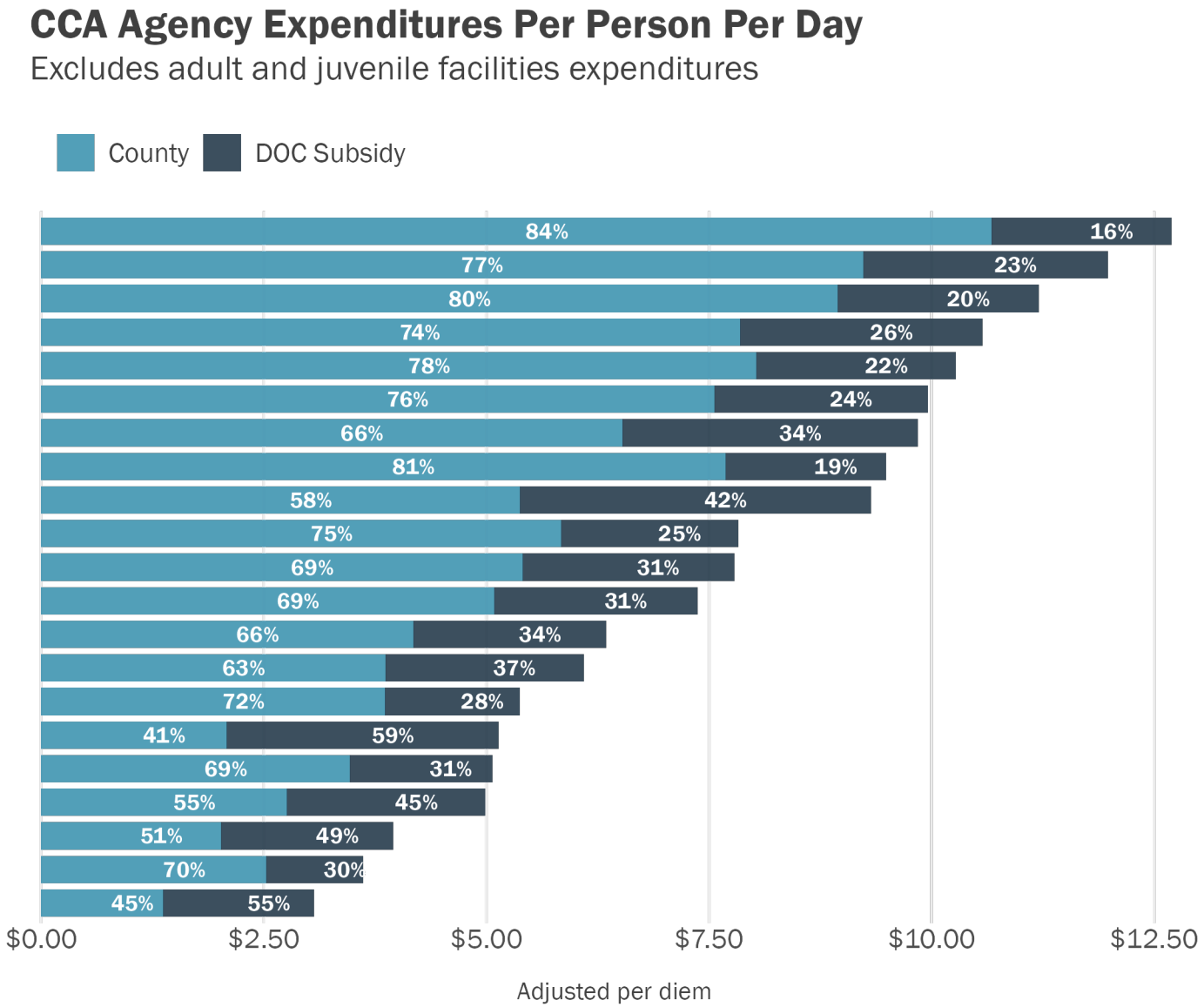
	# of supervisees to officers	Average time per supervisee*
Intensive	20 to 1	6.04 hours
Moderate – High	50 to 1	2.44 hours
Low Risk	200 to 1	.61 hours
Administrative	No limit? (1,000)	.12 hours

* Based on an average of 122.07 hours available in officer's workload each month. This average was calculated from prior studies and subtracts average sick and vacation leave as well as holiday, training, and other non-case times.

http://www.appa-net.org/eweb/docs/APPA/pubs/CSWCFPS.pdf

Daily expenditures for a person supervised by a CCA agency range from $3.06 to $12.89 a day.

Some counties contribute more than 80 percent of their CCA agency's budget, while others contribute less than half.



CCA Agency Comprehensive Plan Budgets, 2020–2021; Minnesota Probation Survey, 2020.

Pretrial, juvenile, and diversion services should have separate funding formulas and administrative requirements.

- Counties could receive formula funding based on an “intervention focus” that signifies the county’s intention to provide pretrial, diversion, and juvenile services/supervision.
- If there were a set-aside funding allocation for pretrial supervision and diversion programming, which agency should manage this funding?
- If there were a set-aside funding allocation for juvenile supervision, which state agency should manage this funding?

2. Definitions of core standards in accordance with the state's obligation to fund or provide supervision services

Minnesota's supervision delivery systems agree on paper about several core services, if not exactly what they look like.

Sorting clients through assessment with validated tools

Using assessment to drive supervision, treatment, and case management

Collaboration with community supports

Using CBI, motivational interviewing, and evidence-based practices (EBP)

Pretrial support/supervision to limit incarceration but ensure appearance

Early diversion and early discharge

Delivery system "white papers" provided to the CSG Justice Center in 2021.

Key Practice Takeaways

1. There is wide variation in supervision practices and outcomes by county/agency.
2. It is less important how many supervision systems there are. It is more important that there are consistent, effective, and equitable supervision practices statewide.
3. State resources and funding should be invested in supervision practices and community programs that effectively increase supervision outcomes and protect public safety.
4. Metrics of supervision success that complement traditional recidivism outcomes should be defined and measured consistently to inform quality assurance efforts.

Through other meetings, we've developed agreement on the nine principles of supervision. This section fleshes out what rules, statutes, and other requirements are needed to institute the principles.

Nine Strategies of Supervision Based on the Principles of Effective Intervention	
1	Assess risk, needs, and responsivity.
2	Enhance intrinsic motivation.
3	Target interventions based on assessments and appropriate dosage.
4	Frontload interventions during a person's supervision term.
5	Ensure adequate investment in and access to proven programs (e.g., CBT).
6	Use assessment-driven case planning to facilitate behavior change.
7	Respond effectively to negative behavior and increase positive reinforcement.
8	Engage with supports in the community.
9	Measure outcomes and provide feedback.

Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention.

Ideas

- Develop statewide service supervision standards and definitions across systems.
- Use the LS/CMI as the supervision assessment tool and screening or map the current assessment tools to a universal matrix allowing for consistent supervision levels.
- Validate the tools in use.
- Consistently use assessment-driven case planning to focus case planning goals on identified criminogenic need areas for moderate- and high-risk individuals.

Ideas

- Focus resources according to risk and need so that people with greater potential for future criminal behavior receive higher-intensity interventions.
  - *Service standards and definitions*
  - *Statutory direction*
- Adopt a statewide incentives and sanctions grid.
- Standardize supervision conditions across the supervision systems.

Ideas

- Tailor special conditions to areas identified for people on supervision as high need.
- Develop revocation or “halfway back” units in high volume areas of the state.
  - *Develop appropriate levels of supervision for people who are higher risk and have greater needs and provides for public safety while maintaining those individuals on supervision.*
- Provide gender-responsive, culturally appropriate services and trauma-informed approaches.

Require sustained collaboration and problem-solving across systems, branches, counties, and tribes to account for local supervision services.

- Coordinate approaches for local, sustained, appropriate collaboration and problem-solving across systems, branches, and officials.
- Provide client-focused services, including programming for people of color, Indigenous clients, female clients, and clients with special needs such as mental illness.
- Establish MOUs or other local agreements on current housing options and plans to develop additional community options in the future.
- Monitor supervision-related services provided in the service area, such as specialty courts, domestic relations, psychological services, and family court services.

Quality assurance of supervision practice should be prioritized as a focused administrative service.

- Create a statewide EBP coordinator position.
- Develop a statewide training, coaching, and quality assurance system for all supervising agencies, adding culturally specific, gender-responsive training components and the impact of behavioral health and trauma issues on individuals involved in the criminal justice system. QA staff should sit in each of the delivery systems.
  - Use cognitive behavioral approaches and structured skills practice regardless of area of focus.
- Ensure that programming is proven effective to address criminogenic needs. Update treatment standards for the provision of substance use, sex offender, and domestic violence treatment to criminal justice clients.
- Report relevant metrics including a consistent, statewide method of assessing risk and need or a requirement that the various tools used result in a consistent risk level across counties and systems.

Expand the measures of success in addition to recidivism reduction.

- Increased client program completion
- Increased time between substance use events for people with a substance use disorder
- Increased number of clients gaining employment
- Increased number of clients able to remain housed
- Percentage of clients discharged early from probation
- Percentage of completed case plans or people completing their case plans
- Percentage of restitution collected
- Increased quality of life as reported by clients
- Increased number of landlords renting to clients
- Increased number of employers offering employment to clients

Additional statutory requirements

Additional statutory requirements for consideration.

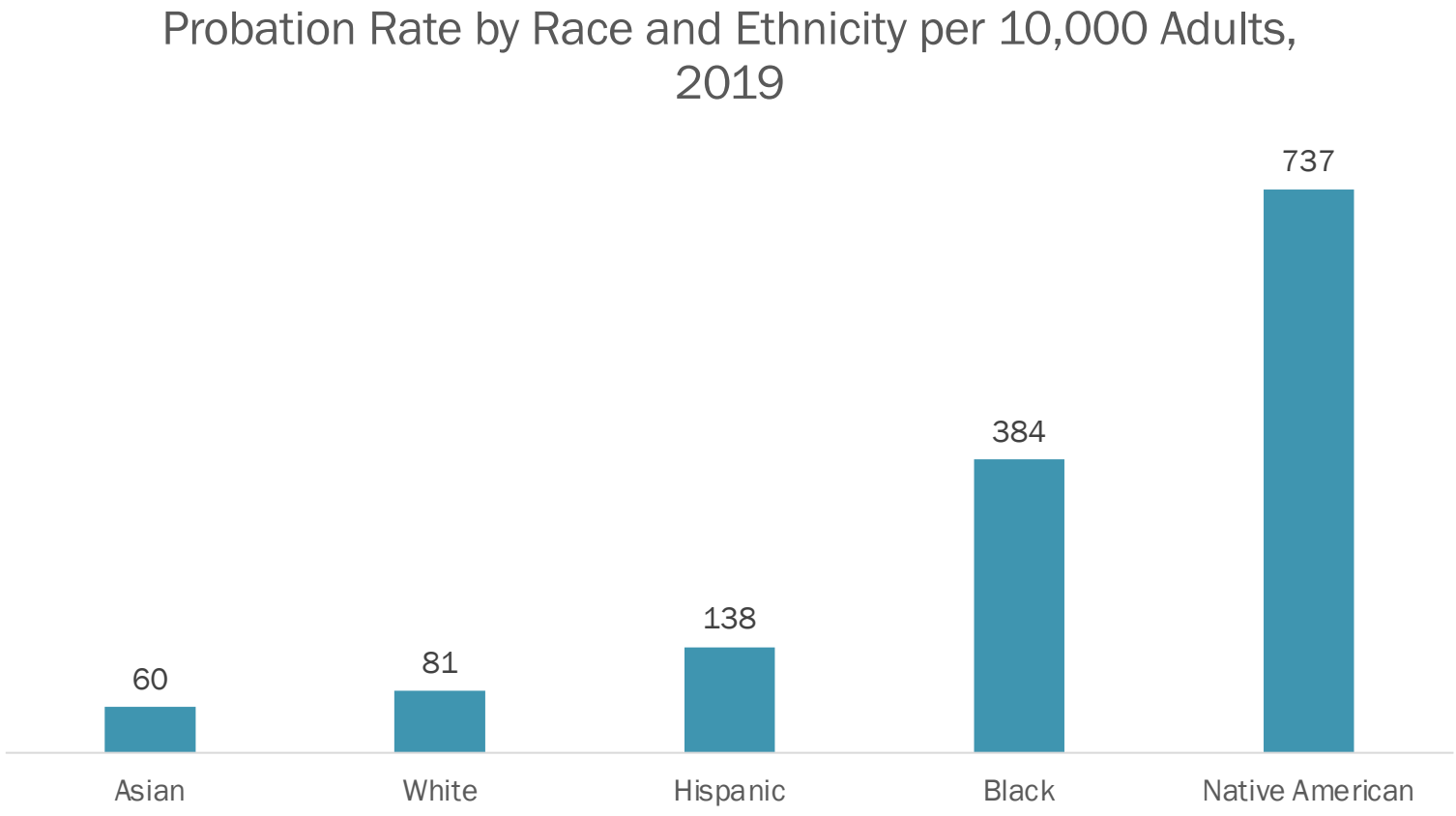
- Reduce county population requirements for CCA systems.
- Consolidate powers of supervision into one statute.
- Define the roles of judges and judicial staff in system management.
- Provide more discretion to use programs that have been successful, e.g., challenge incarceration and intensive supervision.
- Streamline a statewide process for people on probation to be supervised by just one agency, including limiting associated fines and fees.
- Make probation cap retroactive.

3. A plan for tribal government supervision of people on probation or post-release

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

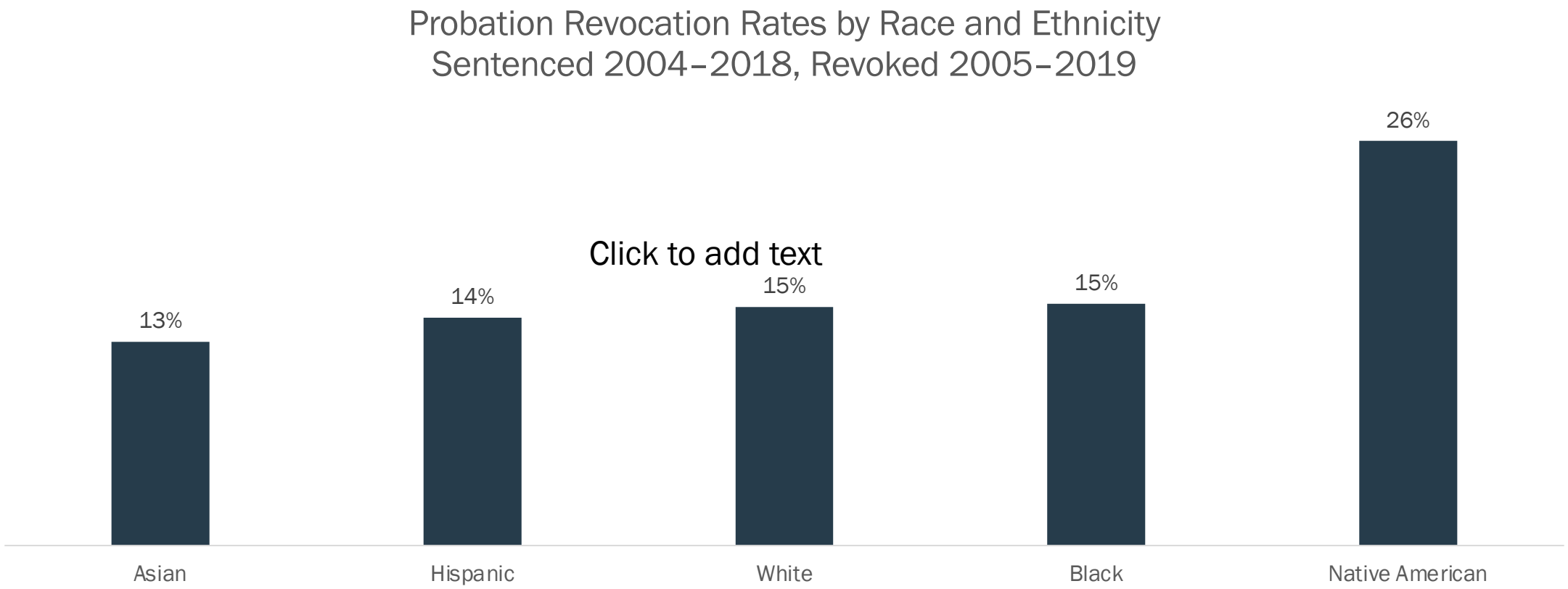
The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White people on felony probation.

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



Minnesota Department of Corrections, Probation Survey, "Explore Census Data," United States Census Bureau, accessed March 8, 2021, https://data.census.gov.

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



Minnesota Sentencing Guidelines Commission, 2019 Probation Revocations (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 2020), https://mn.gov/msgc-stat/documents/reports/2019/2019MSGCReportProbationRevocations.pdf.

Tribes could have the same options available as other governments in Minnesota.

- Identify tribal jurisdiction parameters, such as tribal lands, tribal enrollment, and recognized tribal affiliation.
- Include tribes in the state supervision formula.

4. Bolster behavioral health services for people on probation

The following ideas are based on the supervision assessment.

- **Determine evidence-based treatment approaches** for clients in the criminal justice system and require providers serving criminal justice clients to adhere to those practices.
- Determine where the gaps in insurance coverage exist and adjust the state's eligibility guidelines to **ensure that clients can access needed treatment.**
- Increase who can access **medical transportation** for clients who have transportation difficulties.
- Maximize use of **telehealth** for people in the criminal justice system.

Other behavioral health program requirements could be instituted to support working with people on supervision.

- All funded BH programs could have written client eligibility criteria that are made available to referral sources.
- The supervision agency could regularly advise courts and sentencing judges of the extent and availability of services and programs for proper sentencing decisions and realistic evaluation of alternatives.
- The agency or program director could maintain a single case record for each individual admitted to a program or served by the agency, with clear, concise, and accurate case information.
- The rights of clients receiving services from any program included in the comprehensive plan would be protected.

5. Support victims of crime

The following ideas are based on conversations with victim advocates.

- Move Minnesota to an opt-out notification system.
- Streamline victim and small business restitution payments as a term of supervision.

6. Increase housing and employment opportunities for people on probation

Housing

- Establish a statewide, state-funded security deposit resource.
- Develop agreements with landlords where local supervision offices pay security deposits and a level of reimbursement for damages to units.

Employers

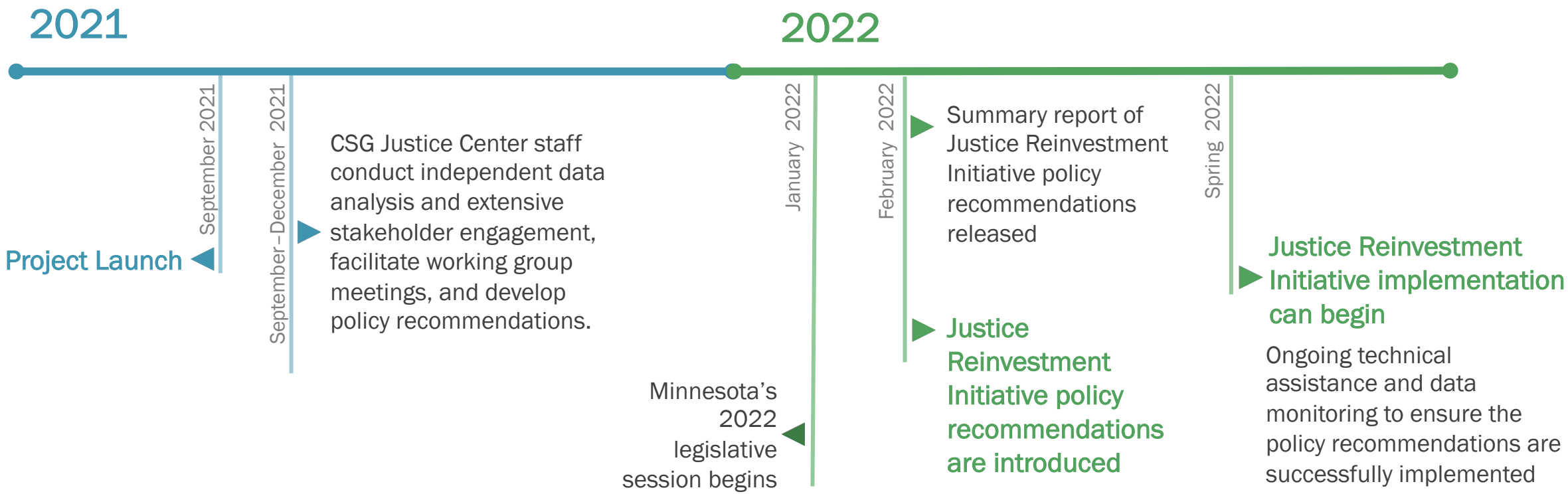
- State and counties join in a “call to action” with employers, using currently successful businesses like Solid Comfort in recruitment efforts.
- Incentivize hiring people with criminal records and/or histories.
- Hold businesses harmless for hiring people with felony records, as many businesses do not want to hire because they believe it causes them liability issues.

Next Steps | 3

Calendar of meetings and deadlines

Date	Activity
Sep. 28	First Delivery System Working Group Meeting
Oct. 21	Second Delivery System Working Group Meeting
Nov. 18	Third Delivery System Working Group Meeting
Dec. 10	State of Oregon Peer Sharing on Budget
Dec. 16	Fourth Delivery System Working Group Meeting
Jan. 6	Juvenile Data Review
Jan. 7	Governor's Council on Justice Reinvestment
Jan. 11–12	Virtual Behavioral Health Summit
Jan. 13	Delivery System Working Group Meeting
Jan. XX	*Delivery System Working Group Meeting (?)*
Jan. 21	Governor's Council on Justice Reinvestment
Jan. 27	Governor's Council on Justice Reinvestment
Feb. 1	Report Due to Legislature

Minnesota's Justice Reinvestment Initiative will run through 2022.



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

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