Overview

1 Recap and Project Background

2 Sustainable Funding

3 Supervision Assessment

4 Advancing Tribal Government Supervision

5 Next Steps
Background

1
The Minnesota Justice Reinvestment Initiative has two working groups with slightly different roles and responsibilities.

<table>
<thead>
<tr>
<th>Governor’s Council on Justice Reinvestment</th>
<th>Delivery System Working Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Provides strategic direction on the development of policy recommendations</td>
<td>• Assesses the various community supervision models operating in the state</td>
</tr>
<tr>
<td>• Creates momentum for adoption of policy recommendations</td>
<td>• Defines base-level supervision standards</td>
</tr>
<tr>
<td>• Approves the Justice Reinvestment Initiative policy package</td>
<td>• Identifies a balanced and sustainable funding model for Minnesota’s community supervision system</td>
</tr>
<tr>
<td></td>
<td>• Establishes a pathway for tribal governments to supervise people on probation and supervised release</td>
</tr>
</tbody>
</table>
Throughout this process, CSG Justice Center staff examined both qualitative and quantitative data.

**Qualitative Data**
- Surveyed judges and probation directors
- Reviewed statutes, case law, appropriations, and published reports
- Met with local criminal justice stakeholders, including victims’ groups
- Conducted an in-depth supervision assessment

**Quantitative Data**
- Secured data sharing agreements with 21 CCA agencies and 23 CPO agencies
- Analyzed probation data, including conditions and LS/CMI risk and needs assessments
- Analyzed pretrial and juvenile probation data
- Analyzed prison data, including risk and behavioral health assessments
- Analyzed supervised release data, including MnSTARR risk assessments and violations
- Analyzed sentencing data
The Delivery Systems Working Group has covered the following subjects across seven meetings:

- Sentencing trends
- Probation and supervised release trends
- Probation and supervised release recidivism rates
- Pretrial supervision
- Juvenile probation
- Budget models in other states
- Minnesota’s supervision budget
- Assessment of supervision in Minnesota
Ultimately, the goal is to achieve a Minnesota supervision system that is effective, equitable, and adequately resourced across counties that are extremely different.

How do counties have equal access to the supervision system with the best outcomes for their populations and not just the system they can afford?

U.S. Census Bureau, American Community Survey 2015–2019 5-Year Estimates, Table C17002, B03002, and B15002.
Sustainable Funding
Key Takeaways from the Last Presentation

1. In 2020, Minnesota spent the lowest proportion of state general funds on corrections.
2. Over time, 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 different for each system and result in inequitable state investments in effective supervision practices.
Minnesota’s community supervision system is unusual in that counties have three options.

Community Corrections Act (CCA) agencies provide all probation services (71% of all adult probation)

Department of Corrections (DOC) provides all probation services (18% of all adult probation)

County Probation Officer (CPO) provides services for juveniles and adult non-felonies, while the DOC provides probation services for adult felonies (11% of all adult probation)
Three systems has meant that there are three or four basic funding streams at the heart of the questions for this group.

CCA: An agency’s or county’s share is based on factors such as the county’s share of the 10–24-year-old population and case filings as well as a measure of the county’s revenue-generating ability. The state’s total contribution to this subsidy has increased incrementally.

CPO: The Department of Corrections (DOC) determines each county’s share by caseload and the county is (ostensibly) reimbursed 50 percent of their costs; some CPO counties also receive caseload/workload reduction funding (dating to the 1997 reforms).

DOC: Funding for DOC agents is 8 percent of the department’s budget and comes to a $4.00 per diem (excluding Intensive Supervised Release). The DOC also receives reimbursement from CPO counties where DOC provides supervision for adults on felony probation and supervised release.

MRS 401.10 & 244.19; HF 63
The three systems, supported by investments from both the state and local counties, look quite different by population and scale.

Probation Population by Delivery System, Dec. 31, 2020

Total count

- CCA: 60,000
- CPO: 40,000
- DOC: 20,000

Percentage of delivery system

- CCA:
  - Felony: 48%
  - Gross Misdemeanor: 31%
  - Misdemeanor: 17%
  - Juvenile: 4%

- CPO:
  - Felony: 55%
  - Gross Misdemeanor: 34%
  - Misdemeanor: 11%
  - Juvenile: 10%

- DOC:
  - Felony: 69%
  - Gross Misdemeanor: 17%
  - Misdemeanor: 10%
  - Juvenile: 4%

Per diem expenditures for CCA agencies range from $3 to $13 per person under supervision. Some counties contribute more than 80 percent of their CCA agency’s budget, while 3 contribute less than half.
More than 60 percent of admissions to prison are due to supervision failures.

Prison Admissions by Commitment Type, 2017–2020

- New Commitment: 38%
- Release Revocation - No New Offense: 35%
- Probation Revocation: 22%
- Release Revocation - New Offense: 5%

CSG Justice Center analysis of MN DOC prison admissions data.
Estimated costs of incarcerating or reincarcerating people on supervision are high.

- On January 1, 2022, there were 7,511 people in prison.
- An estimated 11 percent (826) were admitted for a supervised release revocation and another 14 percent (1,051) were admitted for a probation revocation.
- This would have come out to approximately $61.6M annually.

Source: Email correspondence between CSG Justice Center and MN DOC, January 2021.
1. The state grant/subsidy funding mechanisms are too complex.

2. The amount of state and county dollars spent on corrections varies dramatically by county and agency.

3. Counties contribute the majority of funds spent on community supervision.
Supervision Assessment
1. There are inconsistent tools and use of risk and needs assessments, unvalidated instruments, and disconnection from case planning.

2. The workforce does not “look like” the clients on supervision, and there is no requirement for gender-specific or culturally specific training or programs.

3. There is a lack of consistent coaching and quality assurance for supervision officers.

4. Community programs vary in quality and availability, including mental health, substance use, batterer’s intervention, and problem sexual behavior treatment programs.

5. Providers are inconsistent in what, how, and when they report information back to community supervision.
CSG Justice Center staff assessed various supervision systems in Minnesota.

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

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<thead>
<tr>
<th></th>
<th>CPO Assessment</th>
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</tr>
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<tr>
<td>Mower</td>
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<table>
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<table>
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<td>✓</td>
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<tr>
<td>Carver</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Clay</td>
<td></td>
<td>✓</td>
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<tr>
<td>Wright</td>
<td></td>
<td>✓</td>
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CSG Justice Center staff conducted over 80 meetings with staff from, and people supervised by, each supervision delivery system.

- 60-minute meeting with the director of each county/region
- 60-minute interviews with community agencies providing programming, if available
- 60-minute focus group with female clients
- 60-minute focus group with male clients
- 60-minute focus group with the supervision agency’s administration
- 90-minute focus group with supervision officers
In focus groups, people on supervision shared compelling experiences and perspectives.

The agents want to be helpful, not to take you down. He provides me with resources and solutions.

My (ISR) agent holds me accountable and gives me the structure I need to succeed.

It is hard being on probation in different counties with different expectations from the agents.

I couldn't afford the programs [required as conditions].

My agent is available 24/7 and always returns my calls no matter what the time.

The last county I was in wanted you to fail, but here they want you to succeed.
People on supervision in multiple systems must overcome additional hurdles to successfully discharge from supervision.

<table>
<thead>
<tr>
<th>Count</th>
<th>Percentage</th>
<th>Description</th>
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<td>82,056</td>
<td></td>
<td>Adult probation windows started between Jan. 2018 and June 2020</td>
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<tr>
<td>11,179</td>
<td>14%</td>
<td>More than one sentence date</td>
</tr>
<tr>
<td>5,048</td>
<td>6%</td>
<td>More than one supervising agency</td>
</tr>
<tr>
<td>2,399</td>
<td>3%</td>
<td>More than one delivery system</td>
</tr>
</tbody>
</table>

One person’s path through the supervision system touched five agencies and all three delivery systems.

Supervision Terms and Sentences to Probation

CSG Justice Center analysis of MN DOC probation data.
Reducing recidivism is about targeting the right people, using the right programs and practices, and ensuring program quality and effectiveness.

<table>
<thead>
<tr>
<th>Nine Strategies of Supervision Based on the Principles of Effective Intervention</th>
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<td>8</td>
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<td>9</td>
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</table>

Focus on Change

There were many strengths and terrific professionals across the systems, and this cannot be overstated. However, work remains, and this overview uses the nine strategies to frame our assessment of the priorities that must be met to ensure continuity in evidence-based practices and the experience of people under supervision across systems.
LS/CMI assessments are completed for nearly 70 percent of people on felony probation.

Assess risk, needs, and responsivity.

The Council of State Governments Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

The alternative assessments used by these agencies are not included in these numbers; CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.
1. Assess risk, needs, and responsivity.

- **Validate the LS/CMI** or develop and validate one criminogenic risk screener and one risk assessment tool for use across the systems. 
  
  *If the state is unable to agree to one screener and one risk assessment tool, adopt a five-level risk and needs system and map (and validate) the tools in use.*

- Develop **consistent policy on the use** of risk and needs tools.
2. Enhance intrinsic motivation.

- Codify among all three systems that one role of community supervisors is to be a **change agent**.
- Help agents **disaggregate motivation and accountability**.
- All delivery systems need to intentionally plan to develop a workforce that better mirrors clients served.
- Develop a **training and quality improvement process**.
The number of people on probation for offenses related to drugs and driving while intoxicated (DWI) speaks to the need for chemical dependency treatment for people on supervision.

**Top Offense Categories of People on Probation by Level, 2018–2020**

<table>
<thead>
<tr>
<th>Felony</th>
<th>Gross Misdemeanor</th>
<th>Misdemeanor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs</td>
<td>36%</td>
<td>11%</td>
</tr>
<tr>
<td>Assault</td>
<td>11%</td>
<td>5%</td>
</tr>
<tr>
<td>Domestic Assault</td>
<td>10%</td>
<td>3%</td>
</tr>
<tr>
<td>DWI</td>
<td>8%</td>
<td>3%</td>
</tr>
<tr>
<td>Theft</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Counterfeiting</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>Burglary</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>Sex</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>DWI</td>
<td>64%</td>
<td></td>
</tr>
<tr>
<td>Drugs</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>Domestic Assault</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Traffic</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Counterfeiting</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Disturbing Peace</td>
<td>1%</td>
<td></td>
</tr>
</tbody>
</table>

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

Target interventions based on assessments and appropriate dosage.
Financial problems, family violence, homelessness, and mental illness are other issues people on probation experience.

Target interventions based on assessments and appropriate dosage.

### Percentage of LS/CMI Assessments by Client Issues Identified, 2018–2020

- Financial Problems: 38%
- Victim of Family Violence: 18%
- Parenting Concerns: 13%
- Serious Mental Disorder: 11%
- Homeless: 10%
- Victim of Sexual Assault: 7%
- Health Problems: 6%
- Physical Disability: 4%

*Only includes clients with completed LS/CMIs during probation term.*

CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.
3. Target interventions based on assessments and appropriate dosage.

- Complete the development of a **formalized case planning** process across the three systems.
- Integrate the **Smart Chrono** reporting with the case plan.
- **Determine evidence-based treatment approaches** for clients in the criminal justice system and require providers serving criminal justice clients to adhere to those practices.

Recommendations
Supervised release failures most commonly occur in the first six months of supervision, indicating the importance of frontloading supervision and interventions.

![Diagram: Time to Reincarceration from Supervised Release Start](image)

- Intensive
- Standard

CSG Justice Center analysis of MN DOC supervised release data.
4. Frontload interventions during a person’s supervision term.

- Develop one statewide standard and format for **provider reports to agents**.

- Assess people prior to release from incarceration or at the pre-sentence level. If not, assess within 14 days of release or placement on probation.

- Refer to programs based on risk and needs, including mental health and substance use needs.

- 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.
5. Ensure adequate investment in and access to proven programs (e.g., cognitive behavioral treatment).

Develop a **statewide evidence-based practice coordinator** to ensure that evidence-based practices are consistently utilized across the systems.

**Fund specific training, coaching, and quality assurance positions** for DOC, CPO, and CCA. Do not require these positions to carry a caseload.
LS/CMI assessments in Minnesota indicate that nearly half of those assessed have high substance use disorder needs.

Use assessment-driven case planning to facilitate behavior change.

Percentage of LS/CMI Assessments with High or Very High Score by Domain, 2018–2020

- Leisure/Recreation: 55%
- Alcohol/Drug: 48%
- Companions: 41%
- Family: 28%
- Education/Employment: 28%
- Criminal History: 27%
- Procriminal Attitude: 14%
- Antisocial Pattern: 13%

Only includes clients with completed LS/CMIs during probation term.
CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.
6. Use assessment-driven case planning to facilitate behavior change.

- Complete development of a formalized case planning process across the three systems.

- Evaluate agent performance with relevant personnel evaluations at least twice yearly. The part of the personnel evaluation related to skills and behaviors for behavior change should be the same across the three systems.
7. Respond effectively to negative behavior and increase positive reinforcement.

- **Develop incentives** and use them four times more than sanctions to achieve behavior change.

- **Develop an incentives and sanctions grid** to provide officers with multiple options and associate those options with level of assessed risk.

- **Develop a consistent policy** across the delivery systems on the use of incentives and sanctions.

- **Provide ongoing coaching** on the appropriate use of incentives and sanctions.

- Include an evaluation of each agent’s use of incentives and sanctions as part of the uniform personnel evaluations.

**Recommendations**
Engage with supports in the community.

- Complete development of a **formalized, collaborative case plan process** with integrated Smart Chrono, including access for providers to enter progress data on clients.

- Develop **statewide incentives and protection** through legislation for employers and landlords working with people in the criminal justice system.
Measure outcomes and provide feedback.

- Develop **shared definitions** of what matters in program provision, supervision stipulations, and supervision processes.

- **Assess the current capacity for data collection**, including how data are collected and what is needed to meet a statewide standard of data collection, and provide the needed support to counties with capacity gaps.

- **Track consistent information** in all three systems and ultimately upload to S3 to allow for a statewide quality assurance process.
Begin with these four recommendations to improve supervision practices across all three delivery systems.

1. Use one set of tools validated on the MN population. Tools must be validated across gender, race, and ethnicity.

2. Develop a formalized case planning process across the three systems.

3. Create a statewide EBP coordinator, enhance statewide training, and support coaching and quality assurance staff in each system.

4. Require evidence-based treatment approaches for clients in the criminal justice system being served by community providers.
Supervision

Outcomes
Outcomes other than recidivism can help measure the success of people on probation.

- 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
Nearly three-quarters of people ending felony probation terms in 2020 were discharged successfully.

**Probation Discharges by Outcome and Offense Level**

- Discharged
- Discharged with Ongoing Supervision
- Revoked
- Other

### Felony

- 2015: 40%
- 2016: 45%
- 2017: 50%
- 2018: 55%
- 2019: 60%
- 2020: 74%

### Misdemeanor

- 2015: 84%
- 2016: 85%
- 2017: 86%
- 2018: 87%
- 2019: 88%
- 2020: 88%

CSG Justice Center analysis of MN DOC probation data.
There is wide variation in rates of reconviction for people on felony probation by supervision agency.

Reconviction within Three Years of Probation Start by Agency
Felony probation terms starting July 1, 2015–Dec 31, 2016

The offense categories for people reconvicted of a felony are:
• Drug 38%
• Property 26%
• Person 24%
• Other 5%
• Weapons 3%
• Sex 2%
• DWI 2%

CSG Justice Center analysis of MN DOC probation data.
Regression analysis makes it possible to compare outcomes between two groups, after accounting for group differences.

By using regression, we can account for key differences in the composition of a delivery system’s probation population—such as type of offense and age—to make an “apples to apples” comparison between different delivery systems.

Results expressed as an adjusted relative rate index.
When comparing people who start on felony probation in two systems in Minnesota, in one system people on supervision are...

- 2.5x more likely to be incarcerated within three years
- 1.5x more likely to be convicted of a felony within three years
- 1.2x more likely to start a new probation term within three years

Adjusted relative rate index of predicted probability of incarceration, conviction, or probation calculated using a logistic regression model, controlling for age, gender, race, offense type, and county size. N = 22,900, N = 14,870, N = 19,078; Felony probation terms starting July 1, 2015–Dec 31, 2017. CSG Justice Center analysis of MN DOC probation data.
Key Takeaways

1. Minnesota can improve outcomes for people on supervision by deploying supervision based on the principles of effective intervention.

2. Most people successfully complete probation but many have complex needs.

3. Supervised release revocations most commonly occur in the first six months following release from prison and show that supervision should be frontloaded.

4. People on felony probation supervised by different systems are more likely to have recidivism events.

5. Recidivism is not the only (or even the best!) measure of the quality of a supervision system.
Advancing Tribal Government Supervision
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

<table>
<thead>
<tr>
<th></th>
<th>Total Adult</th>
<th>Probation</th>
<th>Supervised Release</th>
<th>Prison</th>
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<tbody>
<tr>
<td>White</td>
<td>85%</td>
<td>64%</td>
<td>62%</td>
<td>51%</td>
</tr>
<tr>
<td>Black</td>
<td>6%</td>
<td>18%</td>
<td>27%</td>
<td>38%</td>
</tr>
<tr>
<td>Native American</td>
<td>1%</td>
<td>6%</td>
<td>8%</td>
<td>8%</td>
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<tr>
<td>Asian</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
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The racial makeup of the delivery systems differs, and supervision officers may need different cultural competencies to deliver appropriate services.

Probation Starts by Delivery System and Race, 2018–2020

<table>
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<tr>
<th>Delivery System</th>
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<th>Black</th>
<th>Native American</th>
<th>Hispanic</th>
<th>Asian</th>
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<tbody>
<tr>
<td>CCA</td>
<td>65%</td>
<td>21%</td>
<td>4%</td>
<td>6%</td>
<td>5%</td>
</tr>
<tr>
<td>DOC</td>
<td>79%</td>
<td>5%</td>
<td>9%</td>
<td>5%</td>
<td>5%</td>
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<tr>
<td>CPO</td>
<td>84%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
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CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.
Compared to White people...

Native American people on felony probation were 1.4x more likely to be reconvicted of a felony within three years.

Native American people on misdemeanor probation were 1.5x more likely to have a new probation term within three years.

Black people on felony probation were 1.2x more likely to be reconvicted of a felony within three years.

Black people on misdemeanor probation were 1.3x more likely to have a new probation term within three years.

Native American and Black people on supervised release are reincarcerated more often than people of other races.

Reincarceration within One Year of Starting Supervised Release by Race
Supervised release terms starting Jan 1, 2016–Dec 31, 2019

- Native American: 53% Intensive, 29% Standard
- Black: 54% Intensive, 25% Standard
- White: 34% Intensive, 20% Standard
- Hispanic: 34% Intensive, 19% Standard
- Asian: 20% Intensive, 25% Standard

CSG Justice Center analysis of MN DOC supervised release data.
Compared to White people...

<table>
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<tr>
<th>Group</th>
<th>Standard SR</th>
<th>Intensive SR</th>
<th>Relative Rate</th>
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<tr>
<td>Native American people</td>
<td>1.5x</td>
<td>1.3x</td>
<td>more</td>
</tr>
<tr>
<td>people on standard SR</td>
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<td></td>
<td>likely to be</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>incarcerated</td>
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<td></td>
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<td></td>
<td>within one</td>
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<td></td>
<td></td>
<td></td>
<td>year</td>
</tr>
<tr>
<td>Black people</td>
<td>1.2x</td>
<td>1.1x</td>
<td>more</td>
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<td>people on standard SR</td>
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<td>incarcerated</td>
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</tbody>
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Adjusted relative rate index of predicted probability of reincarceration using a logistic regression model, controlling for age, gender, offense type, supervision delivery system, prison term prior to release, and county size. N = 16,802; Supervised release terms starting Jan 1, 2016–Dec 31, 2019. CSG Justice Center analysis of MN DOC supervised release data.
Key Takeaways

1. Native American and Black people are overrepresented in the probation, supervised release, and prison populations.

2. For both adults and juveniles on probation, the DOC has the largest proportion of Native American clients.

3. Native American and Black people are reconvicted of felony offenses after starting probation at higher rates than White people on probation.

4. Minnesota can eliminate barriers and work with tribal leaders on a concrete plan for supervision.
Next Steps 5
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?
### Calendar of meetings and deadlines for both groups

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 28</td>
<td>First Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Oct. 21</td>
<td>Second Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Nov. 18</td>
<td>Third Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Dec. 10</td>
<td>State of Oregon Peer Sharing on Budget</td>
</tr>
<tr>
<td>Dec. 16</td>
<td>Fourth Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Jan. 6</td>
<td>Juvenile Data Review</td>
</tr>
<tr>
<td>Jan. 7</td>
<td>Governor’s Council on Justice Reinvestment</td>
</tr>
<tr>
<td>Jan. 11–12</td>
<td>Virtual Behavioral Health Summit</td>
</tr>
<tr>
<td>Jan. 13</td>
<td>Fifth Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Jan. 21</td>
<td>Governor’s Council on Justice Reinvestment</td>
</tr>
<tr>
<td>Jan. 24</td>
<td>Sixth Delivery System Working Group Meeting</td>
</tr>
<tr>
<td>Jan. 27</td>
<td>Governor’s Council on Justice Reinvestment</td>
</tr>
<tr>
<td>Feb. 1</td>
<td>HF 63 Report Due to Legislature</td>
</tr>
</tbody>
</table>
Minnesota’s Justice Reinvestment Initiative will run through 2022.

- **Project Launch**: September 2021
  - September - December 2021: CSG Justice Center staff conduct independent data analysis and extensive stakeholder engagement, facilitate working group meetings, and develop policy recommendations.

- **2022**
  - January 2022: Summary report of Justice Reinvestment Initiative policy recommendations released
  - February 2022: Justice Reinvestment Initiative policy recommendations are introduced
  - Ongoing technical assistance and data monitoring to ensure the policy recommendations are successfully implemented
  - 2022 Legislative session begins
  - Justice Reinvestment Initiative implementation can begin
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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Cover photo credit: Wikimedia Commons
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.

<table>
<thead>
<tr>
<th>Correctional Control Type</th>
<th>Description</th>
<th>State Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation Rate, 2019</td>
<td>Minnesota has the 5th highest rate of people on probation</td>
<td>5th highest</td>
</tr>
<tr>
<td>Incarceration Rate, 2019</td>
<td>Minnesota has the 5th lowest rate of people incarcerated</td>
<td>5th lowest</td>
</tr>
<tr>
<td>Total Correctional Control, 2019</td>
<td>Minnesota has the 11th highest rate of people under correctional control</td>
<td>11th highest</td>
</tr>
</tbody>
</table>

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

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**PRINCIPLE 1: Assess risk, needs, and responsivity.**

**Risk assessment tool:** an instrument used to estimate the likelihood of future criminal behavior and to inform decision-making following convictions. Additionally, specialized risk tools are used for specific types of offending.

**Risk and need assessments (RNA) sort people into categories based on likelihood of future criminal behavior.**

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**Without Risk Assessment...**

**With Risk Assessment...**

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**Risk level is not an indicator of:**

≠ Dangerousness
≠ Severity of offense
≠ Guarantee of reoffending or non-offending
≠ Offense-specific reoffending
≠ Level of need for services

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PRINCIPLE 2: Motivational interviewing, rather than persuasion tactics, is a more effective strategy for initiating and maintaining behavior change.

Less receptive to future attempts

Decides it’s not a problem

Decreased desire to change

No awareness, interest

Raised awareness

Problem recognition

Increased desire to change

Against Change

Toward Change

Increases offending behavior

Makes verbal commitments against change

Makes verbal arguments in support of change

Changes behavior

Motivation predicts action.

Motivation is behavior specific.

Motivation is changeable.

Motivation is interactive.

Motivation can be affected by both internal and external factors, but internally motivated change usually lasts longer.

PRINCIPLE 3: Target the right people and focus the highest-intensity resources on people at the highest risk of recidivating.

People who are assessed as low risk:

- Can stop committing crime with minimal intervention in many cases.
- Have positive patterns of behavior that can be disrupted by intensive services and supervision.
- Have been shown through research to learn more ingrained criminal behaviors when put with higher-risk individuals.

Average Difference in Recidivism by Risk for Individuals in Ohio Halfway Houses, 2006–2007

- Low Risk: Increased Recidivism (+5%
- Moderate Risk: Decreased Recidivism (-6%)
- High Risk: Decreased Recidivism (-15%)

PRINCIPLE 4: Frontload supervision and treatment to address criminogenic needs that drive behavior.

RESEARCH
Supervision and supports should be focused on the period when people are most likely to reoffend.

Most recidivism events occur within the first year following release from prison.

By combining valid risk and needs assessment information with individually tailored frontloaded supervision and treatment, including referrals and connections to community supports, justice systems can impact recidivism the most.

PRINCIPLE 5: Ensure adequate investment in access to proven programs.

**RESEARCH**
Programs, treatment, and services should meet the unique needs of people in the criminal justice system.

*Programs should utilize cognitive behavioral approaches regardless of area of focus (e.g., criminal thinking, substance use, sex offender).*

*Skill building* with structured skills practice is an essential component of effective programs.

*Systems should prioritize gender-responsive services and trauma-informed approaches.*

*All programming should be provided with attention to responsivity factors.*

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Changes in Recidivism by Program Type

<table>
<thead>
<tr>
<th>Program Type</th>
<th>Percentage Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cognitive behavioral</td>
<td>-26%</td>
</tr>
<tr>
<td>Academic training</td>
<td>-10%</td>
</tr>
<tr>
<td>Individual counseling</td>
<td>-5%</td>
</tr>
<tr>
<td>Deterrence/scared straight</td>
<td>2%</td>
</tr>
<tr>
<td>Discipline/boot camp</td>
<td>8%</td>
</tr>
</tbody>
</table>

PRINCIPLE 6: Use assessment-driven case planning to facilitate behavior change.

RESEARCH
Focus case-planning goals on identified criminogenic need areas to facilitate positive behavior change.

Condition Setting
Tailor special conditions to need areas identified as “high risk” or as a “significant problem.”

Case Planning
Focus case planning goals on identified criminogenic need areas to proactively address needs prior to violation behavior.

Programming/Referrals
Ensure that programming addresses criminogenic needs.

There are many services that are not designed as evidence-based programs but are still important components of a comprehensive treatment plan.

PRINCIPLE 7: Increase positive reinforcement and respond effectively to negative behaviors.

RESEARCH

Punishment alone is not an effective way to bring about long-term behavior change, partly because the negative behavior tends to return when the punishment is discontinued.

Rewards and sanctions must be meaningful to the person receiving them.

Punishment can STOP behavior but doesn’t replace it with appropriate behavior.

It is important to reinforce desired behaviors so those continue after punishment discourages undesired behavior.

All staff should be trained in the use of the behavioral management system so that skills and strategies learned in treatment are consistently reinforced.

Formal menus of incentives and sanctions should be developed statewide.

Incentives should be used 4x more often than sanctions to promote and sustain behavior change.

Eric J. Wodahl, "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections," Criminal Justice and Behavior 38, no. 4, 2011.
PRINCIPLE 8: Engage with supports in the community.

RESEARCH

Prosocial support for individuals in their communities upon reentry or while on supervision can provide positive reinforcement of desired new behaviors.

Examples of prosocial supports include:

- Collaborative comprehensive case plan for reentry
- In-reach by community-based treatment providers to establish relationships
- Relapse prevention plan, use of peer recovery support if applicable
- Engagement with supportive family friends, community resources (including education, employment, housing, treatment providers)

PRINCIPLE 9: Measure outcomes, provide feedback, and use data to inform actions.

RESEARCH
Data should be the driver for change at multiple levels of supervision delivery.

Correctional leadership, management, supervisors, and officers all need access to timely data showing how actions impact outcomes.

What gets measured, gets managed.

- Trainings should be followed by staff coaching.
- Institute quality assurance and continuous quality improvement processes.
- Knowledge and performance expectations should be tied to job description and performance evaluations.
- Program evaluations should be conducted on a regular basis to ensure quality and effectiveness.
- Evaluate how data are used to improve outcomes.

This analysis examines three recidivism outcomes within three years of people starting probation.

**Incarceration**
Matched people on probation to prison admissions occurring within three years of starting probation using Minnesota Department of Corrections data

**Felony Conviction**
Matched people on probation to felony sentences in which the offense was committed within three years of starting probation using Minnesota Sentencing Guidelines Commission data

**New Probation Term**
Matched people on probation to new probation terms for felonies or misdemeanors starting within three years of starting probation using Minnesota Department of Corrections S3 data