



Justice Reinvestment in Minnesota

Report to the Legislature as Required by House File 63

February
2022

Legislative Charge

House File (HF) 63 requires the submission of a report to the legislature that describes how the state and counties can achieve an effective supervision system together, balancing local control with state support and collaboration. The report must include: (1) a proposal for sustainable funding of the state's community supervision delivery systems, (2) a plan for the potential of future Tribal government supervision of probationers and supervised releasees, (3) a definition of core or base-level supervision standards in accordance with the state's obligation to fund or provide supervision services that are geographically equitable and reflect the principles of modern correctional practice, (4) a recommended funding model and the associated costs as compared to the state's current investment in those services, (5) alternative funding and delivery models and the alternative models' associated costs when compared with the state's current investment in those services, and (6) mechanisms to ensure balanced application of increases in the cost of community supervision services.

Executive Summary

Key Challenges

Discussions with members of the Governor’s Council on Justice Reinvestment and Delivery System Standards and Funding Policy Working Group, comprehensive stakeholder engagement, statutory review, and analysis of Minnesota’s data identified the following key challenges and findings related to the state’s criminal justice system:

1. **Minnesota relies heavily on community supervision, but there is concern about consistency and effectiveness across supervision systems.** Minnesota’s rate of people under correctional control is 11th highest among states, driven by its high probation rate.¹ In 2019, of the nearly 122,000 people under correctional control in Minnesota, 87 percent were on community supervision.² 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 points to redundancies in the system, but may impact a person’s ability to succeed. Effective supervision is hindered by a lack of statewide standards for probation, specialized training and quality assurance, community-based risk-reduction programming, housing, and appropriate behavioral health treatment options.
2. **Despite the state’s heavy reliance on community supervision, Minnesota’s level of funding 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.³ About 13 percent of the current DOC budget is allocated for subsidies to counties for supervision, and 11 percent is earmarked for supervision services provided by the DOC.⁴ Counties contribute significantly to the overall cost of supervision.⁵
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,⁶ costing the state more than \$77 million annually.⁷
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 people on felony probation. For Native Americans, this rate was more than nine times higher than for White people.⁸ Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.⁹

Summary of Proposed Policy Options

The policy options proposed and listed here are designed to ensure that the Minnesota supervision system is effective, equitable, and adequately resourced.

Summary of Policy Options

1. Ensure that counties are equitably funded and positioned to comprehensively implement evidence-based supervision.
2. Increase 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. Engage victims of crime in meaningful, restorative supervision practices.
8. Measure outcomes.

Overview

Minnesota was the first state in the country to use sentencing guidelines and, as such, has limited the use of prison by following guidelines that establish a presumption of probation in most cases.¹⁰ While this has contributed to the state's low incarceration rate, as of 2020, 1 in every 51 adult Minnesotans were on probation, totaling more than 85,000 people.¹¹ This trend is even more concerning for Black and Native American people in the state, whose respective probation rates are five and nine times higher than they are for White people.¹²

Probation is not uniformly administered in Minnesota. Based on size, counties can choose from three options as to how they will participate in community corrections and what form of funding they will receive.¹³ They can opt to administer all correctional field services according to the Minnesota Community Corrections Act (CCA); supervise adults charged with misdemeanors, gross misdemeanors and youth in the juvenile justice system, with the judiciary as the supervising authority and the Department of Corrections (DOC) managing all felony cases, according to the County Probation Officer (CPO) model; or forego community corrections entirely and have DOC manage the entire caseload for the county.¹⁴ Similarly, access to pretrial services, behavioral health services, and community services and supports for people in the criminal justice system is inconsistent statewide, contributing to supervision failures. Local criminal justice practitioners speculate that these gaps across the state contribute to felony reconvictions. This fractured supervision approach has also created a challenging environment for analyzing community corrections trends, implementing effective statewide supervision practices, ensuring people on supervision across the state have equitable access to programming and

treatment, and making criminal justice budget decisions.

In Minnesota, the annual cost of managing correctional facilities, supporting county supervision partners, and providing reentry services totals well over \$600 million.¹⁵ The state's proportion of general funds spent on corrections is the lowest in the United States,¹⁶ making the efficient use of these funds important. As budgets have increased over time, and complex funding structures have evolved,¹⁷ Minnesota has not completed an independent, comprehensive assessment of the impact of its corrections or criminal justice budget expenditures, nor has the state reviewed the public safety implications of these allocations. State and county leaders are committed to using data and extensive engagement of people across the state to finally achieve a supervision system that is cost-effective, equitable, and just while balancing state and local responsibility. Through the Justice Reinvestment Initiative, Minnesota used an independent, bipartisan, interbranch approach for the first time to address the fractured supervision system with systemic recommendations to improve supervision across the state.

Bipartisan Oversight

The Delivery System Standards and Funding Policy Working Group—a committee established in HF 63 to update the state’s supervision funding formula—and the Governor’s Council on Justice Reinvestment—a bipartisan, interbranch committee created through Executive Order 21-34—guided Minnesota’s Justice Reinvestment Initiative. Under their direction, and with funding from the Department of Justice’s Bureau of Justice Assistance and the Pew Charitable Trusts, CSG Justice Center staff analyzed case-level sentencing, probation, and prison data to learn more about criminal justice trends and outcomes in the state. CSG Justice Center staff also convened focus groups, conducted assessments, and interviewed key stakeholders in Minnesota’s criminal justice system. Based on the findings from these quantitative and qualitative analyses, the Delivery System Standards and Funding Policy Working Group developed policy options that are designed to maximize the impact of the state’s criminal justice investments and improve the individual outcomes of the people in Minnesota’s criminal justice system.

Delivery System Standards and Funding Policy Working Group

The 32-member working group includes representatives from all three community supervision agencies—DOC, CCA, and CPO—as well as county commissioners (from both metro and greater Minnesota), members of the Minnesota Indian Affairs Council, members of the judiciary, and behavioral health and victim advocates. The working group met eight times between September 2021 and January 2022 to review analyses and discuss system challenges and policies.

Members

- **Sue Abderholden**, Executive Director, NAMI
- **Clinton Alexander**, Director of Behavioral Health, White Earth Reservation
- **Jason Anderson**, Director, Itasca County Probation
- **Ron Antony**, Yellow Medicine County Commissioner
- **Dayna Burmeister**, Manager Southern Region, 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**, Director, Government and External Relations, DOC
- **Stephen King**, Director, Mower County Probation
- **Tami Jo Lieberg**, Director, Kandiyohi County Community Corrections
- **Jeff Lunde**, Hennepin County Commissioner
- **Mike MacMillian**, Director, Wright County Probation
- **Janet Marshall**, Inter-Governmental Liaison, State Court Administrator’s Office
- **Nicole Matthews**, 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, DOC
- **Jeff Shorba**, State Court Administrator
- **Carli Stark**, Public Safety Policy Analyst, AMC; Executive Director, MACCAC
- **Jack Swanson**, Roseau County Commissioner; Public Safety Chair, Association of Minnesota Counties
- **Kristen Trebil**, 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

The 15-member council includes state leaders representing all three branches of government as well as criminal justice system stakeholders from local governments, nonprofit organizations, and more. The council met three times in January 2022 to review analyses and discuss system challenges and policies initially developed through the Delivery System Standards and Funding Policy Working Group.

The Governor's Council on Justice Reinvestment will continue to meet through February 2022 to review the policy options developed by the Delivery Systems Standards and Funding Policy Working Group. During this time, the Council will also hear public testimony from community members and people involved in the criminal justice system.

Co-Chairs

- **Julie Rosen**, State Senator; Chair, Senate Finance Committee
- **Kevin Reese**, Co-Founder and Co-Executive Director, Until We Are All Free

Members

- ***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**, Director, Community Corrections and Rehabilitation Department, 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; Chair, Association of Minnesota Counties Public Safety
- **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

Case-level data were provided to the CSG Justice Center by the Minnesota DOC and the Minnesota Sentencing Guidelines Commission. CSG Justice Center staff conducted a comprehensive analysis of sentencing, community corrections (probation and supervised release), and incarceration data to examine probation, supervised release, incarceration, and recidivism trends as well as the risk and needs of the supervised and incarcerated population.

Additional context and information were provided through more than 100 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

Discussions with council and working group members, comprehensive stakeholder engagement, statutory review, and analysis of Minnesota’s data identified the following key challenges and findings related to the state’s criminal justice system:

1. **Minnesota relies heavily on community supervision, but there is concern about consistency and effectiveness across supervision systems.** Minnesota’s rate of people under correctional control is 11th highest among states, driven by its high probation rate.¹⁸ In 2019, of the nearly 122,000 people under correctional control in Minnesota, 87 percent were on community supervision.¹⁹ 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 points to redundancies in the system, but may impact a person’s ability to succeed. Effective supervision is hindered by a lack of statewide standards for probation, specialized training and quality assurance, community-based risk-reduction programming, housing, and appropriate behavioral health treatment options.
2. **Despite the state’s heavy reliance on community supervision, Minnesota’s level of funding 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.²⁰ About 13 percent of the current DOC budget is allocated for subsidies to counties for supervision, and 11 percent is earmarked for supervision services provided by the DOC.²¹ Counties contribute significantly to the overall cost of supervision.²²
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,²³ costing the state more than \$77 million annually.²⁴
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 people on felony probation. For Native Americans, this rate was more than nine times higher than for White people.²⁵ Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.²⁶

Summary of Proposed Policy Options

The policy options proposed and listed here are designed to ensure that the Minnesota supervision system is effective, equitable, and adequately resourced.

Summary of Policy Options

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.

Proposed Policy Option Details

Policy Option 1

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

Findings

- In 2020, Minnesota spent the lowest proportion of state general funds on corrections: 2.5 percent versus an all-state average of 6.5 percent.²⁷
- About 13 percent of the current DOC budget is allocated for subsidies to counties for supervision, and less than 11 percent is earmarked for supervision services provided by the DOC.²⁸
- 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.²⁹
- 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.³⁰
- States that rely on county-level supervision agencies use different funding approaches to support community corrections.
 - By law, the Oregon Department of Corrections conducts a workload study of cost and time required to provide community corrections. The 2019–2021 capitated (“per diem”) rate was \$12.07. Oregon is committed to full state funding for supervision provided locally.³¹
 - Texas provides full state funding with no expectation of county funding for felony supervision. In 2020, the state appropriated \$247.4 million in state aid. Per diem funding for people on felony probation comes to approximately \$4.30.³²
 - Kansas provides community corrections funding for people who are identified as medium or high risk and placed on supervision. In 2020, state grants totaled \$16.8 million, which yields approximately \$6.40 per diem.³³
 - Pennsylvania is in the process of revising its funding formula based on Justice Reinvestment legislation in 2019. The formula for distributing \$16 million in basic state aid will use two measures of the volume of people under supervision, with each weighted by a measure of the challenges represented by those people: *sentences to probation in the prior year*, with a “sentencing severity index” (using the sentencing grid) as a multiplier, and *reported caseloads*, with a “risk index” multiplier. Additional state funding of \$17 million is known as county intermediate punishment and is targeted to programs that meet the criteria for “restrictive conditions of probation.”

Policy Option 1 Details

- A. **Define a single funding formula in statute with codified review dates that empowers counties to choose their supervision system based on public safety and local needs, not just what they can afford.** The funding formula should be based on a foundational investment in supervision services in each county and tribe and a rigorous workload study. The results of this study should be a computation of the daily costs of providing supervision based on the risks, needs, and offense levels of people on supervision in Minnesota. This does not replace the current or future investments in supervision by counties and tribes. As shared public safety partners, each government must continue to invest. County eligibility for this state funding should not be dependent on the population of the county.
- 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 begin forming a customized workload study methodology, an approach parallel to Oregon’s model (see findings for Policy Option 1). In Minnesota, the methodology should account for people of various risk levels who are juveniles; 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 results of the workload study should be the basis for community supervision budgeting in the department’s biennial budget document. 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 the recommendations in this report.** Minnesota has historically underfunded supervision, both through the DOC and through grants and subsidies to counties, despite the state’s heavy reliance on supervision. An increase in state support would carry an expectation of measurable improvements in positive outcomes for people on supervision, sustained investment by counties, and implementation of the supervision service standards and definitions, as well as other practices detailed in this report. State funding increases should include human services expenditures (beyond DOC grants for supervision), like housing, employment services, and others.
- D. **Create a targeted innovation fund in addition to formula funding.** A more flexible “targeted innovation” grant program would reward desirable approaches and outcomes by rewarding not just efficiency, but positive shifts in how community supervision is administered. The state can do more to ensure that averted costs of incarceration can be reallocated to strengthen supervision. Institutionalizing this investment would also encourage testing new approaches to increase the successes of people on supervision. This approach would subsume current one-off grant approaches that only benefit a handful of counties.
- E. **Limit state investment in pretrial supervision.** Funding for county or local agency approaches to pretrial supervision should either be relegated to purely county investment or developed at the state level if the state imposes instances where pretrial supervision is required.

Policy Option 2

Increase effectiveness and equity across the probation systems.

Findings

- There is wide variation in rates of recidivism for people on felony probation by supervision agency.³⁴ 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.³⁵
- 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.³⁶
- 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.³⁷ There is no use of formalized case plans that flow from assessment results.³⁸
- People on supervision in multiple systems must overcome additional hurdles to successfully discharge 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.³⁹

Policy Option 2 Details

- A. Develop statewide service supervision standards and definitions across systems.** Set out a framework in statute and task the implementation committee described in Policy Option 1 with drafting greater detail in administrative rules through the DOC to describe supervision practices that are 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 must map their current assessment tools to a universal five-level matrix allowing for consistent supervision levels. All tools in use should be validated on Minnesota's community supervision population and revalidated every five years. There will always be special-use 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. Reduce the likelihood of technical violations.
- 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.

Policy Option 3

Hold people on probation consistently accountable.

Findings

- Supervised release failures most commonly occur in the first six months of supervision, underscoring the importance of frontloading supervision and interventions.⁴⁰
- People on felony probation fail at higher rates than those on probation for gross misdemeanor and misdemeanor offenses.⁴¹
- 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,⁴² costing the state more than \$77 million annually.⁴³ Minnesota needs effective statewide strategies to reduce technical violations and other supervision failures in order to increase supervision successes.

Policy Option 3 Details

- Require community supervision agencies to adopt a statewide incentives and sanctions grid.** The grid would be developed by the implementation committee described in Policy Option 1. After being created, the core standards and incentives and sanctions grid should be reviewed 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.
- 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.
- 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 restitution⁴⁴ 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.
- 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.
- 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.

Policy Option 4

Prioritize quality assurance of supervision practices.

Findings

- 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.⁴⁵
- Between 2015 and 2019, more than 75 percent of people convicted of felony offenses were sentenced to probation.⁴⁶
- All three delivery systems have agents who are trained in motivational interviewing and cognitive programming, including the Carey Guides, Decision Points, and others.⁴⁷
- There is very limited ongoing coaching or quality control in any of the systems.⁴⁸

Policy Option 4 Details

- A. Create a statewide evidence-based practices unit.** This unit would 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. This unit could 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 sit 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.

Policy Option 5

Reduce racial disparities across the supervision system.

Findings

- 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.⁴⁹

- 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 nine times higher than for White people.⁵⁰
- Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.⁵¹ 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.⁵²
- 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.⁵³
- 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.⁵⁴
- As outlined in HF 63, 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.⁵⁵
- Despite best efforts, CCA, CPO, and DOC agencies have struggled to hire and retain a workforce that reflects the diversity of the people on probation.⁵⁶
- 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.⁵⁷

Policy Option 5 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

Policy Option 6

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

Findings

- The large number of people on probation for offenses related to drugs and DWI or driving under the influence (DUI) speaks to the 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.⁵⁸
- LS/CMI assessments in Minnesota indicate that nearly half of people assessed have high or very high substance use disorder needs.⁵⁹ Financial problems, family violence, homelessness, and mental illness are other common issues identified by LS/CMI assessments for people on probation in Minnesota.⁶⁰
- 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.⁶¹
- Minnesota continues to struggle with a behavioral health workforce shortage, and access to mental health and chemical dependency treatment services varies across the state.⁶²
- 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 6 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 (CCBHCs)** 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.⁶³
- 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 post-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.

Policy Option 7

Engage victims of crime in meaningful, restorative supervision practices.

Findings

- Victims and other interested parties can sign up for notification of a person's pretrial release by enrolling in the VINE notification process. After a person is convicted, victims must ask to receive notification regarding the person's release from jails or DOC. Little information is available regarding movement while people are on or have transferred off supervision.⁶⁴
- 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 \$2,098.⁶⁵
- After 3 years, 67 percent of restitution owed is paid and satisfied.⁶⁶

Policy Option 7 Details

- A. Automatically enroll victims who report crimes in the notification system.** Give all victims a chance to opt out of these updates to case-related proceedings. Reduce the communication barriers to victims who participate in the criminal justice system. Include notification in any technology improvements to community corrections.
- B. Ensure that statewide technology investments connect disjointed notifications systems.**⁶⁷ As supervision authority can more consistently be transferred to one supervision agency, and as people on supervision are able to move to administrative supervision, victims should be given automatic notification about these transfers and changes in status.
- C. Increase the number of restitution collections and payments made directly to victims of crime.** Because satisfying restitution payments is a potential successful outcome of supervision, strengthening restitution is necessary in order to help people satisfy restitution orders. Integrate restitution practices into the supervision standards and definitions document (e.g., information on financial counseling, Pre-Sentence Investigation (PSI) restitution practices, and ability to pay worksheets).

Policy Option 8

Measure outcomes.

Findings

- 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.⁶⁸
- Some, but not all, of the data collected in local CSTS systems are uploaded to the Statewide Supervision System (S³). 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.⁶⁹
- 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.⁷⁰

Policy Option 8 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 S³ to allow for statewide quality assurance processes and reporting. These definitions could be developed by the implementation committee (Policy Option 1) and the evidence-based practices unit (Policy Option 4).
- B. Delivery systems should be assessed to determine what their current capacity for data collection is, how they currently ensure that data are collected, and 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 S3 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 date-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 that staff can take to directly change supervision trends. Together, this real-time data and technical assistance helps agencies improve supervision success and reduce recidivism and maintain positive supervision trends over the long-term.

State Investment

The proposed policy options require an investment for Minnesota to reach its goals: an increased base level of investment in each county and tribe of approximately \$21.3 million for the supplemental FY2022–FY2023 budget. An additional \$2.0 million would build out a statewide quality assurance, training, and coaching team. There should also be an investment to develop the regional revocation caseloads to effectively reduce technical violations to prison while protecting Minnesota’s public safety (see Figure 1).

Figure 1. Potential Annual Investment for Justice Reinvestment Policy Recommendations, Supplemental Budget FY2022–FY2023

	Justice Reinvestment Policy Recommendations Requiring an Up-front Investment	Investment for FY2022–FY2023
1.	Base level of investment in each county and tribe	\$21.3M
2.	Statewide quality assurance, training, and coaching team	\$2.0M
3.	Regional revocation caseloads and an innovation grant program	\$2.0M
	Total Up-front Investment	\$25.3M

Supplemental Budget FY2022–FY2023 Formula Principles

The FY2022–FY2023 formula is built on three principles:

1. Regardless of supervision system, the Department of Corrections, counties, and tribes need increased capacity to implement effective community supervision.
2. Additional workforce is needed to supervise the felony, supervised release, and intensive supervised release populations, based on risks and needs. This provides immediate relief to public safety concerns in Minnesota.
3. There is an ongoing, shared responsibility for the state, counties, and tribes to invest in community corrections.

Supplemental Budget FY2022–FY2023 Formula

$\$250,000 + [\text{state population that lives in the county or tribe as a percentage of total state population}] + [\text{county area as a percentage of total state area}] + [\text{investment in felony supervision FTE}^*]$

**To determine the felony supervision estimate, data from the 2019 probation population survey was used.⁷¹ The estimated risks and needs levels of this population were calculated based on the statewide average LS/CMI risk score reviewed by the CSG Justice Center. Using a weighted caseload estimate developed by the American Probation & Parole Association, the number of FTEs needed to effectively manage the felony caseload was determined. The CSG Justice Center conducted a quick poll of current FTE levels across DOC Field Services, CCA, and CPO counties to use in this formula. A loaded salary of \$100,000/year was used in the final computation after consulting with directors in all supervision systems. This loaded salary estimate is for a supervision officer salary, plus benefits and equipment.*

The formula above should be used to calculate the funding allotted to CCA and CPO agencies and DOC field services. This is a shift from current practice, which involves using multiple formulas to determine community supervision funding. The proposed foundational allocation would cover 50 percent of the cost of providing supervision in CPO counties (as promised in statute) in FY2022 while also increasing funds to CCA agencies and DOC Field Services to improve the effectiveness of felony supervision across the state.

Figure 2. Potential Annual Investment for Justice Reinvestment Policy Recommendations, Supplemental Budget FY2024–FY2025

	Justice Reinvestment Policy Recommendations Requiring an Up-front Investment	Investment for FY2024–FY2025
1.	Base level of investment in each county and tribe	\$21.3M
2.	Statewide quality assurance, training, and coaching team	\$2.0M
3.	Regional revocation caseloads and an innovation grant program	\$15.0M
	Total Up-front Investment	\$38.3M

Single Funding Formula Principles

The single funding formula for supervision in Minnesota is built on three principles:

1. Regardless of supervision system, the Department of Corrections, counties, and tribe should have capacity to provide effective community supervision.
2. The level of state investment per person should be consistent with the risks and needs of the supervision population.
3. There is an ongoing, shared responsibility for the state, counties, and tribes to invest in community corrections.

FY2024 and FY2025 Estimates of the Single Funding Formula

$\$250,000 + [\text{state population that lives in the county or tribe as a percentage of total state population}] + [\text{county or tribal area as a percentage of total state area}] + [\% \text{ of capitated rate for each person on supervision}]$.**

***The Minnesota capitated rate for juveniles and adults on supervision for misdemeanors, gross misdemeanors, and felonies, or on supervised release or intensive supervised release, will be determined through a weighted caseload study conducted July 1–December 31, 2022. This study will examine the population and produce a daily rate for people on supervision by offense level and risk and needs assessment results.*

In FY2024 and FY2025, the base level of investment (\$250,000) in each county and tribe would be consistent with Supplemental Budget FY2022–FY2023. However, the total would be determined by the results of the weighted caseload study, rather than the one-time investment as proposed in the FY2022–FY2023 formula. Once the caseload study is conducted and an appropriate rate for each population (misdemeanor, felony, etc.) is determined, the state can use the most recent probation survey (which identifies each county’s supervision population) to determine the proportion of state funding for supervision that is allocated to each agency.

Additional Investments

The proposed policy options also require an investment in supportive services in the community for victims and people on supervision for Minnesota to reach its goals. The state should invest an additional \$10m in grants for treatment, programming, and community supports. Model programs exist across the state and could be regionalized to make sure people with substance use disorders, mental health challenges, and co-occurring mental health and substance use disorders have access to the treatment and programming they need.

On January 26, 2022, Governor Walz released his FY2022–FY2023 budget recommendations. Included in that budget are investments in the DOC for statewide public safety data infrastructure, community-based rehab services, revocation centers, and innovation in corrections grants. The

Department of Public Safety included a request for domestic violence and sexual assault intervention and prevention, and the Department of Human Services included a request for substance use disorder direct access implementation and 1115 compliance. These efforts support the policy options in this document.⁷²

Looking Ahead

Framework for Enactment and Implementation

Phase 1: Adopt and Enact

- A. During the 2022 legislative session, adopt and enact the policies in this document.
- B. Recognizing Minnesota's government-to-government relationship with Tribal Nations, engage in the tribal consultation process with DOC and community corrections partners ahead of the 2023 legislative session to identify ways that tribes can access the same supervision system options available to other governments in Minnesota.

Phase 2: Define Minnesota's Supervision Standards

- C. Establish statewide practices, definitions, and training requirements through the Justice Reinvestment implementation committee.

Phase 3: Prepare to Measure Success

- D. Leverage the federally funded Minnesota Lantern project to build common measures and dashboards to share progress on supervision outcomes.

Phase 4: Implement Changes Efficiently

- E. Under the direction of the Justice Reinvestment implementation committee, conduct the workload and caseload analysis via a third party procured through the state procurement process. Estimate county community supervision funding levels using the determined per diem costs and workload analysis results, as well as additional formula components determined by statute.
- F. Develop adjustments to the statutorily proposed formula framework as needed to ensure sufficient and equitable funding for community supervision agencies across the state.
- G. Submit a formal, biennial budget request based on the supervision funding formula to the legislature for adoption during the 2023 budget session.
- H. Propose recommendations for ensuring that tribes have access to the same supervision options as other governments, including representation in the supervision funding formula, for consideration during the 2023 legislative session.

Phase 5: Leverage Additional Federal Justice Reinvestment Support

- I. Minnesota will have the opportunity to apply to the Bureau of Justice Assistance (BJA) for additional technical assistance from the CSG Justice Center to assist with the implementation of the state's Justice Reinvestment Initiative legislation.
- J. Apply for the \$500,000 federal Justice Reinvestment Initiative subaward for local implementation costs.

Areas for Future Examination

Throughout the Minnesota Justice Reinvestment process, issues and challenges connected to community corrections were raised that were beyond the scope of this project. Minnesota stakeholders may want to prioritize additional work in the following areas:

- Understanding fines and fees for people on supervision
- Connecting programming for people during incarceration with programming and treatment in the community
- Increasing consistency in pretrial supervision and decision-making
- Addressing systemic juvenile justice challenges
- Integrating competency restoration processes statewide
- Charting county investments in behavioral health services
- Meeting the pretrial diversion programs required in the Community Corrections Act (CCA) counties

Additionally, this report represents comprehensive assessment and data analysis work that did not result in a strong argument for completely restructuring supervision systems in Minnesota. The biggest differences were found across counties, not across supervision systems. The state may want to revisit how community corrections is managed across three systems in the future.

This project was supported by Grant No. 2019-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit bja.gov.

¹ Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).

² 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.

³ 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.

⁴ “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); Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).

⁵ 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.

⁶ Email from DOC Commissioner to CSG Justice Center staff, December 7, 2021.

⁷ Based on \$90 per diem reported in survey conducted by the CSG Justice Center in June 2020. CSG Justice Center analysis of prison data, 2019.

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

⁹ Minnesota Sentencing Guidelines Commission, 2019 Probation Revocations (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 2020), <https://mn.gov/msgc-stat/documents/reports/2019/2019MSGCReportProbationRevocations.pdf>.

-
- ¹⁰ Minnesota Sentencing Guidelines Commission, *2021 Report to the Legislature* (Saint Paul, MN: Minnesota Sentencing Guidelines Commission, 2021), https://mn.gov/sentencing-guidelines/assets/2021MinnSentencingGuidelinesCommReportLegislature_tcm30-463260.pdf.
- ¹¹ Minnesota Department of Corrections, Probation Survey, 2020. United States Census Bureau, 2020 Decennial Census, accessed January 11, 2022, <https://data.census.gov>.
- ¹² Minnesota Department of Corrections, Probation Survey, 2019.
- ¹³ "Community Corrections Funding in Minnesota" (PowerPoint presentation, National Conference of State Legislatures, October 2014).
- ¹⁴ "About MACCAC," Minnesota Association of Community Corrections Act Counties – MACCAC, accessed March 27, 2020, <http://www.maccac.org>.
- ¹⁵ "Current Estimates of State Budget," Minnesota Management and Budget, accessed February 15, 2021, <https://mn.gov/mmb/budget/state-budget-overview/current-estimates/>.
- ¹⁶ 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-Ofca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf.
- ¹⁷ SF 878, 89th Senate Reg. Sess. (MN 2015) (the most recent amendment to the Community Corrections Act formula).
- ¹⁸ Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).
- ¹⁹ 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.
- ²⁰ 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-Ofca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf.
- ²¹ "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); Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).
- ²² 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.
- ²³ Email from DOC Commissioner to CSG Justice Center staff, December 7, 2021.
- ²⁴ Based on \$90 per diem reported in survey conducted by the CSG Justice Center in June 2020. CSG Justice Center analysis of prison data, 2019.
- ²⁵ Minnesota Department of Corrections, Probation Survey, "Explore Census Data," United States Census Bureau, accessed March 8, 2021, <https://data.census.gov>.
- ²⁶ Minnesota Sentencing Guidelines Commission, 2019 Probation Revocations (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 2020), <https://mn.gov/msgc-stat/documents/reports/2019/2019MSGCReportProbationRevocations.pdf>.
- ²⁷ 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-Ofca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf.
- ²⁸ "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).
- ²⁹ 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.
- ³⁰ CCA Agency Comprehensive Plan Budgets, 2020–2021; Minnesota Probation Survey, 2020.
- ³¹ Interviews and emails with Denise Sitler, Deputy Director, Community Corrections Division, Oregon Department of Corrections and Ken Sanchagriin, Director, Oregon Criminal Justice Commission, September 2021.
- ³² Interview and emails with Carey Green, Director of the Community Justice Assistance Division, Texas Department of Criminal Justice, August 2021.
- ³³ Interview and emails with Marie McNeal, Community Corrections Director, Kansas Department of Corrections, August

2021.

³⁴ CSG Justice Center analysis of MN DOC probation data.

³⁵ 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.

³⁶ CSG Justice Center assessment of Minnesota’s supervision system.

³⁷ *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.

³⁸ CSG Justice Center assessment of Minnesota’s supervision system.

³⁹ CSG Justice Center analysis of MN DOC probation data with terms starting between Jan. 2018 and June 2020.

⁴⁰ CSG Justice Center analysis of MN DOC supervised release data.

⁴¹ CSG Justice Center analysis of MN DOC probation data with terms starting between July 2015 and June 2020.

⁴² Email from DOC Commissioner to CSG Justice Center staff, December 7, 2021.

⁴³ Based on \$90 per diem reported in survey conducted by the CSG Justice Center in June 2020. CSG Justice Center analysis of prison data, 2019.

⁴⁴ This use of restitution specifically applies to the pecuniary damages owed to victims of crime.

⁴⁵ Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).

⁴⁶ CSG Justice Center analysis of Minnesota Sentencing Guidelines Commission data.

⁴⁷ CSG Justice Center assessment of Minnesota’s supervision system.

⁴⁸ CSG Justice Center assessment of Minnesota’s supervision system.

⁴⁹ 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*.

⁵⁰ Minnesota Department of Corrections, Probation Survey, "Explore Census Data," United States Census Bureau, accessed March 8, 2021, <https://data.census.gov>.

⁵¹ Minnesota Sentencing Guidelines Commission, 2019 Probation Revocations (St. Paul, MN: Minnesota Sentencing Guidelines Commission, 2020), <https://mn.gov/msgc-stat/documents/reports/2019/2019MSGCReportProbationRevocations.pdf>.

⁵² Adjusted relative rate index of predicted probability of incarceration or new probation term calculated using a logistic regression model, controlling for age, gender, race, offense type, offense level, and county size. N = 14,840, N = 49,298, N = 14,840, N = 49,298. Probation terms starting July 1, 2015–Dec 31, 2017. CSG Justice Center analysis of MN DOC probation data.

⁵³ 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.

⁵⁴ CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

⁵⁵ HF 63 accessed Sept. 25, 2021, at http://wdoc.house.leg.state.mn.us/leg/LS92/1_2021/HF0063.2.pdf

⁵⁶ CSG Justice Center assessment of Minnesota’s supervision system.

⁵⁷ Marc Mauer and Nazgol Ghandnoosh, *Incorporating Racial Equity into Criminal Justice Reform* (Washington, DC: The Sentencing Project, 2014).

⁵⁸ CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

⁵⁹ *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.

⁶⁰ *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.

⁶¹ Ibid.

⁶² CSG Justice Center assessment of discussion at the Minnesota Behavioral Health Summit, January 11-12, 2022.

⁶³ In 2020, Minnesota began transitioning to a treatment access process in which a person seeking treatment can go directly to any provider for assessment and placement instead of having to get a Rule 25 assessment and be placed through a county, tribe, or Managed Care Organization. This new process is called Direct Access.

⁶⁴ "Victim Notification - Inmate Information and Release Notification," Office of Justice Programs, accessed January 24, 2022, <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/victim-notification/Pages/default.aspx>.

⁶⁵ "Minnesota Restitution Working Group: Report to the Legislature," Office of Justice Programs, accessed January 26, 2022, https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Restitution%20Working%20Group/Minnesota%20Restitution%20Working%20Group%20Report%20January%202015.pdf.*

⁶⁶ Ibid.

⁶⁷ "Victim Notification - Inmate Information and Release Notification," Office of Justice Programs, accessed January 24, 2022, <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/victim-notification/Pages/default.aspx>.

⁶⁸ CSG Justice Center assessment of Minnesota’s supervision system.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ 2019 levels were used to avoid using the COVID-19 pandemic probation surveys of 2020 or 2021.

⁷² “Governor’s Supplemental Budget Recommendations with Descriptions,” State of Minnesota, accessed January 26, 2022, <https://mn.gov/mmb-stat/documents/budget/operating-budget/gov-rec/ian22/gov22rec-budget-agency-item.pdf>