



**Justice
Reinvestment
Initiative**
Minnesota

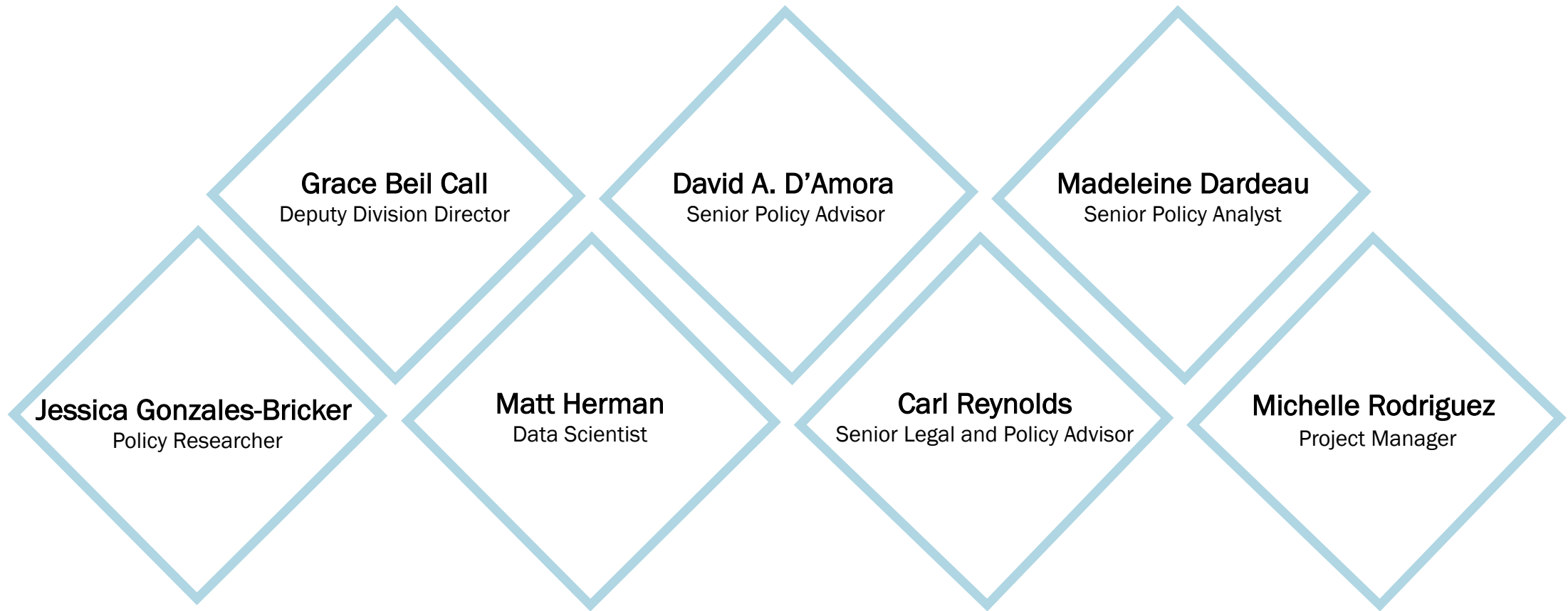


**Justice
Center**

Minnesota's Justice Reinvestment Initiative

First Presentation to the Governor's Council on Justice
Reinvestment January 7, 2022

CSG Justice Center Staff Introductions





**Justice
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Minnesota

Overview

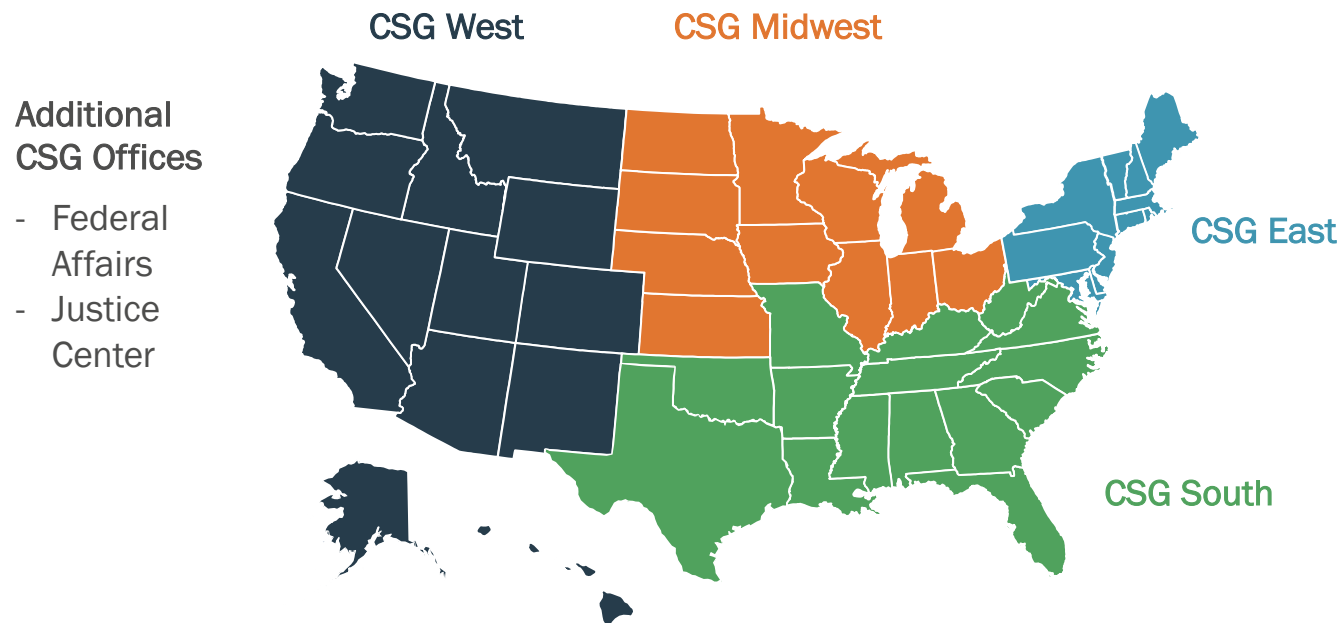
- 1 Introduction
- 2 Criminal Justice in Minnesota
- 3 Budget
- 4 Next Steps

Introduction

1

The Council of State Governments (CSG) is a region-based organization that fosters the exchange of ideas to help state officials shape public policy.

CSG Regional Offices



CSG Products and Services

Capitol Ideas Blog

Capitol Ideas Magazine

Henry Toll Fellowship

National Center for Interstate
Compacts

Shared State Legislation

The Book of the States



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

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)**

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.

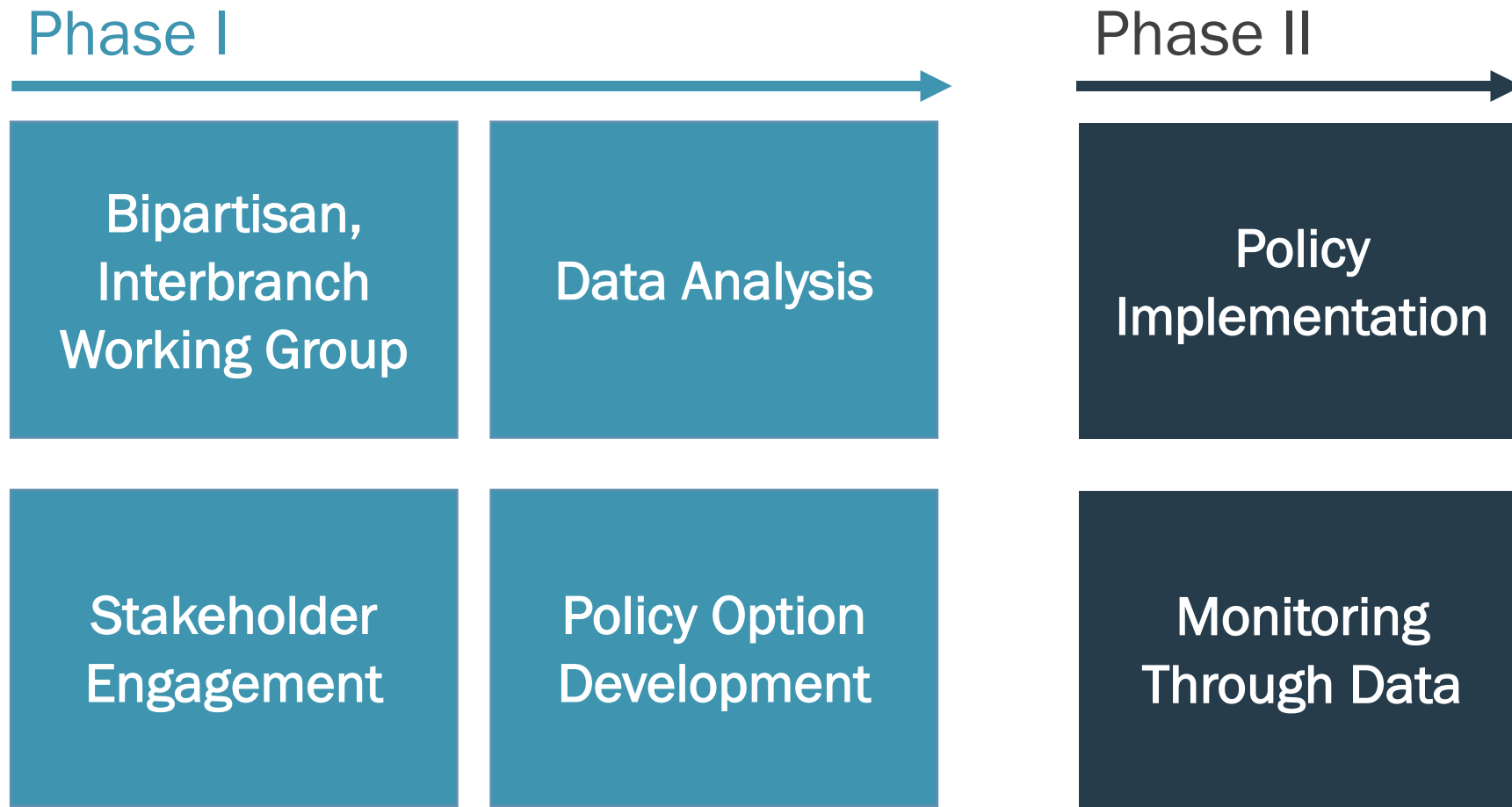


Justice Reinvestment Initiative

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.



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

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

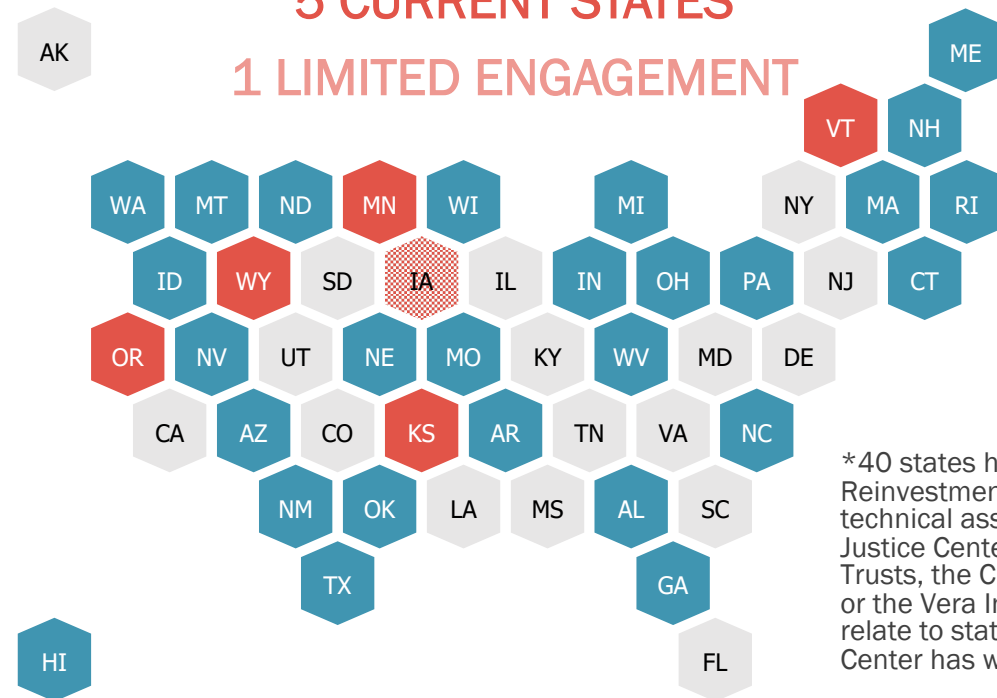
Providing judges with more tools to determine probation term lengths

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.

Minnesota's 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 Skjervén 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.

The Governor's Council on Justice Reinvestment launches today.

Co-Chairs

Kevin Reese Founder & Executive Director, Until We Are All Free	Sen. Julie Rosen Chair, Finance Committee	Sen. John Marty District 66	Rep. Rena Moran District 65A	Rep. Paul Novotny District 30A
Paul Schnell DOC Commissioner	Catherine Johnson MACCAC President, Hennepin County	Jason Anderson CPO President, Itasca County	John Choi Board Member, MN County Attorneys Association, Ramsey County Attorney	Kelly Mitchell Chair, MN Sentencing Guidelines Commission
Jack Swanson AMC Public Safety Chair, Roseau County Commissioner	Dr. Yohuru Williams Founding Director, Racial Justice Initiative, UST	Judge Jennifer Frisch MN Court of Appeals	Chairman Kevin DuPuis Fond du Lac Band of Lake Superior Chippewa	Tim Leslie Dakota County Sheriff

The Delivery System Working Group, established in HF 63 and composed largely of local practitioners, launched in September.

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	Dayna Burmeister Manager Southern Region, 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 MacMillian 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		
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	Clinton Alexander Director of Behavioral Health White Earth Reservation	

HF 63 asked the Delivery System 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
supervision

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

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

Governor's Council on Justice Reinvestment

- Provides strategic direction in the development of policy recommendations
- Creates momentum for adoption of policy recommendations
- Approves the Justice Reinvestment Initiative policy package

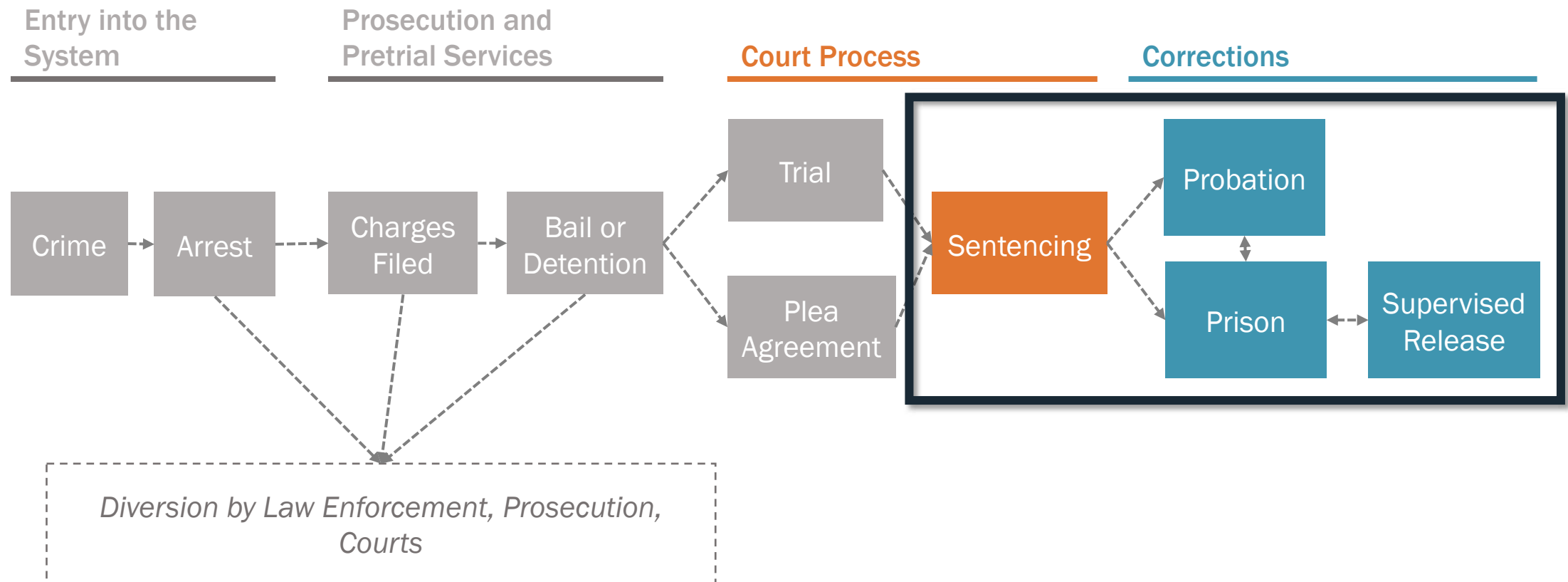
Delivery System Working Group

- Assesses the various community supervision models operating in the state
- Defines base-level supervision standards
- Identifies a balanced and sustainable funding model for Minnesota's community supervision system
- Establishes a pathway for tribal governments to supervise people on probation and supervised release

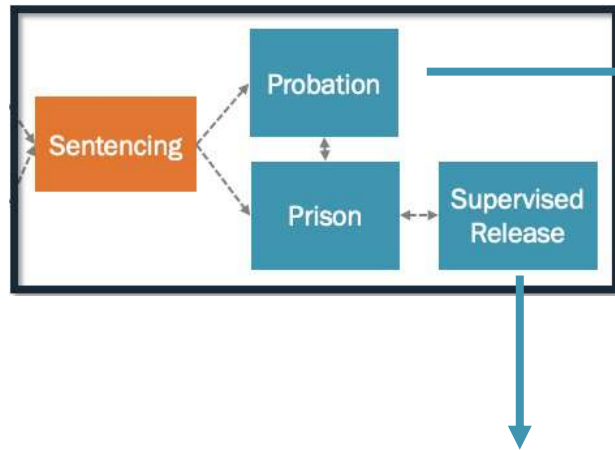
Criminal Justice in Minnesota

2

Minnesota's Justice Reinvestment Initiative focuses on the back end of the criminal justice system.



Types of Community Supervision



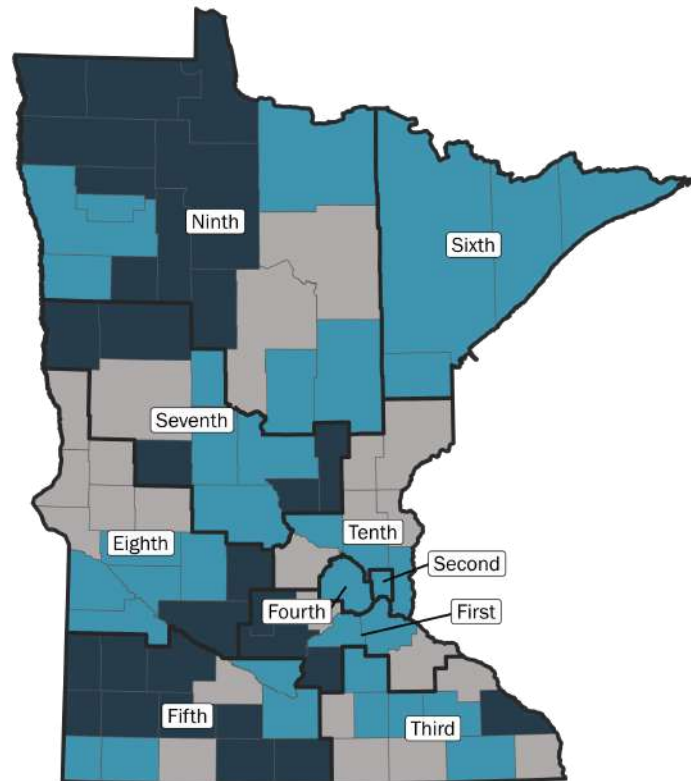
Probation: A community supervision sanction imposed on a person by the court as an alternative to or in conjunction with confinement. The person may be convicted of felony, gross misdemeanor, or misdemeanor offenses.

Supervised release: Community supervision for people who committed felony offenses and are released from prison. In Minnesota, state law requires most people to serve two-thirds of their executed sentence in prison and one-third in the community under supervision. Some people who require greater supervision are placed on intensive supervised release.

Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021) at https://mn.gov/doc/assets/Correctional%20Delivery%20Systems_tcm1089-461952.pdf.

Minnesota's community supervision system is unusual in that counties can choose between three options.

Minnesota Counties by Probation Delivery System and Judicial District, 2021

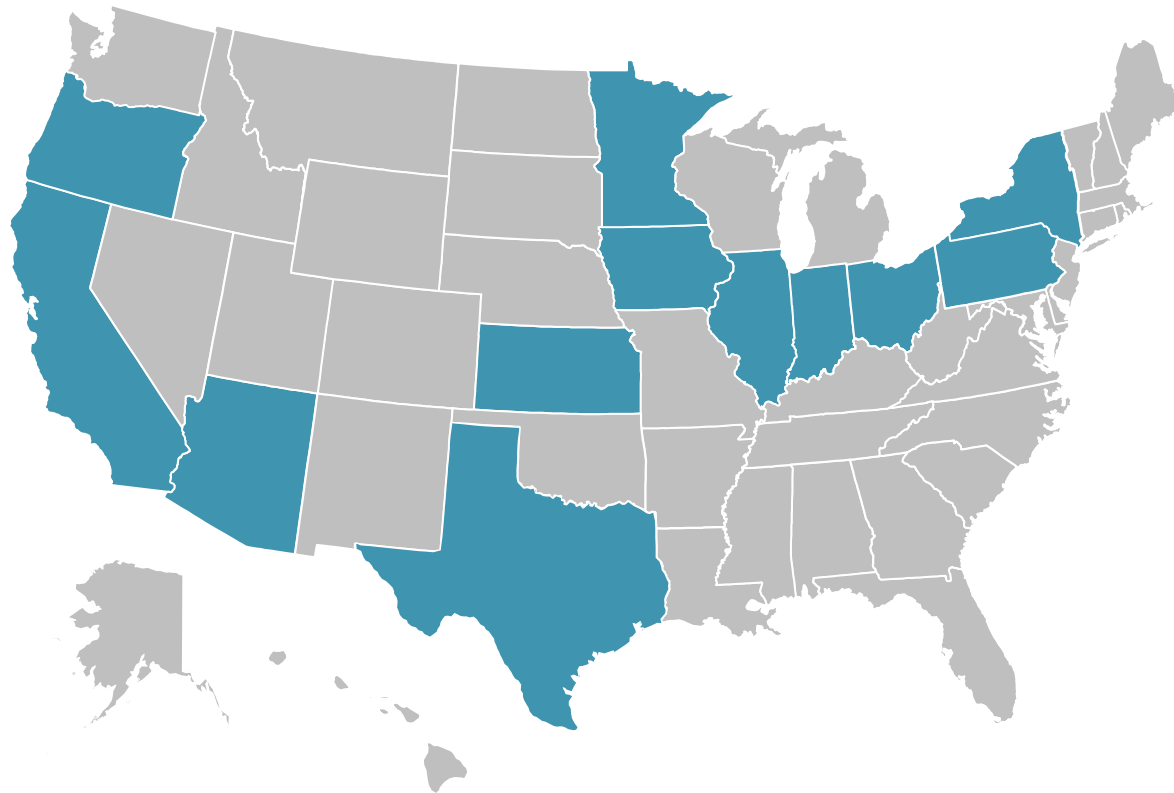


- Community Corrections Act (CCA) agencies provide all probation services
- Department of Corrections (DOC) provides all probation services
- County Probation Officer (CPO) provide services for juveniles/adult non-felonies, while the DOC provides probation services for adult felonies

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

Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).

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



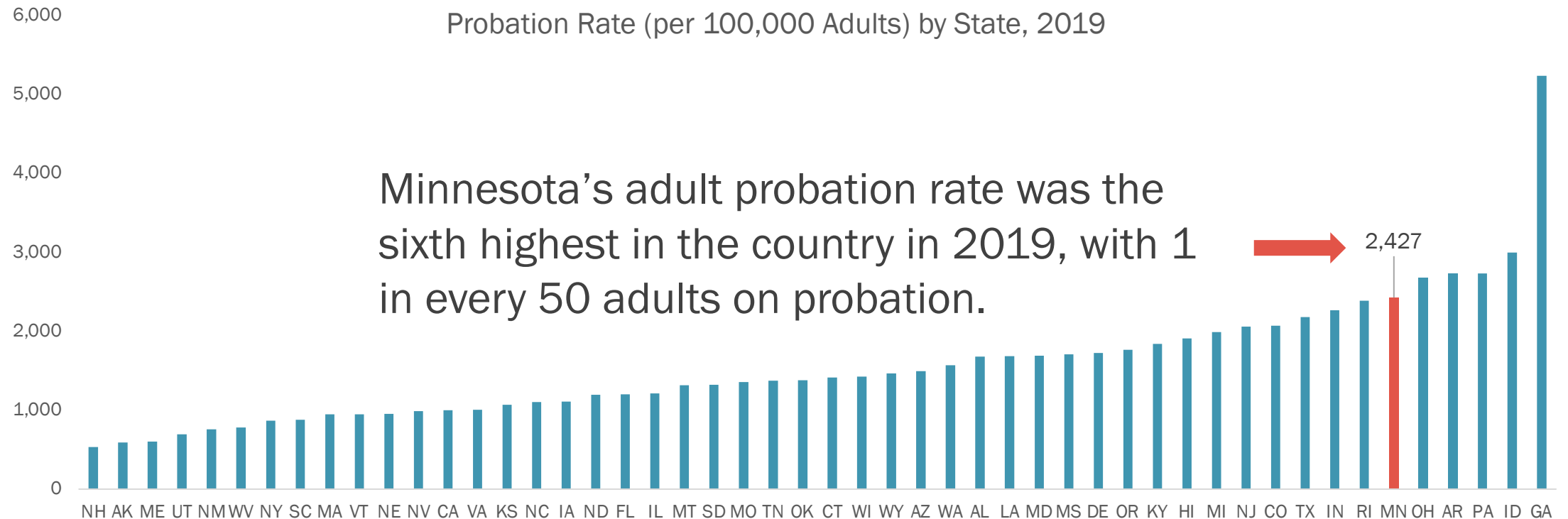
**Non-State-Run
Probation**

State-Run Probation

At both the state and county levels, probation systems are housed in either the executive or judicial branch.

American Probation and Parole Association, *Adult and Juvenile Probation and Parole National Firearm Survey, Second Edition* (Illinois: The American Probation and Parole Association, October 2006).

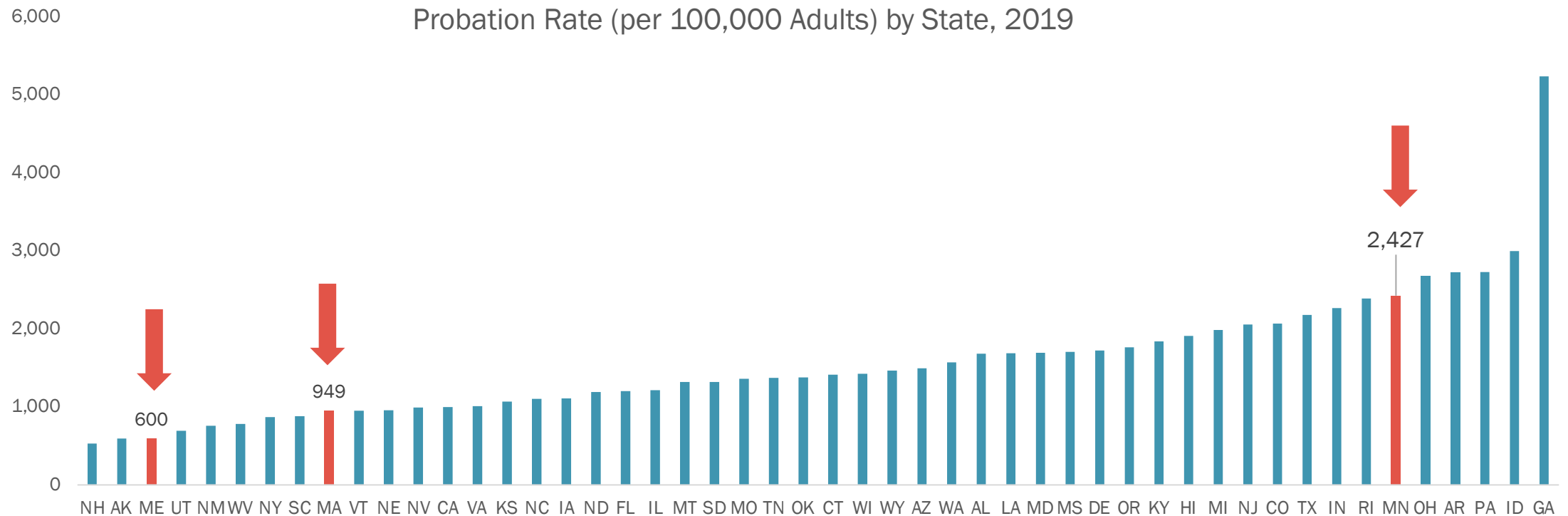
Although Minnesota has a low incarceration rate, its probation rate is among the highest in the country at **2,427** adults per 100,000.



The data presented here are the most recently available and were collected in 2019. Minnesota's probation rate may have changed in 2020.

Barbara Oudekerk and Danielle Kaeble, *Probation and Parole in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).

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



The data presented here are the most recently available and were collected in 2019. Minnesota's probation rate may have changed in 2020.

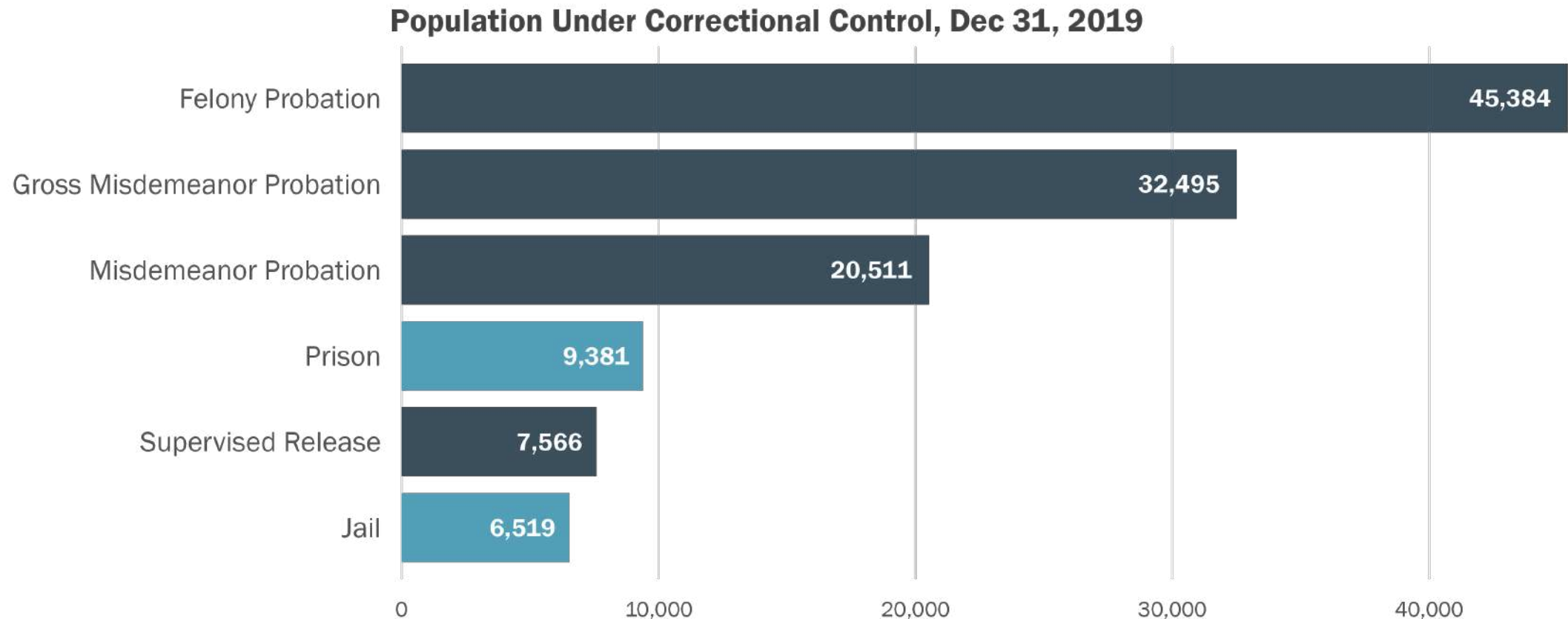
Barbara Oudekerk and Danielle Kaeble, *Probation and Parole in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).

Although Minnesota has a low incarceration rate, its probation rate is among the highest in the country. Minnesota's rate of people under correctional control is 11th highest among states.



Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States, 2019*, (Washington, DC: Bureau of Justice Statistics, 2021).

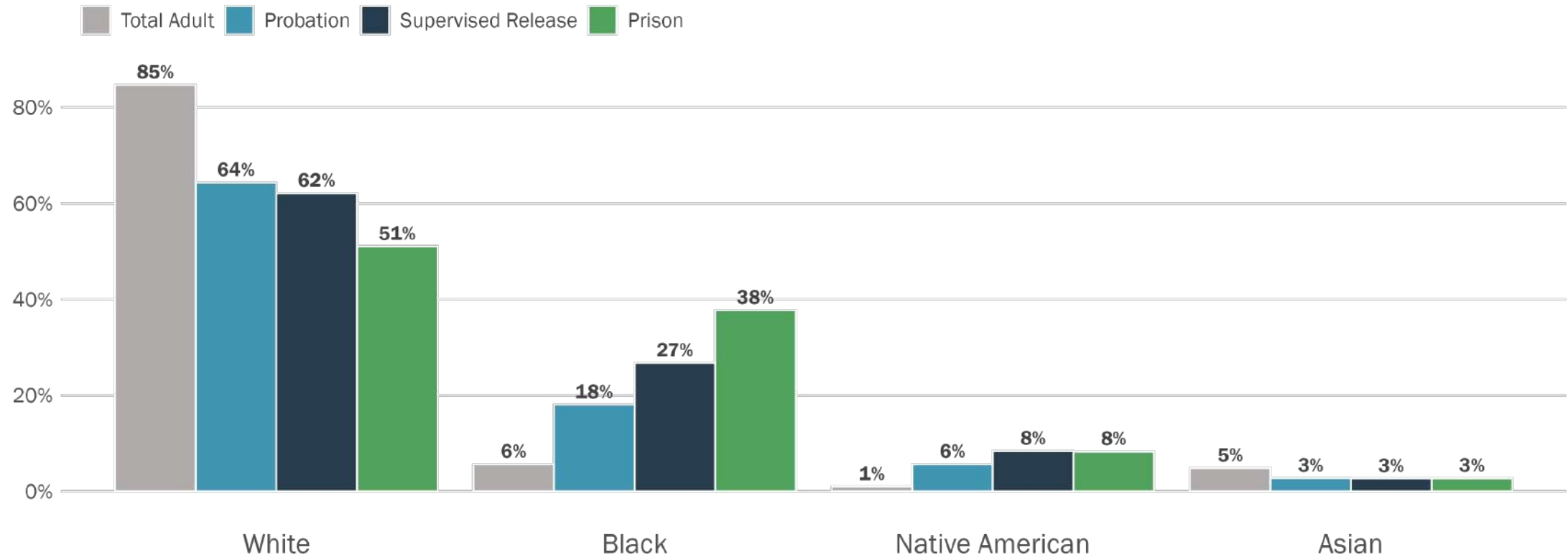
Minnesota's correctional populations are concentrated in the community, not in prison or jail; this sentencing system demands high-quality supervision.



Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, Ph.D., *Correctional Populations in the United States, 2019 – Statistical Tables* (Washington, D.C.: Office of Justice Programs Bureau of Justice Statistics, July 2021); Minnesota Department of Corrections, *Adult Prison Population Summary* (St. Paul, Minnesota: Minnesota Department of Corrections, January 2020); Minnesota Department of Corrections, *2019 Probation Survey* (St. Paul, Minnesota: Minnesota Department of Corrections, April 2020); CSG Justice Center analysis of MN DOC supervised release data.

Black and Native American people are over-represented in probation, supervised release, and prison populations.

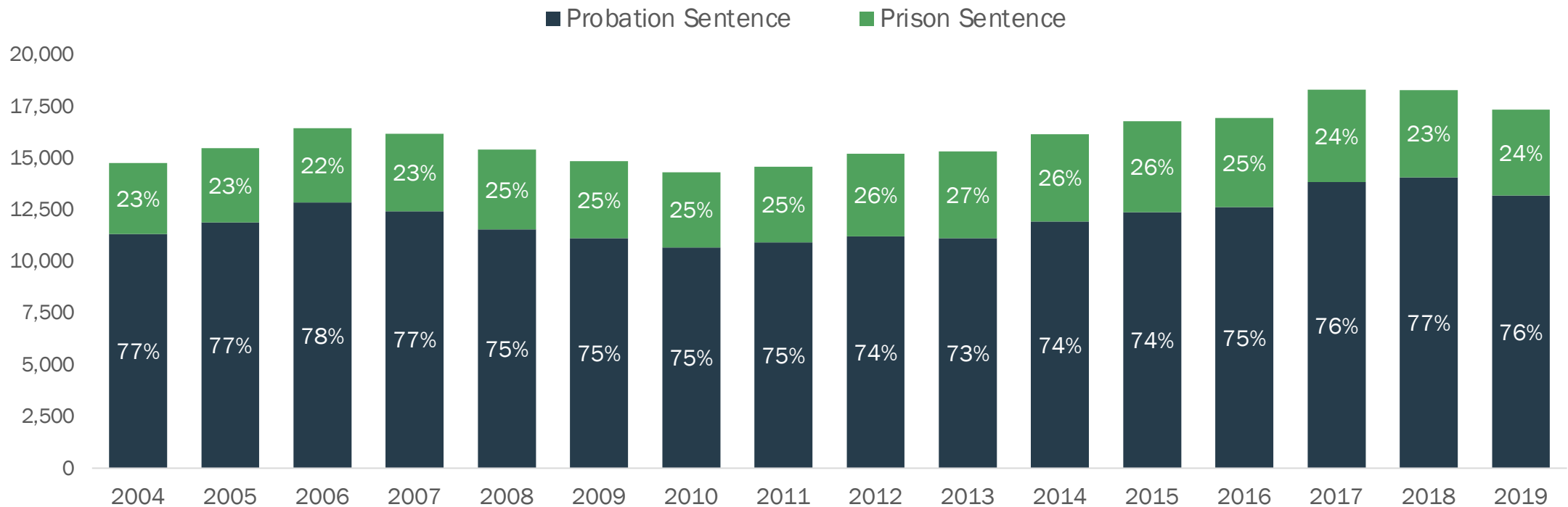
Racial Composition of Justice-Involved Populations Compared to Total Adult Population



MN Department of Corrections, [Adult Prison Population Summary, 2020](#), 2; MN Department of Corrections, [Probation Survey, 2019](#), 4; CSG Justice Center analysis of MN DOC supervised release data; US Census Bureau, [American Community Survey, 2019](#).

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

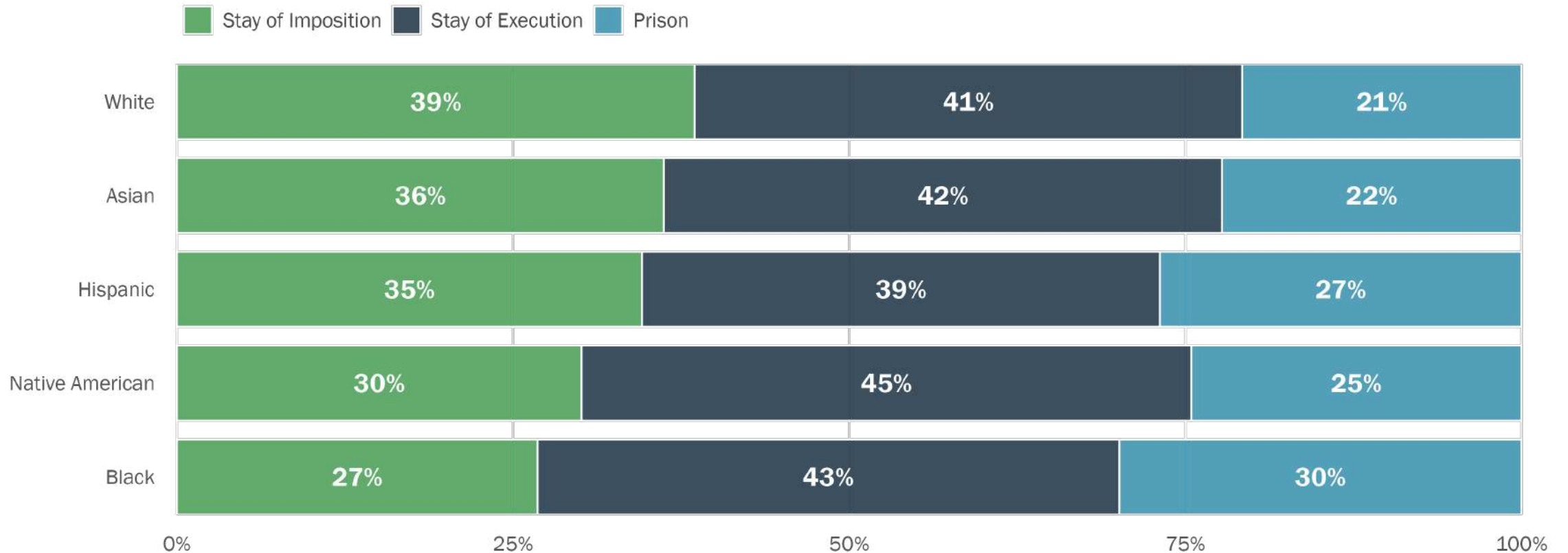
Number of People Sentenced to Probation or Prison by Year Sentenced, 2004–2019



Minnesota Sentencing Guidelines Commission, *2019 Sentencing Practices* (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 2020).

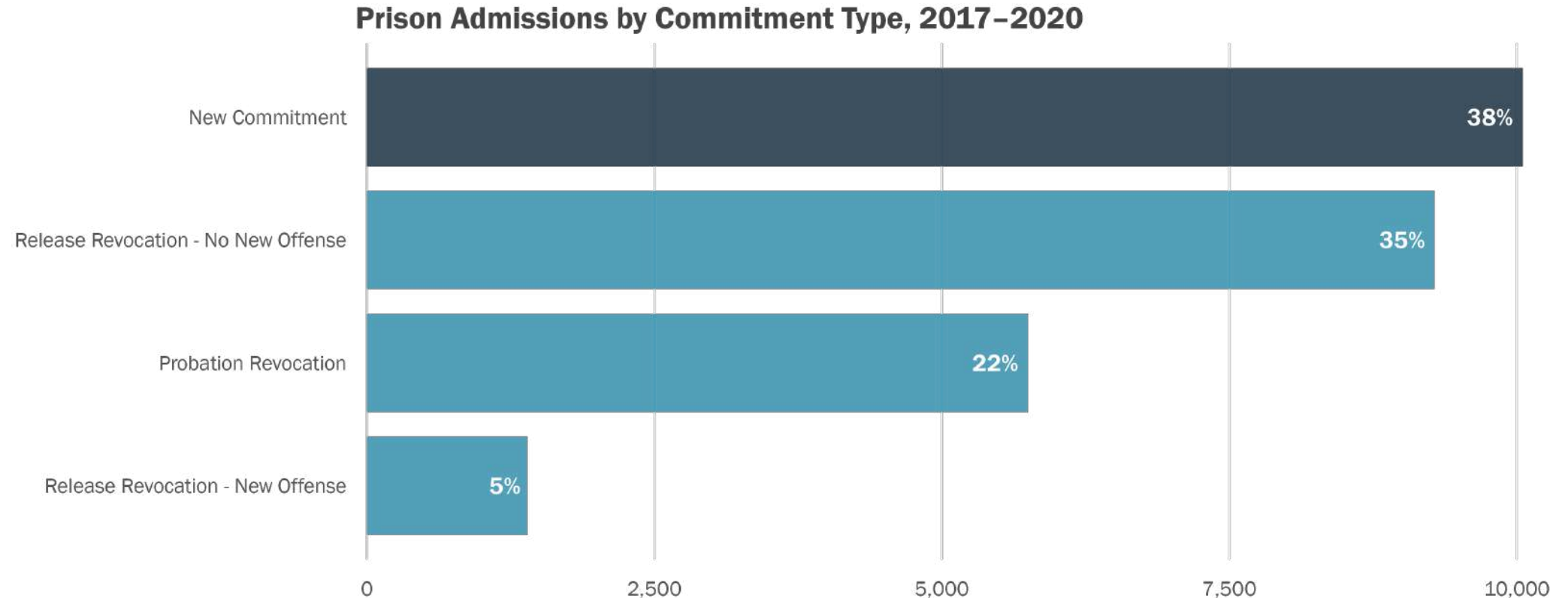
Hispanic, Native American, and Black people receive sentences to prison more often than White or Asian people.

Sentences to Probation and Prison by Race and Ethnicity, 2017–2019



CSG Justice Center analysis of Minnesota Sentencing Guidelines Commission data.

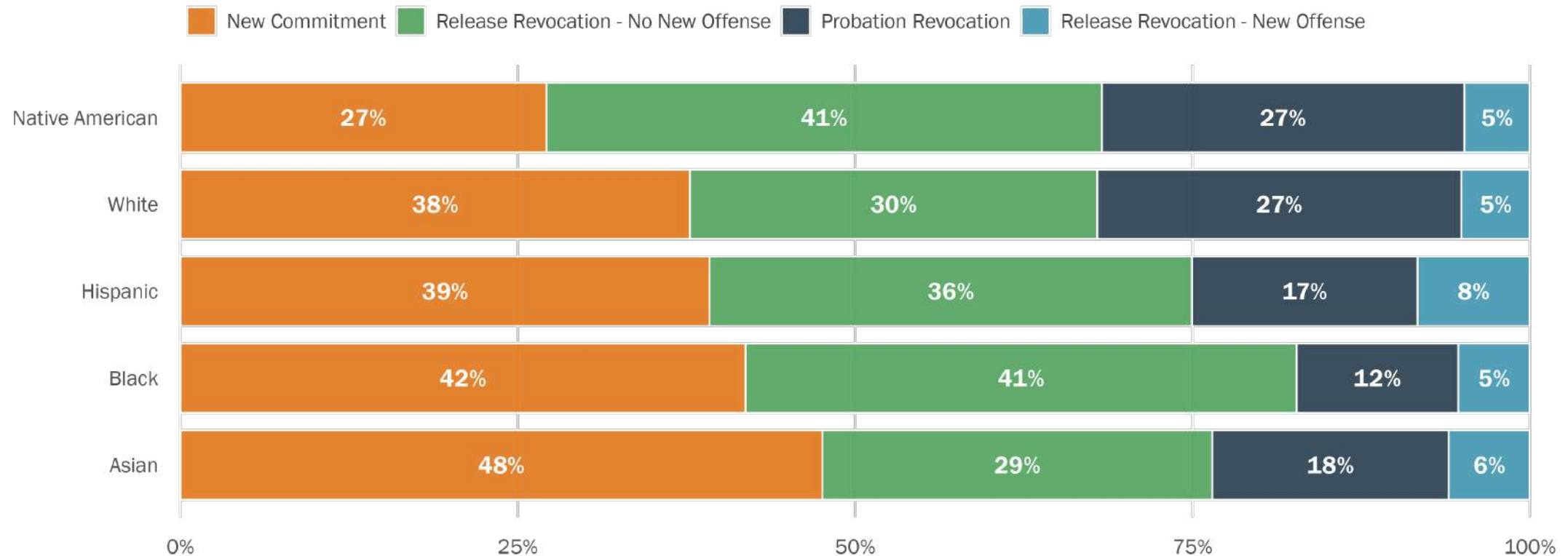
More than 60 percent of admissions to prison are due to supervision failures.



CSG Justice Center analysis of MN DOC prison admissions data.

A larger percentage of Native American prison admissions are due to supervision failures compared to people of other races.

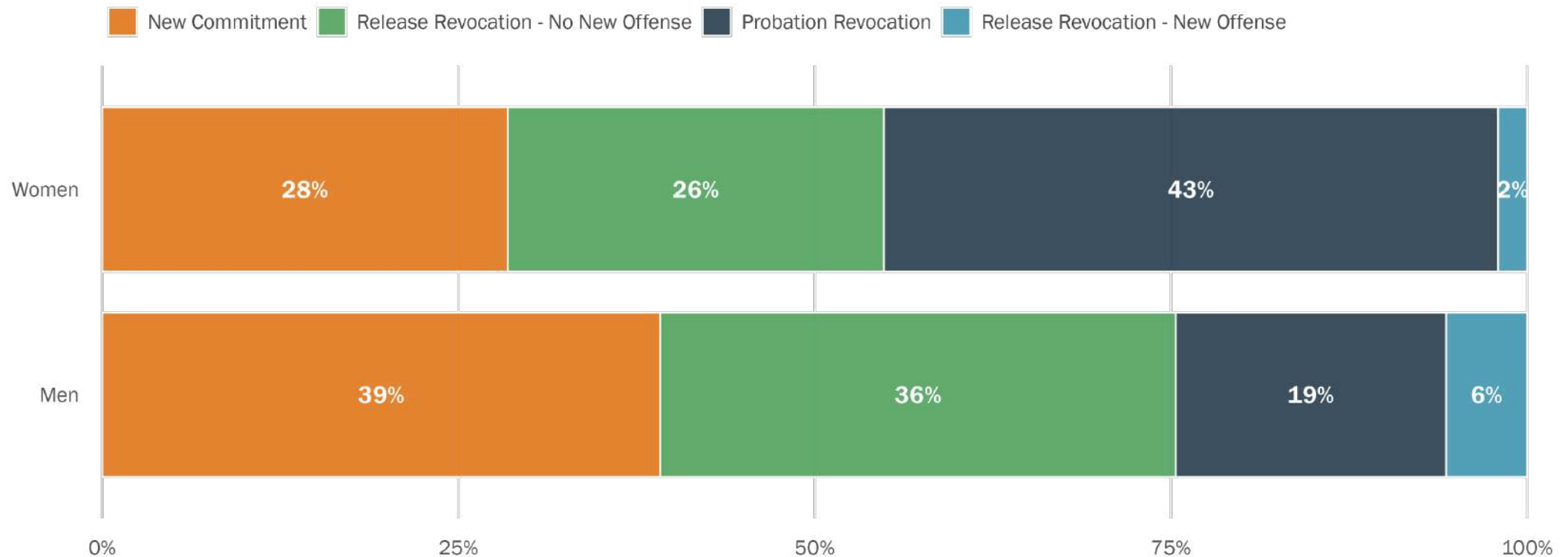
Prison Admissions by Commitment Type and Race, 2017–2020



CSG Justice Center analysis of MN DOC prison admissions data.

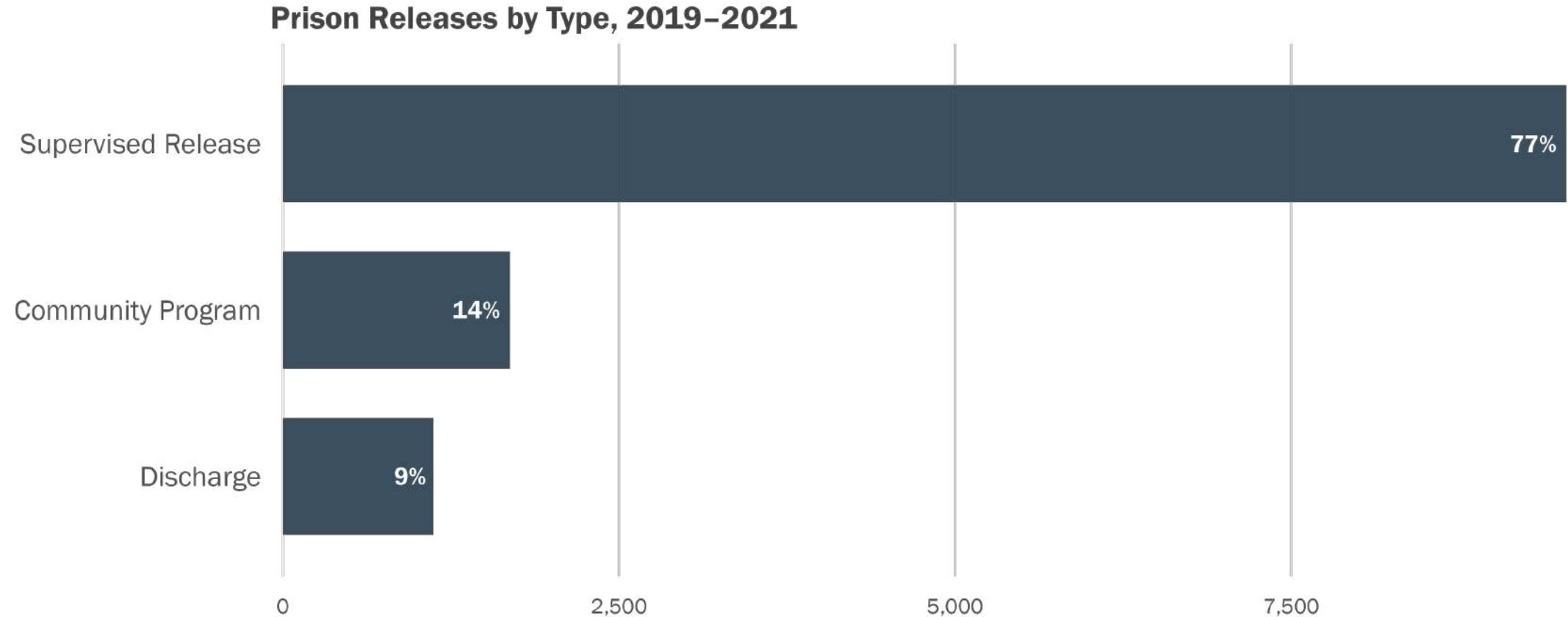
More than 40 percent of prison admissions of women are due to probation revocations.

Prison Admissions by Commitment Type and Gender, 2017–2020



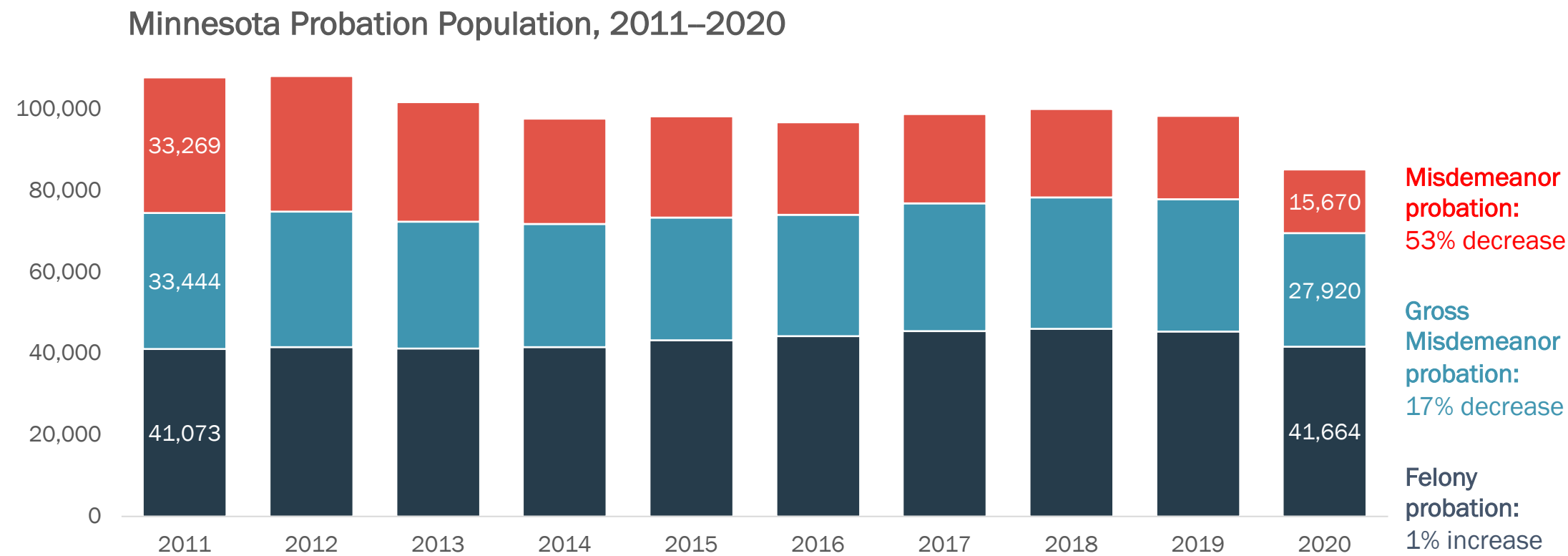
CSG Justice Center analysis of MN DOC prison admissions data.

Less than 10 percent of people are released from prison without a form of supervision.



CSG Justice Center analysis of MN DOC prison release data.

Minnesota’s total adult probation population has declined, but the felony probation population has remained consistent.

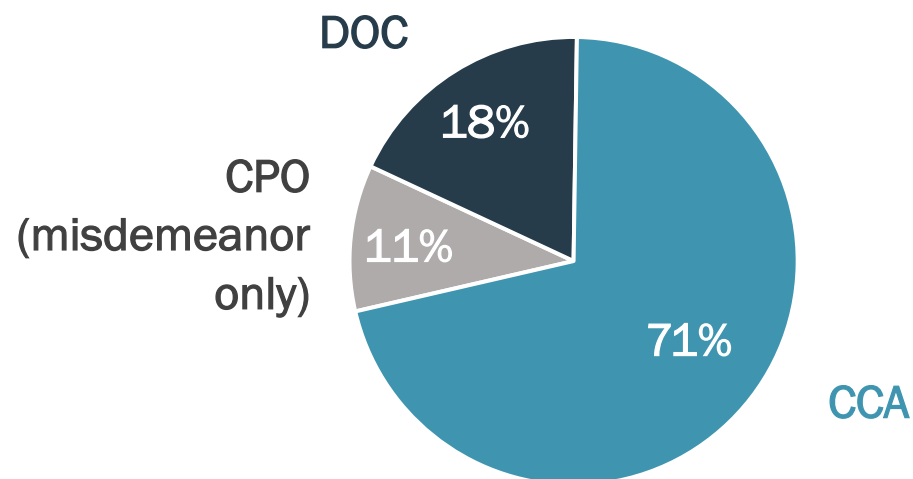


Minnesota Department of Corrections Probation Survey, 2011–2020.

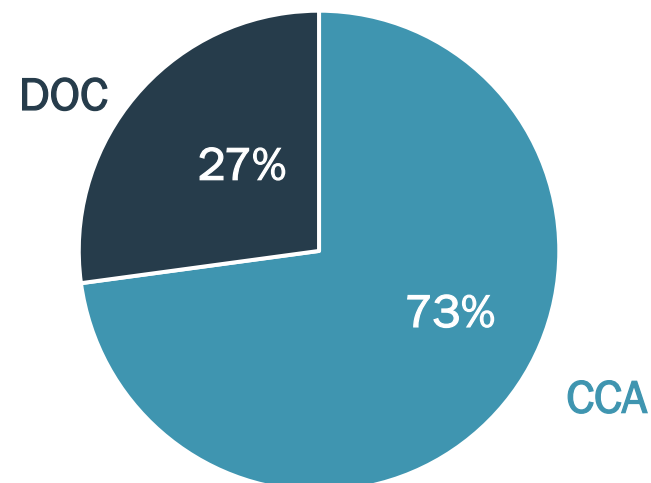
Over 80 percent of adults on probation are supervised by local agencies; for felony cases it is almost three-quarters.

Minnesota Probation Population by Delivery System, 2020

Total Adult Probation Population
N = 85,254

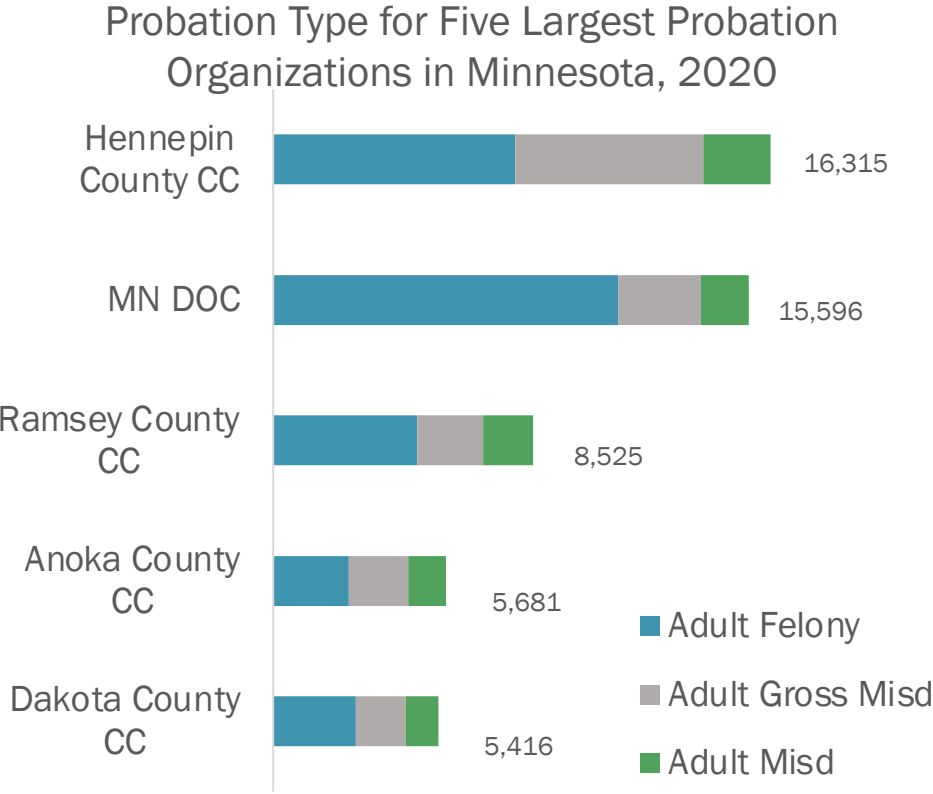


Felony Probation Population
N = 41,664

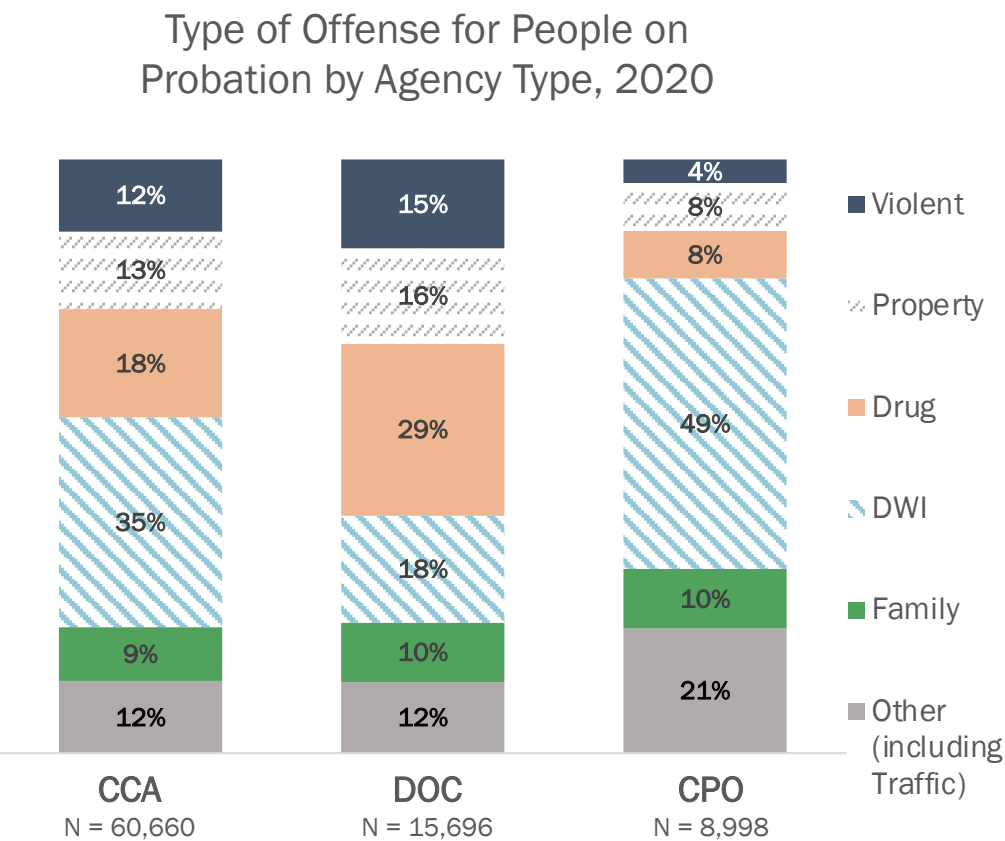


Minnesota Department of Corrections Probation Survey, 2020.

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

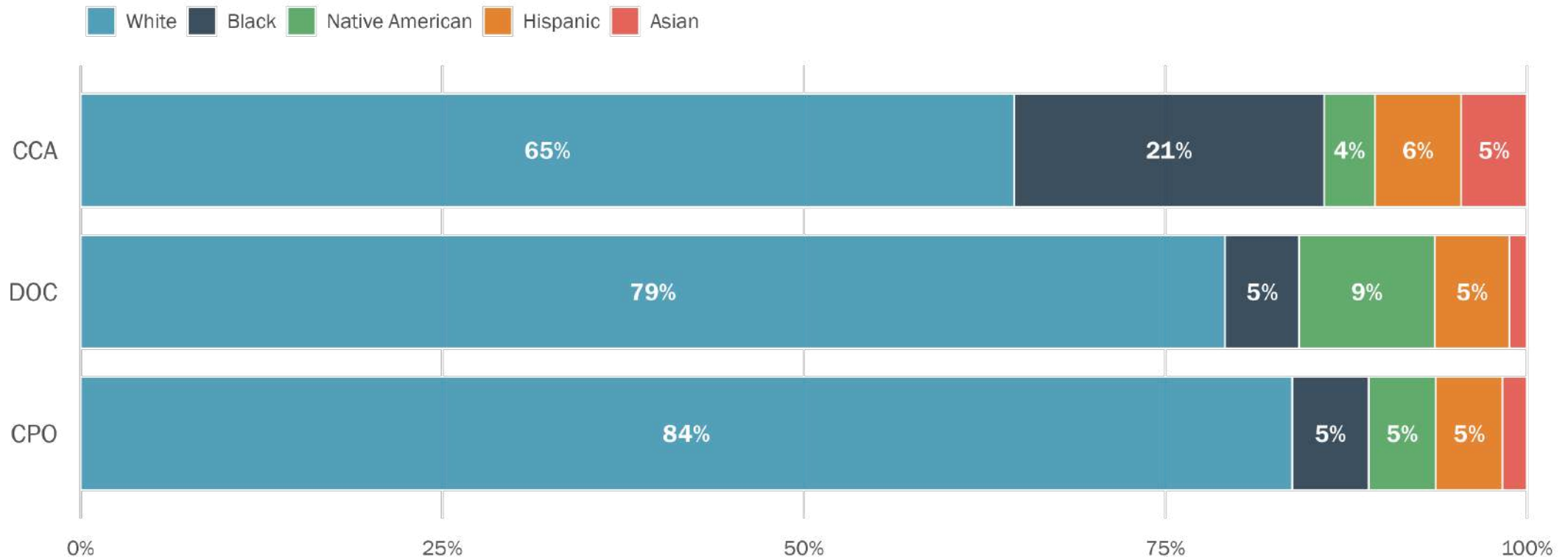


Minnesota Department of Corrections Probation Survey, 2020.



The racial makeup of the three delivery systems also differs, and supervision staff may need different cultural competencies to deliver appropriate services.

Probation Starts by Delivery System and Race, 2018–2020



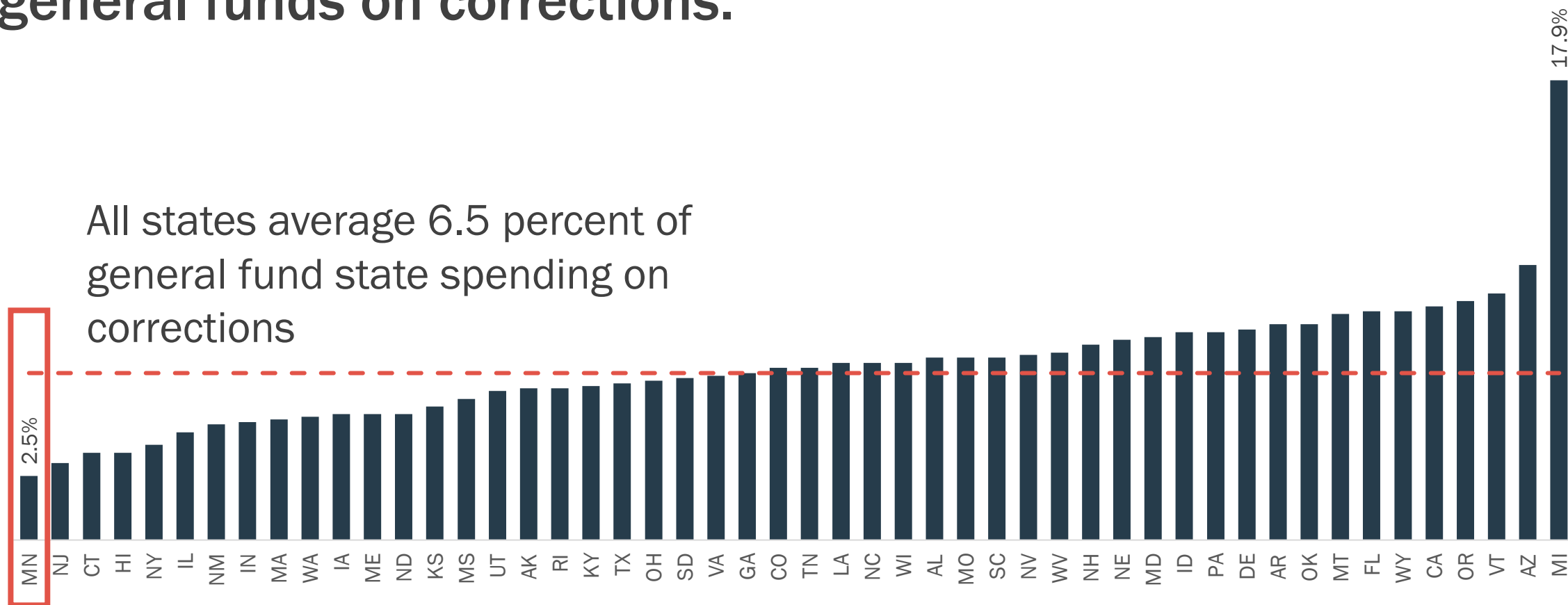
CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

Key Takeaways

1. Although Minnesota has a low incarceration rate, its probation rate is the 6th highest in the country; Minnesota's rate of people under correctional control is 11th highest among states.
2. Sentences to probation make up about three-quarters of all felony sentences; this sentencing system demands high-quality supervision.
3. Black and Native American people are overrepresented in Minnesota's criminal justice system.
4. More than 60 percent of admissions to prison are due to supervision failures.
5. Over 80 percent of adults on probation are supervised by local agencies, and for felony cases it is almost three-quarters.

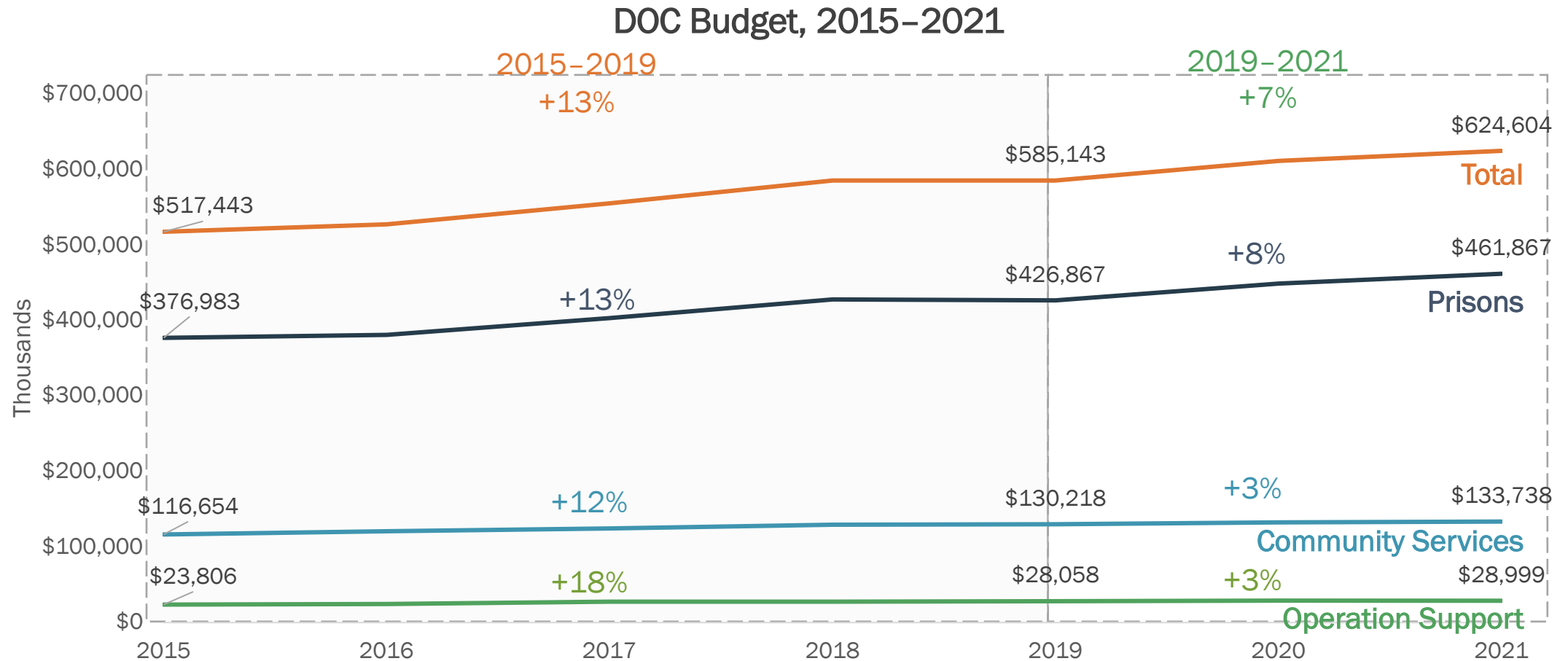
Budget | 3

In 2020, Minnesota spent the lowest proportion of state general funds on corrections.



State Spending by Function as a Percent of Total State Expenditures, Fiscal 2020, (Washington, DC: NASBO, 2020), https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf.

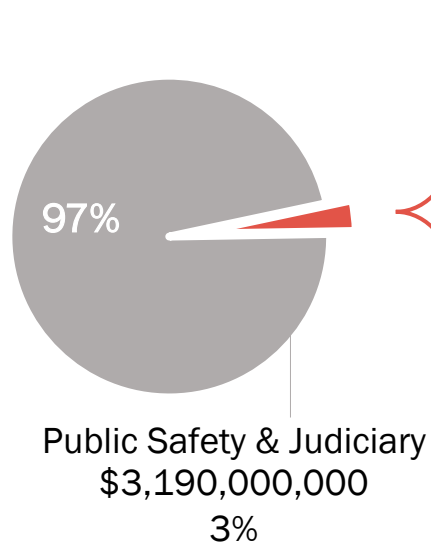
Corrections spending has increased, and the state has prioritized spending on prisons.



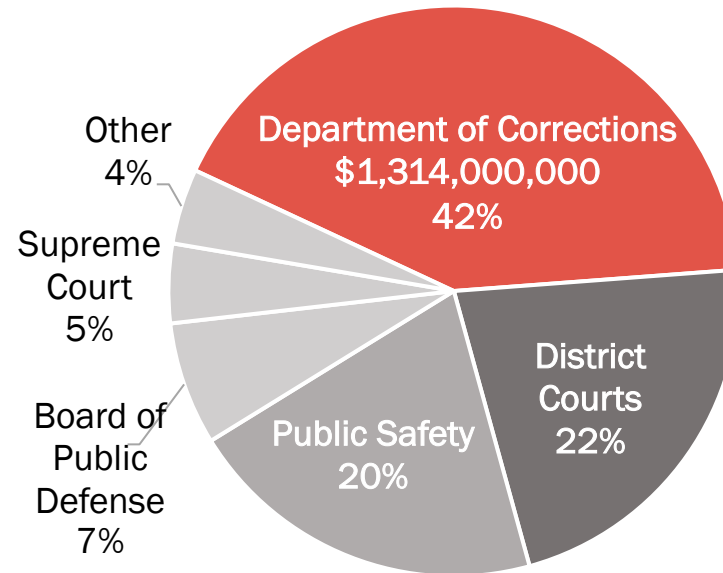
Email correspondence between CSG Justice Center and MN DOC, January 2021.

Public Safety & Judiciary (PSJ) receives about \$3.2 billion, or 3 percent of the state's budget, and Corrections is 42 percent of PSJ.

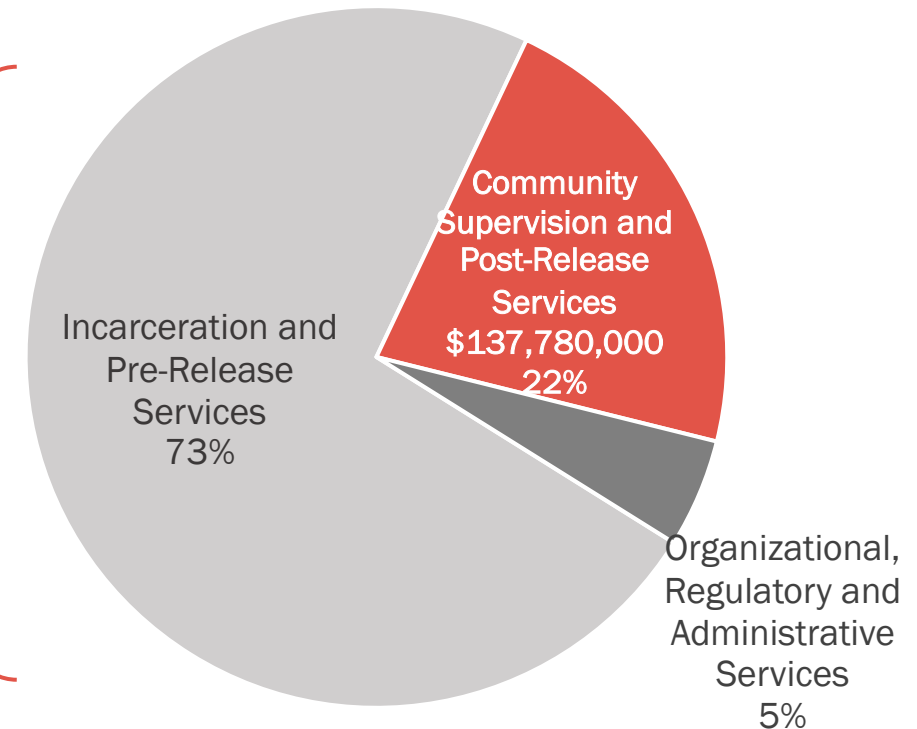
Minnesota State Budget
FY2022–2023



Public Safety & Judiciary Budget
FY2022–2023



Corrections Budget
FY2022–2023



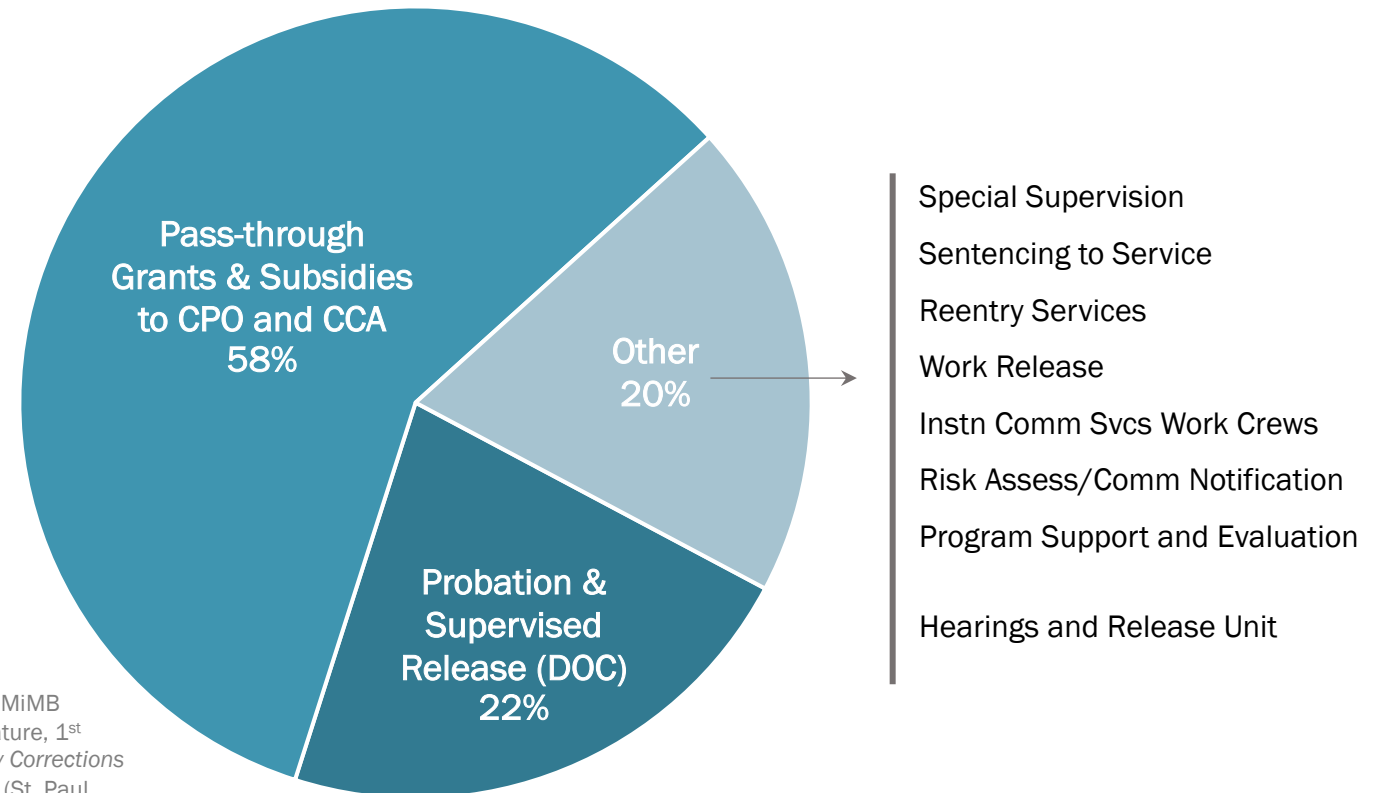
“Current Estimates of State Budget,” Minnesota Management and Budget, accessed October 13, 2021, MiMB website <https://mn.gov/mmb/budget/state-budget-overview/current-estimates/>; H.F. 63, 92nd Legislature, 1st Special Session, (Minnesota 2021). MN DOC Budget FY2022, accessed October 13, 2021, <https://mn.gov/doc/about/budget/>.

Probation and supervised release total 22 percent of the DOC Supervision budget. County grants and subsidies are 58 percent of the Supervision budget.

As of July 2021:

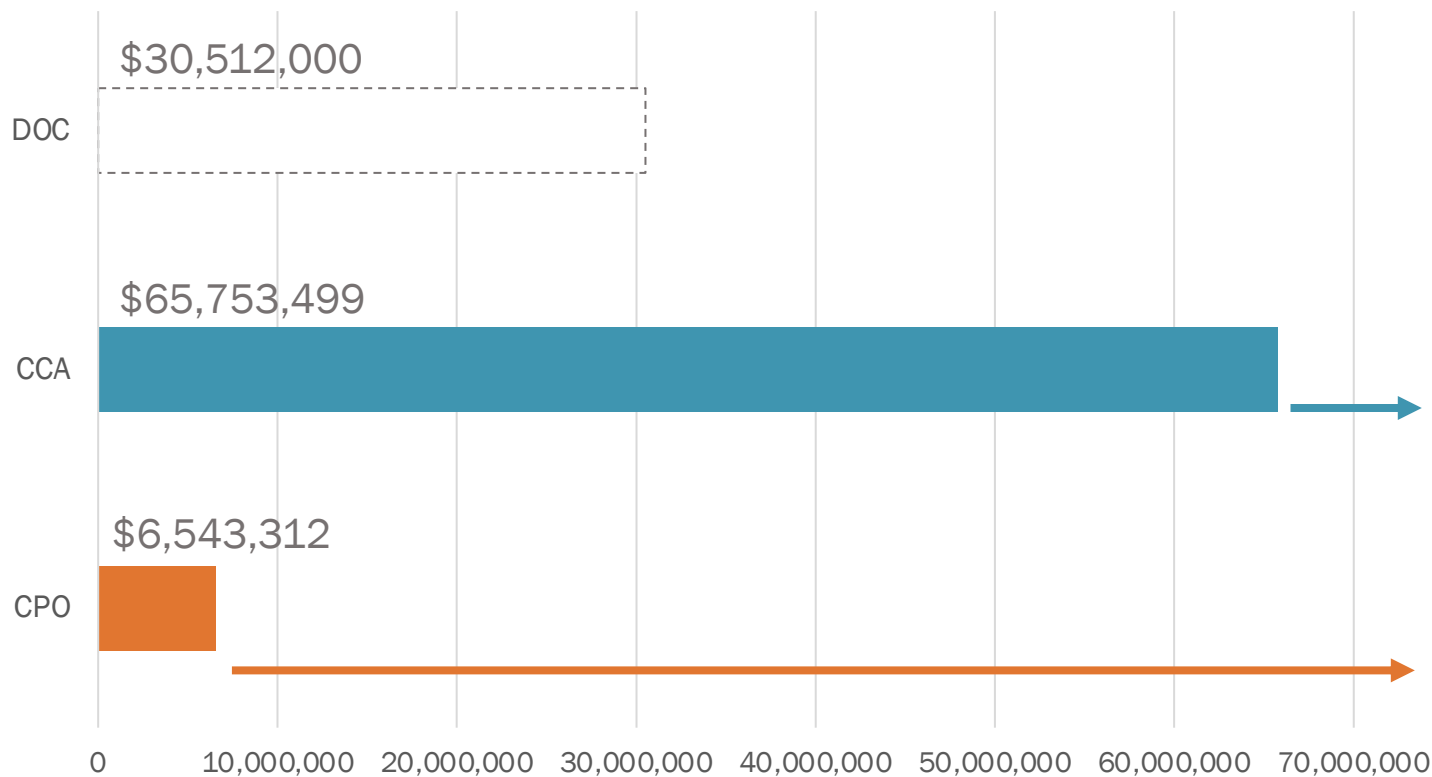
- 22 CCA agencies served 35 counties.
- CPO agencies served 23 counties.
- DOC provides adult felony probation and supervised release supervision in the 52 counties (23 of which they share with CPO).

Annual Funding for Community Supervision, FY2022–2023



"Current Estimates of State Budget," Minnesota Management and Budget, accessed October 1, 2021, MiMB website <https://mn.gov/mmb/budget/state-budget-overview/current-estimates/>; H.F. 63, 92nd Legislature, 1st Special Session, (Minnesota 2021); Gary Karger, *A Report for the Minnesota Association of Community Corrections Act Counties*, (2013); Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).

State probation funding subsidies and grants to counties involve seven funding streams.



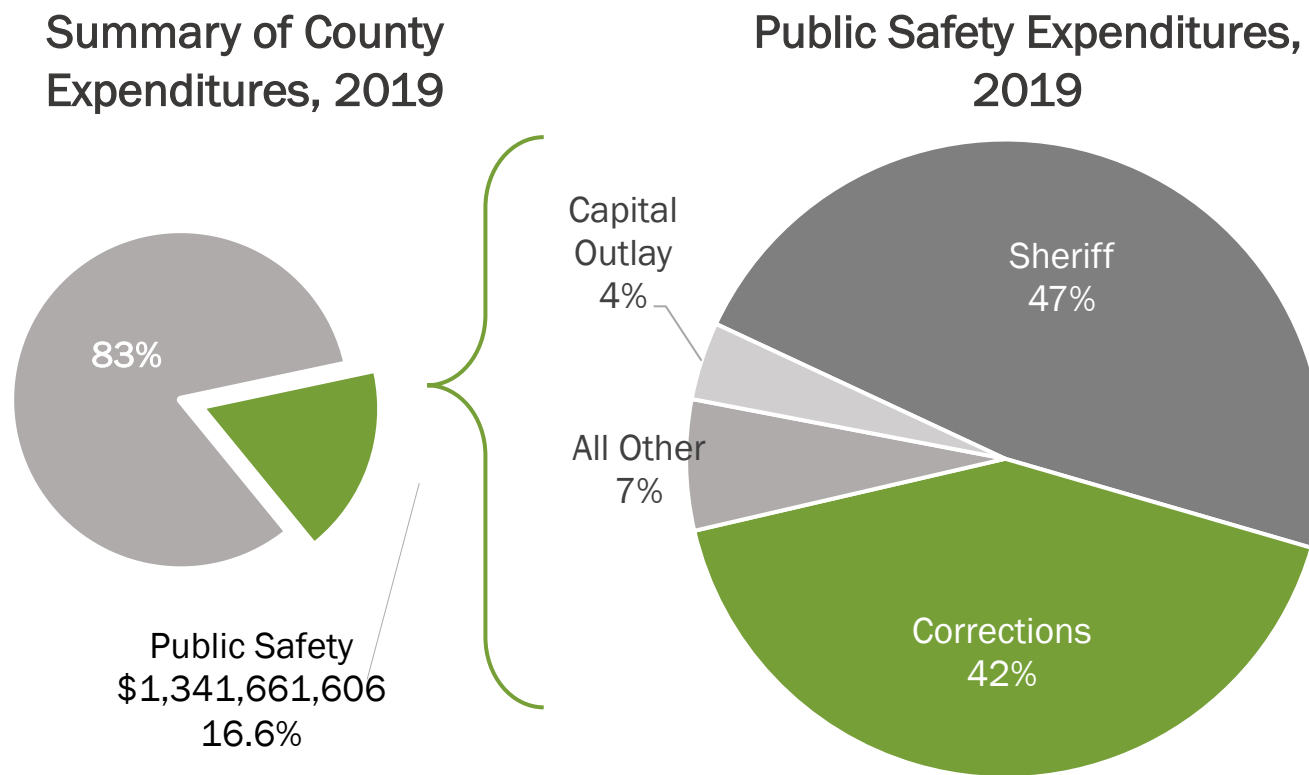
FY2020 DOC Funding Streams

CCA	1. CCA Subsidy	\$61,006,999
	2. Alternative to Incarceration Grant	\$160,000
	3. Reentry HWH Grant	\$300,000
	4. Intensive Supervision ISR Grant	\$3,869,000
	5a. REAM Grant	\$417,500

CPO	5b. REAM Grant	\$185,500
	6. CL/WL Reduction Grant	\$1,314,812
	7. CPO Reimbursement	\$5,043,000

Communication from MN DOC to the CSG Justice Center on 10/08/2021.

State auditor reports that county expenditures for public safety in 2019 totaled \$1.3 billion, or 16.6 percent of total county expenditures.



Office of the State Auditor "Minnesota County Finances 2019 Revenues, Expenditures, and Debt" at https://www.osa.state.mn.us/media/lijbetvz/county_19_report.pdf; Judiciary and Public Safety Budget, Laws 2019 Chapter 5, SF8 at https://www.senate.mn/departments/fiscalpol/tracking/2019/JUD_Judiciary%20Conference%20Final.pdf.

These are critiques we have heard about the delivery systems and funding approaches.

Too complex

No definition of risk or workload

99% of the CCA aid distribution is determined by the population variable

Different formulas for funding for people convicted of sex offenses, intensive supervised release, and caseload reduction

Not based on what probation officers do

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

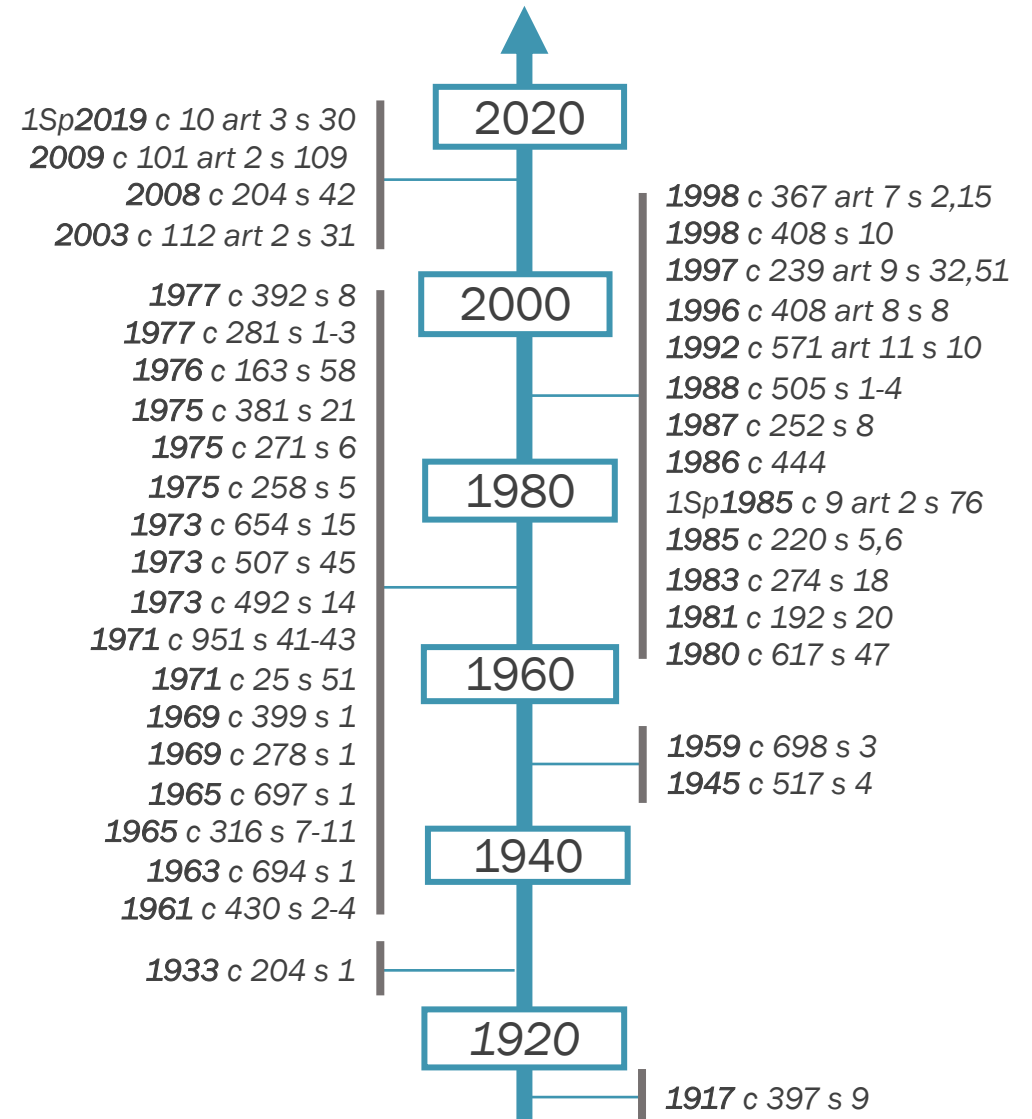
Funding per capita varies less in CCA counties compared to non-CCA counties

The Working Group on Community Corrections, "Fair and Equitable: A New Community Corrections Formula," (1995); Minnesota Planning, "Distribution Formula: Probation Caseload Reduction Funding," (1997); Gary Karger, "A Report for the Minnesota Association of Community Corrections Act Counties," (2013).

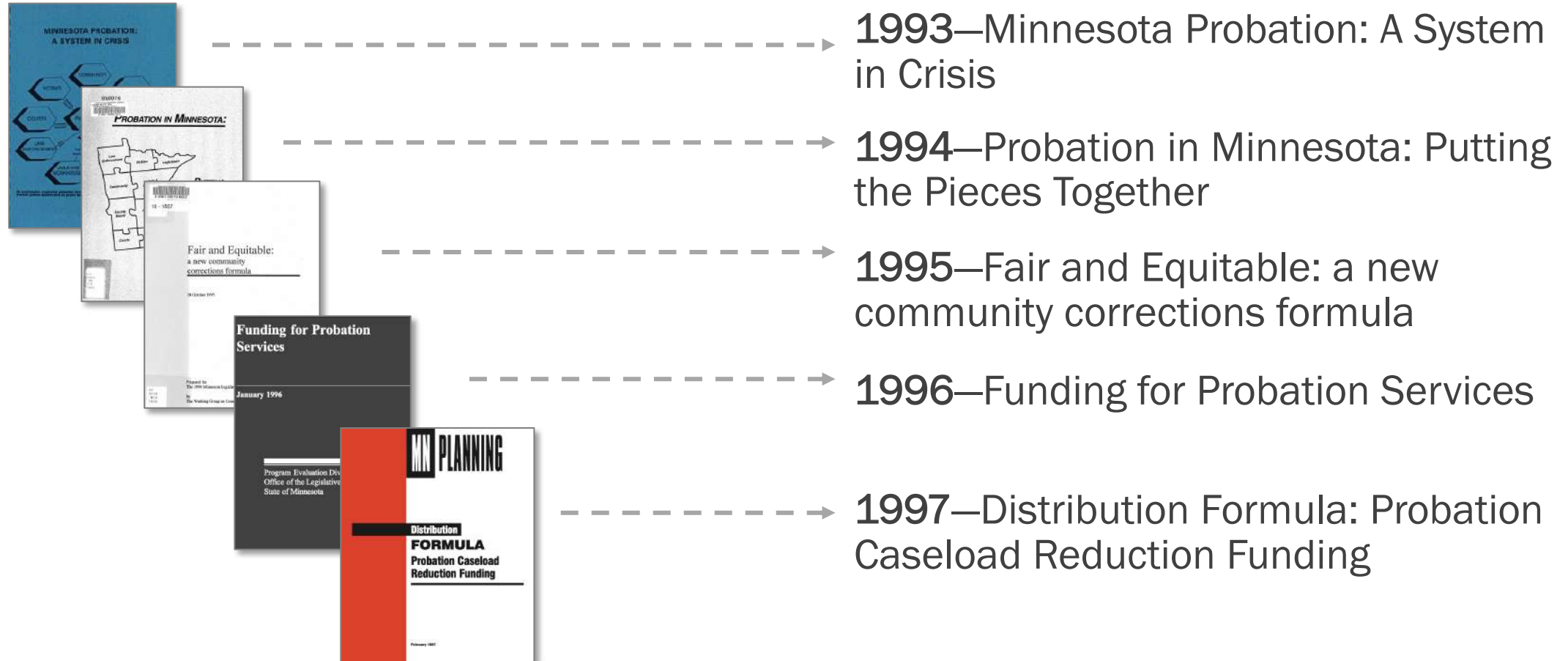
The state has a long history of tinkering with supervision systems in statute.

- 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

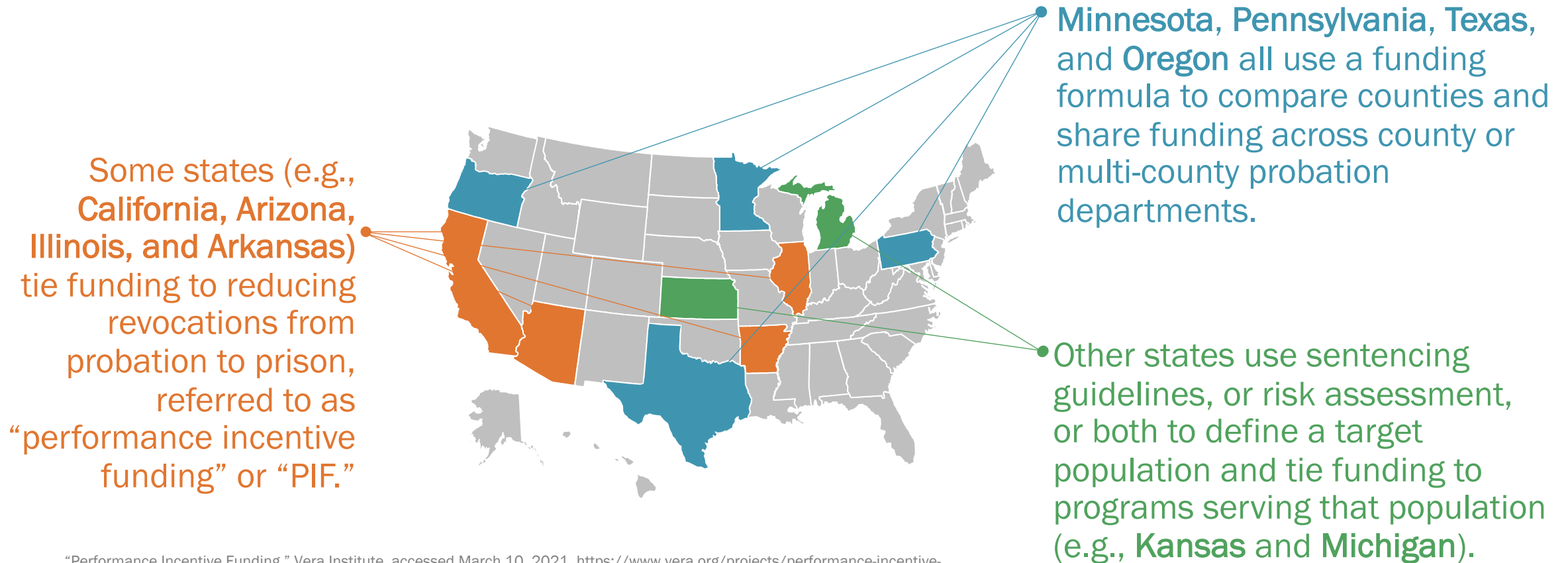
History of 37 Amendments to § 244.19



In the 1990s, Minnesota repeatedly studied its supervision systems and funding, putting a lot of time, energy, and resources into improving its system.



States use different forms to fund community corrections.



“Performance Incentive Funding,” Vera Institute, accessed March 10, 2021, https://www.vera.org/projects/performance-incentive-funding/overview_k to insert source; research by the CSG Justice Center; research on Pennsylvania, Texas, Oregon, Kansas and Michigan by CSG Justice Center.

Key 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.

Next Steps

4

**How does
community
supervision in
Minnesota currently
hold up against
these three
principles?**

1. Effectiveness

Is the Minnesota approach working?
Are people succeeding?

2. Equity

Is the Minnesota approach fair?
Does every person get equal
opportunities to succeed?

3. Resources

Is Minnesota supervision funded in a
way to ensure it is effective and
equitable?

State and local stakeholders are participating in several engagement activities as part of the Minnesota Justice Reinvestment Initiative.

Data Analysis

Exploring sentencing, prison, probation, and supervised release data from MN Sentencing Guidelines Commission and MN Department of Corrections (S³)

Stakeholder Engagement

Managing process and communications, ensuring inclusion of voices

Supervision Assessment

Interviewing staff and people on probation from 4–5 agencies from each delivery system (13 total)

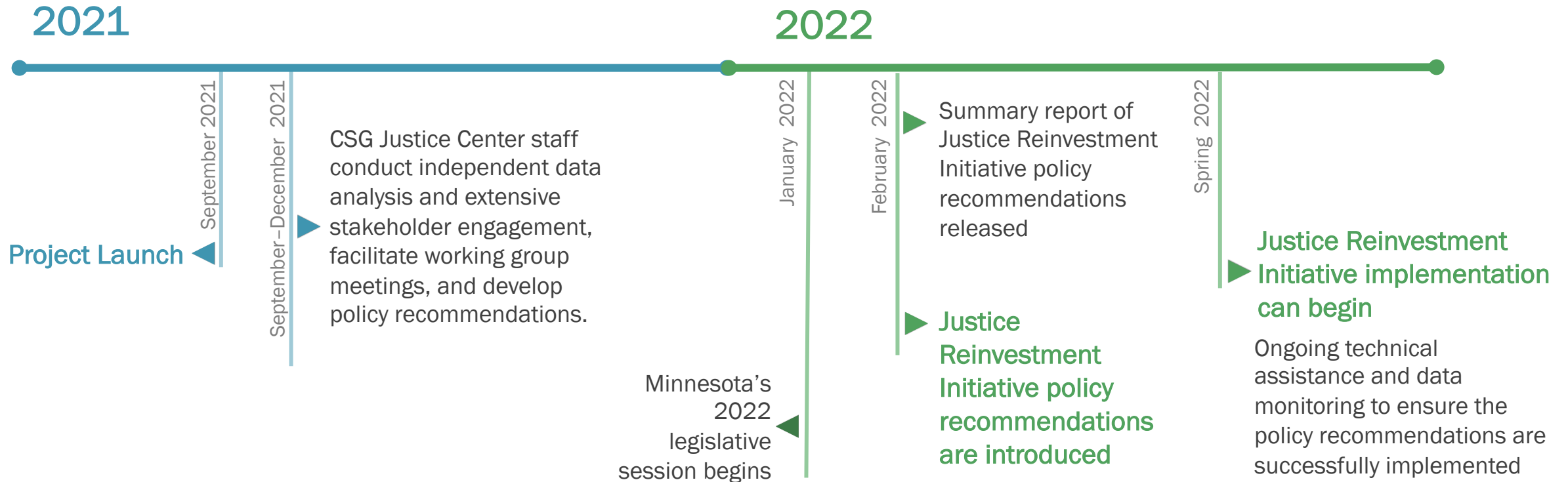
Policy and Funding Assessment

Focusing on statutes, judicial policy, budgets, appropriations

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	Final 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.



Thank You!

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