



**Justice  
Reinvestment  
Initiative**  
Minnesota



# **Justice Reinvestment Initiative in Minnesota**

Improving Supervision  
Investments and Outcomes

October 2022

# Overview

Minnesota has the 11th highest rate of people under correctional control in the nation, primarily driven by having the 5th highest rate of people on supervision.<sup>1</sup> Of the nearly 122,000 people under correctional control in 2019, 87 percent were on probation or supervised release.<sup>2</sup> However, despite Minnesota's heavy reliance on supervision over incarceration, the state has historically underinvested in community supervision. As a result, counties disproportionately carry responsibility for supervision funding leaving local agencies without the resources to consistently implement evidence-based practices. Inconsistencies in risk and need assessment, the use of incentives and sanctions, and supervision outcome measurement also negatively impact supervision effectiveness statewide. In addition, supervision agencies struggle with a lack of specialized training and quality assurance practices, as well as insufficient community-based risk-reduction programming, housing, and behavioral health treatment options. As a result, there are wide variations in supervision outcomes and practices across the state.<sup>3</sup> In addition, more than 60 percent of Minnesota prison admissions are due to supervision failures, which cost the state more than \$77 million annually.<sup>4</sup> Black and Native American people are also overrepresented in the state's correctional system, and Native American people are more likely to have their probation revoked than any other racial group.<sup>5</sup>

In the spring of 2021, Governor Tim Walz, Chief Justice Lorie Skjerven Gildea, Speaker of the House Melissa Hortman, then-Senate Majority Leader Paul Gazelka, Senator Julie A. Rosen, and Association of Minnesota Counties then-President Rich Sve requested support from the U.S. Department of Justice's Office of Justice Programs, Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to utilize a Justice Reinvestment Initiative (JRI) approach to address these challenges. As public-private partners in the federal JRI program, BJA and Pew approved Minnesota state leaders' request and asked The Council of State Governments (CSG) Justice Center to provide support for this effort. Minnesota's JRI is the first time the state has used an independent, bipartisan, interbranch approach to identify and address its community supervision challenges.

With guidance and oversight from the Delivery System Standards and Funding Policy Working Group, CSG Justice Center staff conducted extensive data analysis and stakeholder outreach to inform the development of a set of policy options focused on improving community supervision funding and practices. The Governor's Council on

Justice Reinvestment then reviewed these policies to develop strategic priorities for legislative action during the 2022 Minnesota legislative session.

All the policy priorities identified by the council were introduced in House File (HF) 4609 during the 2022 legislative session. However, JRI provisions were ultimately passed out of each chamber as part of both the House and Senate public safety omnibus bills, HF 4608 and Senate Filing 2673, respectively. Negotiations on the opposing omnibus bills stalled as the legislative session ended, so a comprehensive public safety omnibus bill, including JRI policy priorities, ultimately did not pass. Despite this setback, state and local stakeholders remain committed to implementing JRI policy priorities that can be accomplished administratively, as well as completing a supervision workload analysis in preparation for reproposing a new supervision funding formula in future legislative sessions.

## Bipartisan Oversight

Minnesota's Justice Reinvestment Initiative was guided by two stakeholder groups, the 32-member Delivery System Standards and Funding Policy Working Group established in HF 63 (2021) and the 15-member Governor's Council on Justice Reinvestment created through Executive Order 21-34. The working group met 8 times between September 2021 and January 2022 to evaluate Minnesota's supervision system and develop policy options for making it more effective, equitable, and sustainably funded. The council then met 5 times between January and February 2022 to review the findings and recommendations of the working group and identify policy priorities for the 2022 legislative session.

## Delivery System Standards and Funding Policy Working Group

**Sue Abderholden**, Executive Director, National Alliance on Mental Illness, Minnesota

**Clinton Alexander**, Behavioral Health Director, White Earth Reservation

**Jason Anderson**, Director, Itasca County Probation

**Ron Antony**, Yellow Medicine County Commissioner

**Dayna Burmeister**, Manager Southern Region, Department of Corrections (DOC)

**Midge Christianson**, Community Corrections Director, Region 6W

**Chris Dodge**, Chief Financial Officer, DOC

**Terry Fawcett**, Director, Pine County Probation

**Al Godfrey**, Field Services Director, DOC

**Bobbi Holtberg**, Executive Director, Minnesota Alliance on Crime

**Catherine Johnson**, Community Corrections and Rehabilitation Department Director, Hennepin County

**Nicole Kern**, Director, Morrison County Community Corrections

**Safia Khan**, Chief of Staff and Assistant Commissioner, DOC

**Stephen King**, Director, Mower County Probation

**Tami Jo Lieberg**, Director, Kandiyohi County Community Corrections

**Jeff Lunde**, Hennepin County Commissioner

**Mike MacMillan**, Director of Court Services, Wright County

**Janet Marshall**, Inter-Governmental Liaison, State Court Administrator's Office

**Nicole Matthews**, Executive Director, Minnesota Indian Women's Sexual Assault Coalition

**Kurt Mortenson**, Otter Tail County Commissioner

**Jim Schneider**, Director, Cass County Probation

**Paul Schnell**, Commissioner, DOC

**Les Schultz**, Director, Brown County Probation

**Curtis Shanklin**, Deputy Commissioner of Reintegration and Restorative Services, DOC

**Jeff Shorba**, State Court Administrator

**Carli Stark**, Public Safety Policy Analyst, Association of Minnesota Counties (AMC); Director, Minnesota Association of Community Corrections Act Counties (MACCAC)

**Jack Swanson**, Roseau County Commissioner; Public Safety Chair, AMC

**Kristen Trebil-Halbersma**, Director, Court Services, State Court Administrator's Office

**Dylan Warkentin**, Director, Anoka County Community Corrections

**Kenneth Washington**, Chief, Leech Lake Tribal Police

**Barb Weckman Brekke**, Scott County Commissioner

**Kate Weeks**, Executive Director, Office of Justice Programs

## Governor's Council on Justice Reinvestment

**Julie Rosen**, Co-chair, State Senator; Chair, Senate Finance Committee

**Kevin Reese**, Co-chair, Co-founder/Co-executive Director, Until We Are All Free

\***Jason Anderson**, Director, Itasca County Probation

**John Choi**, Ramsey County Attorney

**Kevin DuPuis**, Chairman, Fond du Lac Band of Lake Superior Chippewa

**Jennifer Frisch**, Judge, Minnesota Court of Appeals

\***Catherine Johnson**, Community Corrections and Rehabilitation Department Director, Hennepin County

**Tim Leslie**, Dakota County Sheriff

**John Marty**, State Senator

**Kelly Lyn Mitchell**, Chair, Minnesota Sentencing Guidelines Commission; Executive Director, Robina Institute of Criminal Law and Criminal Justice

**Rena Moran**, State Representative

**Paul Novotny**, State Representative

\***Paul Schnell**, Commissioner, DOC

\***Jack Swanson**, Roseau County Commissioner; Public Safety Chair, AMC

**Yohuru Williams**, Distinguished University Chair, Professor of History, and Founding Director, Racial Justice Initiative at the University of St. Thomas

\*Also a member of the Delivery System Standards and Funding Policy Working Group

## Data Collection

Using case-level data provided by the Minnesota DOC and the Minnesota Sentencing Guidelines Commission, CSG Justice Center staff conducted an extensive analysis of probation, supervised release, incarceration, and recidivism trends as well as an examination of the risk and needs of the state's supervised and incarcerated populations.

CSG Justice Center staff also completed a comprehensive assessment of 13 geographically diverse supervision agencies. Minnesota counties have three options for the delivery of probation and post-incarceration supervised release. They can (1) opt to administer all correctional field services themselves; (2) supervise adults charged with misdemeanors and youth in the juvenile justice system, with the DOC providing felony supervision; or (3) have DOC manage the entire caseload for the county. The supervision assessment encompassed agencies from all three of these delivery systems and included more than 80 individual focus groups and meetings with supervision staff and leadership, community-based service providers, and people on supervision.

For additional context, CSG Justice Center staff participated in more than 200 virtual meetings and conference calls with local stakeholders, including community supervision leadership and agents; behavioral health leadership and service providers; municipal and county officials; victims and their advocates; people in the criminal justice system and their families and advocates; and others.

# Key Challenges

Minnesota's JRI process identified the following key community supervision challenges:

## **1. Minnesota relies heavily on community supervision, but there are concerns about the consistency and effectiveness of supervision practices and resources across the state.**

Minnesota's rate of people under correctional control is 11th highest among states, driven by its high community supervision rate.<sup>6</sup> In 2019, of the nearly 122,000 people under correctional control in Minnesota, 87 percent were on probation or supervised release.<sup>7</sup> There is wide variation in supervision practices and outcomes by county and agency. Often, people on supervision are navigating multiple systems at once, which not only highlights system redundancies, but may also impact a person's ability to succeed. Effective supervision is hindered by an absence of state-wide standards for probation, a lack of specialized training and quality assurance, and insufficient community-based risk-reduction programming, housing, and behavioral health treatment options.<sup>8</sup>

## **2. Despite the state's heavy reliance on community supervision, Minnesota's correctional spending is low, both in comparison to county contributions and as measured against other states, which may limit the consistent implementation of evidence-based supervision.**

In 2020, Minnesota spent the lowest proportion of state general funds on corrections.<sup>9</sup> About 13 percent of the current DOC budget is allocated for subsidies to counties for supervision, and 11 percent is earmarked for supervi-

sion services provided by the DOC.<sup>10</sup> Counties contribute significantly to the overall cost of supervision.<sup>11</sup>

## **3. Prison admissions are driven by revocations from supervised release and probation.**

More than 60 percent of prison admissions are due to supervision failures. Many of these people cycle through prison quickly, meaning that on most days, about 25 percent of the standing population was admitted for a supervision violation,<sup>12</sup> costing the state more than \$77 million annually.<sup>13</sup>

## **4. Black and Native American people are overrepresented in Minnesota's criminal justice system.**

The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White adults on felony probation. For Native Americans, this rate was more than 9 times higher than for White people.<sup>14</sup> Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.<sup>15</sup>

# Summary of Proposed Policies and Up-front Investments

Following extensive analysis and stakeholder engagement, the Delivery System Standards and Funding Policy Working Group identified policy options for improving supervision effectiveness in Minnesota focused on the following areas:

1. Ensure that counties are equitably funded and positioned to comprehensively implement evidence-based supervision.
2. Ensure effectiveness and equity across the probation systems.
3. Hold people on probation consistently accountable.
4. Prioritize quality assurance of supervision practices.
5. Reduce racial disparities across the supervision system.
6. Improve access to behavioral health care in the community for people under community supervision.
7. Ensure that victims of crime are meaningfully engaged in restorative supervision practices.
8. Measure outcomes.

After reviewing the findings and policy options developed by the working group, the Governor’s Council on Justice Reinvestment identified the following priorities for action during the 2022 legislative session:

1. Define one funding formula in statute that empowers counties and Tribes to make supervision decisions based on public safety and local needs.
2. Establish a committee to develop and implement supervision policy and practice improvements.
3. Develop revocation or half-way back caseloads to safely stabilize people who are struggling on probation in the community.

## Up-front Investments

Minnesota’s proposed policy options require up-front and ongoing investment to support the full implementation of effective evidence-based supervision practices. In FY2023, the working group and council recommended a \$25.3 million investment to support JRI policies. This includes a base level increase in supervision of approximately \$21.3 million; an additional \$2.0 million for statewide quality assurance, training, and coaching; and \$2.0 million for regional revocation caseloads and an innovation grant program (see Table 1).

**Table 1. Minnesota Justice Reinvestment Up-front Investments, FY2023**

	<b>Justice Reinvestment Up-front Investment</b>	<b>FY2023</b>
<b>1.</b>	Base level of investment in each county and Tribe	\$21.3M
<b>2.</b>	Statewide quality assurance, training, and coaching	\$2.0M
<b>3.</b>	Regional revocation caseloads and an innovation grant program	\$2.0M
	<b>Total Up-front Investment</b>	<b>\$25.3M</b>

# Proposed Policy Option Details

## 1 POLICY OPTION

### 1 Ensure that counties are equitably funded and positioned to comprehensively implement evidence-based supervision.

#### Background

- In 2020, Minnesota spent the lowest proportion of state general funds on corrections: 2.5 percent versus an average of 6.5 percent for all other budget areas.<sup>16</sup>
- About 13 percent of the current DOC budget is allocated as subsidies to counties for community supervision, and less than 11 percent is earmarked for supervision services provided directly by the DOC.<sup>17</sup>
- In 2019, state subsidies comprised 20 percent of total (county and state) expenditures for supervision. Minnesota county expenditures for public safety in 2019 were 16.6 percent of all county expenditures.<sup>18</sup>
- The state grant/subsidy funding mechanisms are different for each system and result in inequitable state investments in effective supervision practices. This also means the state may not be supporting effective services at similar levels across systems.
- 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 counties contribute less than half.<sup>19</sup>

#### Policy Option Details

**A. Define one funding formula in statute that empowers counties and Tribes to make supervision decisions based on local public safety needs.** The funding formula should be calculated using a base investment in supervision services for each county and Tribe along with the results of a rigorous workload study to determine the daily costs of providing supervision based on the risks, needs, and offense levels of people on supervision in Minnesota. Eligibility for state formula funding should not be dependent on county population.

**B. Establish a Justice Reinvestment implementation committee.** Transition the work of the Delivery System Standards and Funding Policy Working Group to an implementation committee. This committee should develop a customized workload analysis methodology to inform the new funding formula that accounts for people of various risk levels who are youths; on diversion status; on probation for a misdemeanor; on probation for a gross misdemeanor; on probation for a felony; on supervised or conditional release; or on intensive supervised release. The committee should include representation from local supervision agencies, the Sentencing Guidelines Commission, DOC, Tribal Nations, the Department of Human Services, and county government.

**C. Leverage the FY2022 state investment in community corrections to implement recommendations for improving supervision policies and practice.** Minnesota has historically underfunded supervision despite heavily relying on it. An increase in state support should come with the expectation of measurable improvements in positive outcomes for people on supervision, sustained investment from counties, and implementation of the supervision service standards and definitions, as well as other recommended policy options.

**D. Create a targeted innovation grant program in addition to formula funding.** A more flexible "targeted innovation" grant program would encourage desirable outcomes by rewarding promising local community supervision approaches. This fund would subsume current one-off grant programs that only benefit a handful of counties.

**E. Limit state investment in pretrial supervision.** County or local agency approaches to pretrial supervision should be supported through county funding only unless the state were to impose pretrial supervision requirements.

# 2

## POLICY OPTION

### Increase effectiveness and equity across the probation systems.

#### Background

- There is wide variation in rates of recidivism for people on felony probation by supervision agency.<sup>20</sup> When comparing people who start on felony probation in two systems in Minnesota, in one system people on supervision are 2.5 times more likely to be incarcerated within three years, 1.5 times more likely to be convicted of a felony within three years, and 1.2 times more likely to start a new probation term within three years.<sup>21</sup>
- Community supervision agencies operate evidence-based assessment, case planning, case management, and discharge planning practices, but the implementation of these practices is inconsistent across the state. Similarly, there are inconsistent definitions of terms within and across the delivery systems, like what administrative supervision involves.<sup>22</sup>
- Between 2018 and 2020, Level of Service/Case Management Inventory (LS/CMI) assessments were completed for 70 percent of people on felony probation. For people on gross misdemeanor or misdemeanor, LS/CMI assessments were completed for 32 and 18 percent of the population, respectively.<sup>23</sup> There is no use of formalized case plans that flow from assessment results.<sup>24</sup>
- People on supervision in multiple systems must overcome additional hurdles to be successfully discharged from supervision. Between January 2018 and June 2020, 82,056 people started adult probation. Of that population, 6 percent (or 5,048 people) had more than one supervising agency, and 3 percent (or 2,399 people) had to navigate more than one delivery system.<sup>25</sup>

#### Policy Option Details

- A. Develop statewide service supervision standards and definitions across systems.** Task the implementation committee in Policy Option 1 with drafting administrative rules through the DOC to establish supervision practices based on the principles of effective intervention.
- B. Require community supervision agencies to use the LS/CMI, or another agreed-upon risk screener and risk and needs assessment tools, as the main supervision assessment methods.** If there is a failure to agree on these tools, then, at a minimum, community supervision agencies should map their current assessment tools to a universal matrix allowing for consistent supervision levels. All tools in use should be validated on Minnesota's community supervision population and revalidated every five years. This does not preclude the use of population-specific tools, such as gender-specific, culturally specific, or offense-specific assessment tools.
- C. Consistently use assessment-driven, formalized collaborative case planning to focus case planning** goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals.
- D. Promote existing statewide guidance on limiting standard conditions required for all people on supervision across all supervision systems and judicial districts.** Ensure that conditions of supervision are directly related to the offense of the person on supervision. Tailor special conditions to people on supervision identified as high need.
- E. Provide gender-responsive, culturally appropriate services and trauma-informed approaches.**
- F. Streamline a statewide process for people on probation to be supervised by no more than one agency,** including limiting associated fines and fees.



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## 3 POLICY OPTION

### Hold people on probation consistently accountable.

#### Background

- Supervised release failures most commonly occur in the first six months of supervision, underscoring the importance of frontloading supervision and interventions.<sup>26</sup>
- People on felony probation fail at higher rates than those on probation for gross misdemeanor and misdemeanor offenses.<sup>27</sup>
- More than 60 percent of prison admissions are due to supervision failures. Many of these people cycle through prison quickly, meaning that on most days, about 25 percent of the standing population was admitted for a supervision violation,<sup>28</sup> costing the state more than \$77 million annually.<sup>29</sup> Minnesota needs effective statewide strategies to reduce technical violations and other supervision failures in order to increase supervision successes.

#### Policy Option Details

**A. Require community supervision agencies to adopt a statewide incentives and sanctions grid.** The grid should be developed by the implementation committee described in Policy Option 1 and updated every five years to maintain alignment with national best practices. A non-incarceration sanction might include issuing a warning ticket, increasing urine testing, increasing contacts, or imposing a curfew. Incentives might include verbal praise, issuing certificates of completion, reducing contacts, or transferring to a lower level of supervision or inactive supervision.

**B. Prioritize resources according to risk and need so that people with greater potential for supervision failure or**

**future criminal behavior receive higher-intensity interventions.** Develop appropriate levels of supervision for people who are at a higher risk of recidivating and have greater needs while maintaining public safety.

**C. Reduce the number of people on active supervision so that resources can be focused on people at the beginning of their supervision terms to reduce recidivism.** Require supervising agencies to presumptively move a person on probation to unsupervised status after two years of compliance on felony probation and one year of compliance on gross misdemeanor probation, provided that restitution<sup>30</sup> payments are consistently paid, or paid in full, and regardless of whether other fines or fees are outstanding. Apply this rule to people who are on supervision when the policy change is enacted.

**D. Develop revocation or “halfway back” caseloads across the state.** Develop specialized caseloads composed of individuals who are having difficulty meeting supervision requirements. Provide more intensive, supportive intervention for up to 90 days to stabilize individuals on community supervision rather than remanding them to jail or prison, while maintaining public safety.

**E. Limit the supervision of misdemeanor offenses** that are not domestic violence, driving while intoxicated (DWI), sex crimes, stalking, and other crimes against a person to no more than one supervision contact a month. People on supervision for misdemeanor crimes against a person, as listed above, or gross misdemeanors should be supervised based on risk and needs assessment.

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## 4 POLICY OPTION

### Prioritize quality assurance of supervision practices.

#### Background

- Minnesota’s correctional populations are concentrated in the community, not in prison or jail. Minnesota’s probation rate is the fifth highest in the United States, while its prison rate is among the lowest in the nation.<sup>31</sup>

- Between 2015 and 2019, more than 75 percent of people convicted of felony offenses were sentenced to probation.<sup>32</sup>
- All three delivery systems have agents who are trained in motivational interviewing and cognitive program-

ming, including the Carey Guides, Decision Points, and others.<sup>33</sup>

- There is very limited ongoing coaching or quality control in any of the systems.<sup>34</sup>

## Policy Option Details

**A. Establish a statewide evidence-based practices coordinator.** This coordinator should be responsible for evaluating, recommending, and deploying selected evidence-based practices and programs across supervision agencies to ensure they are available to all people on supervision in Minnesota. The coordinator should also examine programming and evidence-based practices within correctional facilities to ensure successful reentry for people transitioning from prisons to community corrections.

**B. Develop a statewide training, coaching, and quality assurance system for all supervising agencies,** adding culturally specific and gender-responsive training components as well as training on the impact of behavioral health

and trauma issues on individuals in the criminal justice system. Quality assurance staff should be embedded in each of the delivery systems. For agencies that already have strong training and quality assurance functions, the new statewide systems should supplement what is already available.

**C. Use cognitive behavioral approaches and structured skills practice** when meeting with people under supervision.

**D. Ensure that programming is proven effective at addressing criminogenic and behavioral health needs.** Update treatment standards for the provision of mental health, substance use, sex offense, and domestic violence treatment to criminal justice clients. The evidence-based practices unit should collaborate with the implementation committee described in Policy Option 1 to ensure the programming guidance remains current and matches national best practices in this area.

# 5 POLICY OPTION

## Reduce racial disparities across the supervision system.

### Background

- Black and Native American people are overrepresented in Minnesota's criminal justice system. While Black people made up only 6 percent of Minnesota's total adult population in 2019, they accounted for 18 percent of the probation population, 27 percent of the supervised release population, and 38 percent of the prison population. Similarly, Native American people made up 1 percent of the total adult population but 6 percent of the probation population, 8 percent of the supervised release population, and 8 percent of the prison population.<sup>35</sup>
- The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White adults on felony probation. For Native Americans, this rate was more than 9 times higher than for White people.<sup>36</sup>
- Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.<sup>37</sup> Native American people on felony probation were 1.4 times more likely to be reconvicted of a felony within 3 years. Native American people on misdemeanor probation were 1.5 times more likely to have a new probation term within 3 years.<sup>38</sup>
- Native American and Black people on supervised release (SR) are reincarcerated more often than people of other races. Compared to White people, Native American people on standard SR were 1.5 times more likely to be incarcerated within one year and when on intensive SR, were 1.3 times more likely to be incarcerated within one year. Black people on standard SR were 1.2 times more likely than White people to be incarcerated within one year and when on intensive SR, were 1.1 times more likely to be incarcerated within one year.<sup>39</sup>
- The racial makeup of the delivery systems differs, and supervision officers may need different cultural competencies to deliver appropriate services. Black people make up 21 percent of the CCA population and 5 percent of both the DOC and CPO populations. Native American people make up 4 percent of the CCA population and 9 percent of the DOC population and 5 percent of the CPO population.<sup>40</sup>

- As outlined in HF 63 (2021), a plan must be in place affording Tribal governments the ability to determine which supervision system works best to supervise people on probation or post release, just like counties.<sup>41</sup>
- Despite best efforts, supervision agencies have struggled to hire and retain a workforce that reflects the diversity of the people on probation.<sup>42</sup>
- Structure that improves consistency in decision-making and policy implementation by supporting the use of discretion can help decrease racial disparities at key points in the justice system, including probation.<sup>43</sup>

## Policy Option Details

### A. Tribes should have the same supervision system 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 and use a formula that works for Tribal inclusion.

**B. Promote diverse corrections and treatment workforces** that mirror the population of individuals served.

**C. Comprehensively implement components of Policy Options 2 and 3 that support more equitable supervision practices.** Couple this with the regular review of race and ethnicity data to understand how implementation impacts racial disparities. Components include the following:

- Developing statewide service supervision standards and definitions across systems
- Providing gender-responsive, culturally appropriate services and trauma-informed approaches
- Requiring community supervision agencies to adopt a statewide incentives and sanctions grid
- Developing revocation or “halfway back” caseloads across the state

# 6 POLICY OPTION

## Improve access to behavioral health care in the community for people under community supervision.

### Background

- The large number of people on probation for offenses related to drugs and DWI or driving under the influence (DUI) indicates a need for chemical dependency treatment for people on supervision. Between 2018 and 2020, the most common offense category for people on felony probation was drug offenses. For people on gross misdemeanor or misdemeanor probation, the most common offense category was DWI.<sup>44</sup>
- LS/CMI assessments in Minnesota indicate that nearly half of people assessed have high or very high substance use disorder needs.<sup>45</sup> Financial problems, family violence, homelessness, and mental illness are other common issues identified by LS/CMI assessments for people on probation in Minnesota.<sup>46</sup>
- There is no requirement for gender-specific or culturally specific training or program provision. Many community providers do not offer culturally informed, trauma-informed, or gender-informed programming.<sup>47</sup>

- Minnesota continues to struggle with a behavioral health workforce shortage, and access to mental health and chemical dependency treatment services varies across the state.<sup>48</sup>
- Minnesota is currently engaged in a number of statewide initiatives to address community resource issues, including provider shortages, workforce diversity, and affordable housing. However, these initiatives do not always include collaboration with the appropriate criminal justice system partners to support the intentional integration of the justice-involved population.

### Policy Option Details

**A. Reduce barriers to obtaining professional licenses.** This includes exploring ways to offset the costs of clinical supervision and expanding access to loan forgiveness programs to increase opportunities for people who may currently be excluded from the system.

**B. Expand the use of regional Certified Community Behavioral Health Clinics** across the state to improve behavioral health service availability and integration of mental health, substance use, and co-occurring mental health and substance use disorder services with physical health care, as well as increase the potential for co-located services.

**C. Determine whether there have been unintended consequences of the Direct Access model** that inadvertently decrease the success rate of individuals under criminal justice supervision and modify as appropriate.<sup>49</sup>

**D. Increase the availability of telehealth treatment for people on supervision and extend Medicaid coverage** for services provided by phone to ensure continued access for people without consistent broadband coverage.

**E. Suspend rather than terminate Medicaid coverage** for people who are incarcerated for longer than a year and simplify the process for reinstating the suspended Medicaid coverage after incarceration to ensure that people can promptly receive needed services upon release.

**F. Ensure that statewide initiatives focused on the coordinated improvement of behavioral health services and other community supports include representation from all three delivery systems** to better integrate the needs of the justice-involved populations into existing state-level initiatives.

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## **7** POLICY OPTION **Engage victims of crime in meaningful, restorative supervision practices.**

### **Background**

- Victims and other interested parties can sign up for notification of pretrial release by enrolling in the Victim Information and Notification Everyday (VINE) notification process. However, after a person is convicted, victims must ask to receive notification regarding the person's release from jails or DOC. Very little information is provided when someone on supervision is transferred from jurisdiction to jurisdiction or off supervision.<sup>50</sup>
- Only 7 percent of cases in Minnesota include a restitution order for pecuniary damages to a victim, and the average amount of restitution owed across all cases is \$2,098.<sup>51</sup>
- After 3 years, 67 percent of restitution owed is paid and satisfied.<sup>52</sup>

### **Policy Option Details**

**A. Automatically enroll victims who report crimes in the notification system.** Give all victims a chance to opt out of updates on case-related proceedings. Reduce communication barriers for victims who participate in the criminal justice system. Incorporate victim notification improvements in future community supervision technology upgrades.

**B. Ensure that statewide technology investments connect disjointed notifications systems.**<sup>53</sup> Victims should be given automatic notification about changes in supervision authority or status, including when people are moved to administrative supervision.

**C. Increase the number of restitution collections and payments made directly to victims of crime.** Strengthening restitution collection is necessary to help people satisfy restitution orders and be successful on probation. Restitution practices should be integrated into new supervision standards and definitions (e.g., information on financial counseling, Pre-Sentence Investigation (PSI) restitution practices, and ability-to-pay worksheets).

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# 8 POLICY OPTION

## Measure outcomes.

### Background

- Each supervising agency or county uses their own version of the Court Services Tracking System (CSTS) to document and monitor data for people they supervise. Because each county manages their own data system, the definitions used and the specific data collected vary widely by agency.<sup>54</sup>
- Some, but not all, of the data collected in local CSTS systems are uploaded to the Statewide Supervision System (S<sup>3</sup>). Even though these data are aggregated in a statewide system, the differences in data collection and definitions limit the ability to deliver consistent and accurate measurements and comparisons of agencies and delivery systems.<sup>55</sup>
- There are limited feedback loops to help agents and supervisors improve their day-to-day work. Additionally, data related to recidivism and other outcomes are not consistently available to agency leadership.<sup>56</sup>

### Policy Option Details

**A. Delivery systems should develop a shared definition of what matters in program provision, supervision stipulations, and supervision processes.** These measures should be tracked in all local instances of CSTS and uploaded to S<sup>3</sup> to allow for statewide quality assurance processes and reporting. These definitions could be developed by the implementation committee in Policy Option 1 and the evidence-based practices coordinator in Policy Option 4.

**B. Delivery systems should be assessed to determine their current data collection capacity,** including what supports they may need to meet a statewide standard of data collection.

**C. Report relevant metrics** at the agency level including a consistent, statewide method of assessing risk and needs or a requirement that the various tools used result in a consistent risk level for the same person across counties and systems. These reports should be produced regularly by the DOC and generated using data uploaded from CSTS to S<sup>3</sup> and matched with additional data sources when relevant (e.g., arrests, convictions).

**D. Measure and report supervision outcomes by race and ethnicity,** including recidivism and revocations. Use findings to inform technical assistance and quality assurance.

**E. Expand the measures of success beyond recidivism reduction.** Those measures may include increased client program completion, increased time between substance use events for people with a substance use disorder, increased number of clients gaining employment, percentage of clients discharged early from probation, or percentage of restitution collected. Measure and report these alternative measures of success by race and ethnicity to ensure equitable access to programs, early discharge, and other features of the supervision system.

**F. Implement the Lantern approach to improve data-driven decision-making.** Lantern is a partnership program between the CSG Justice Center and technology partner Recidiviz that provides actionable information about the drivers of recidivism and pinpoints the specific steps staff can take to directly impact supervision trends. Together, this real-time data and technical assistance helps agencies improve supervision success, reduce recidivism, and maintain positive supervision trends over the long term.

# Proposed Policy Priorities

After reviewing the findings and recommendations proposed by the working group, the council recognized that many of the policy options could be accomplished through administrative changes, grant conditions, and other improvements

to policy and procedure. To prioritize recommendations that require statutory changes, the council identified three areas outlined below for legislative action during the 2022 session.

## 1 POLICY PRIORITY Define one funding formula in statute that empowers counties and Tribes to make supervision decisions based on public safety and local needs.

The funding formula should be based on a foundational investment in supervision services in each county and Tribe as well as the results of a rigorous workload analysis that determines the daily costs of providing supervision based on risk, need, and offense level. Implementation of the new formula should occur in two stages (see Table 2):

1. In FY2023, the legislature should establish a temporary funding formula that includes a base investment of \$250,000, as well as an initial workforce investment that prioritizes felony supervision, intensive supervised release, and supervised release.

2. In FY2024–FY2025 and beyond, a permanent formula should be established by replacing the initial workforce investment in the temporary formula with the results of a weighted workload analysis. The workload analysis should be repeated every six years, and funding distributed through this permanent formula may be prorated so as not to exceed the state allocation.

Minnesota’s Tribal governments should have the same supervision delivery system options available as other governments, including the option to receive formula funding and provide supervision for Tribal members.

**Table 2. Summary of Proposed Funding Formula**

Supplemental Budget FY2023 Formula		Supplemental Budget FY2024–FY2025 Formula (and Beyond)	
	\$250,000 (base investment)		\$250,000 (base investment)
+	[percentage of total state population that lives in the county or Tribe]	+	[percentage of total state population that lives in the county or Tribe]
+	[percentage of total state area (geography) that encompasses the county or Tribe]	+	[percentage of total state area (geography) that encompasses the county or Tribe]
+	[initial investment in FTE to increase workforce for felony supervision]	+	[percentage of capitated rate for each person on supervision]
=	\$ allocated to each county or Tribe	=	\$ allocated to each county or Tribe

## 2 POLICY PRIORITY Establish a committee to develop and implement supervision policy and practice improvements.

The legislature should establish a committee to support the ongoing development and implementation of the supervision policy and practice improvements recommended by the working group, including the following:

- Developing supervision service standards and definitions
- Developing a risk screener and risk and needs assessment tools or mapping of current assessment tools to a universal five-level matrix for consistent, equitable

supervision levels

- Implementing formalized collaborative case planning
- Developing an incentives and sanctions grid
- Developing data outcomes and metrics
- Making recommendations to the legislature for the establishment of a proposed state-level board to take the place of the committee after FY2025, including a proposed governance structure and role for the board

To support the consistent, effective implementation of supervision practices across the state, the legislature should invest in a statewide evidence-based practices coordinator as well as the development of a statewide training, coaching, and quality assurance system for all supervising agencies in partnership with the DOC, the Minnesota Association of Community Probation Officers, the Minnesota Association of Community Corrections Act Counties, and the Association of Minnesota Counties.

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## **3** POLICY PRIORITY **Develop revocation or half-way back caseloads to safely stabilize people who are struggling on probation in the community.**

To stabilize people in the community while maintaining public safety, the legislature should invest in specialized caseloads that provide more intensive interventions for people who are having difficulty meeting supervision require-

ments. The DOC should have authority to use this strategy, in addition to revocation or changing conditions, for people on supervised release who violate conditions but do not need to be reincarcerated.

# Looking Ahead

The JRI policy priorities identified by the council were first introduced in March 2022 in HF 4609 but were then absorbed into the House public safety budget and policy omnibus bill, HF 4608. The council's recommended \$25 million funding increase for community supervision was also introduced in the Senate as part of the Senate public safety budget and policy omnibus bill, SF 2673. While both omnibus bills contained JRI policy priorities, they also included many other provisions that were not part of the JRI process related to law enforcement, the judiciary, sentencing, community-based violence interventions, public defense, and more.

In April 2022, the omnibus bills each passed their respective chambers and were sent to a joint House and Senate conference committee to be reconciled into a single compromise bill. During the conference committee process, legislators from both chambers expressed support for increased funding for community supervision, as well as other JRI priorities. However, negotiations stalled on a variety of provisions included in the omnibus bill that were unrelated to JRI, and the legislature adjourned in May 2022 before a compromise was reached on a comprehensive public safety bill. As a result, the legislature did not pass a public safety omnibus during the 2022 legislative session, which meant JRI policy priorities also were not passed.

Despite this setback, state and county stakeholders remain committed to moving forward with administrative changes to improve community supervision practices. With support from BJA, the CSG Justice Center will provide ongoing technical assistance to the three delivery systems as they finalize administrative policies focused on increasing consistency in statewide probation standards and definitions, risk and need assessment, supervision outcome measurement, and the use of incentives and sanctions. In addition, the Association of Minnesota Counties is convening a working group with representatives from each delivery system to conduct the workload analysis recommended through the state's JRI process to determine the actual cost of effective supervision and propose a new supervision funding formula during a future legislative session.

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