

Background & Overview

The Minnesota Association of Community Corrections Act Counties (MACCAC) attempted to engage the Council of State Governments (CSG) Justice Center to bring the Justice Reinvestment Project to Minnesota in 2015. Justice Reinvestment is a nonpartisan project that provides public safety recommendations after an analysis of local data. The recommendations are made through a stakeholder-driven process which means that Minnesota-specific concerns guide the project.

Federal funding for the project requires a letter signed by legislative leaders in both bodies, the governor and Chief Justice of the Minnesota Supreme Court requesting assistance from CSG. Local stakeholders have worked to get signatures of support from legislative leaders starting in 2019. In the late spring/early fall of 2021, after advocating for two years, state leaders signed the engagement letter. The project officially commenced in the summer of 2021. It was not until January 2022 that Gov. Tim Walz created the Governor's Council on Justice Reinvestment which was a way to create further stakeholder and legislative engagement in the work that counties have been doing for the past year.

Justice Reinvestment has been a county-driven initiative because counties knew that a third-party, nonpartisan look at the system was necessary due to the county/state disagreements inherent in Minnesota government. When the budget forecast in November 2020 indicated there would be a large deficit, representatives from the three probation delivery systems started meeting to find a solution and continued meeting through the summer of 2021 when the "official" project started. At that point, more stakeholders were added including five county commissioners representing all three probation delivery systems and different geographic regions of the state. CSG presented findings on the data it collected and met individually with all stakeholders (monthly meetings + individual meetings) continuously from June 2021 – January 2022. **The recommendations that were presented to the Governor's Council came from the work of the probation working group that counties were actively involved in creating.** There is a misconception that this is solely a governor's initiative, but it is a product of the advocacy of AMC, MACCAC, MACPO and the DOC. The Governor's Council was created to ensure there is community and legislative engagement in the process and to review recommendations made by the probation working group.

Justice Reinvestment Recommendations

The biggest takeaway from the recommendations is a change in the probation funding formula to apply one method of funding for all counties, regardless of delivery system. All three probation delivery systems are retained which provides counties with choice and does not result in any change in employment status of county and state employees. The funding formula has been the focus of county efforts for years given the lack of consistent state funding for the county systems that do most of the work.

Funding Recommendations

FY 2022/FY2023 – \$21.3 million

- The funding would include a base appropriate of \$250,000 (2 FTE) per county + additional funds based on state population percentages, geographic area, and necessary investment in supervision FTE. It also includes adding tribes to the direct distribution list as a government entity.
- This allocation holds counties harmless and brings the state investment up to 50% for CPO counties.
- The formula goes to each individual county to decide what they want to do with it. They can keep their delivery system and pay DOC to do felony work (CPO counties), pay DOC to do all supervision (DOC Contract counties), or do all supervision through the county (CCA counties).
- This funding formula is temporary for 22/23. An advisory committee of all three delivery systems will be created to decide the details of the ongoing formula and make recommendations for consistent, effective supervision practices. That committee will provide a report to the legislature and the Governor’s Council on Justice Reinvestment.

FY 2024/FY2025 – \$21.3 million in *ongoing* funding

- The funding will be distributed differently from 2024 on. It will be based on a weighted caseload/cost of supervision formula. Counties will be given funding based on how many cases they have, what kind of case or risk level, and some other geographic calculations.
- This method means that counties get funding sufficient to provide adequate minimum supervision consistent with evidence-based practices. It will allow some counties to make investments in innovative programs that they were previously unable to do, and it will ensure that counties that unable to fully support basic probation functions will now be able to do so.

Policy Recommendations

The policy recommendations improve practices, create consistency, and decrease disparities. For example, having consistent standards for risk assessments to ensure that high risk means the same thing in every county and doesn’t change based on budgets. This part of the proposal will be a focus in the future and through collaborative work between the counties and DOC.

Key Takeaways

Justice Reinvestment is a county-driven initiative, it has broad support (Department of Corrections, AMC, MACCAC, MACPO, MICA, MRC, and others) and it is critical for counties to keep communities safe.

If you have questions or would like more information, please contact Carli Stark, AMC Public Safety Policy Analyst and MACCAC Director, at 651-789-4335 or cstark@mncounties.org.

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