



## 2022 MACCAC Legislative Platform (Provisional)

### Justice Reinvestment and Funding Equity

**The Legislature has a responsibility to reevaluate the allocation of community supervision funding to ensure an equitable and transparent funding model for all counties, regardless of delivery system.**

Community corrections in the form of probation and supervised release is the backbone of Minnesota's criminal justice system. Minnesota's reliance on community supervision rather than incarceration has proven both effective and efficient by providing a very high value for the public dollar while protecting public safety.

Minnesotans deserve the best possible services regardless of their geographic location or the probation delivery system chosen by their county. All three systems engage in evidence-based practices but are funded in different ways. While the Department of Corrections has seen consistent ongoing increases in funding every biennium, Community Corrections Act counties have seen infrequent increases. A survey of MACCAC counties showed an average budgetary increase of 4% annually while the legislature has only appropriated an average increase of 0.66% annually. The 2021 legislative budget bill included an ongoing increase for the Department of Corrections, but only a one-time funding increase for the county-based supervision systems. The funding in 2021 was the first increase since 2017.

The current probation funding system has a negative impact on clients, communities, and public safety based on geography. County property tax levy dollars are increasingly relied upon to deliver core community supervision services that are a clear statutory responsibility of the state. Minnesotans deserve better from their state.

MACCAC supports data-based funding solutions that ensure core probation services are funded by the state. State funding for all core probation services will allow counties to invest in innovative programs while ensuring that all counties deliver equally effective services. As part of the distribution mechanism, administrative and overhead costs must be a factor. The Department of Corrections delivery system receives state funding for centralized administrative functions in addition to direct supervision costs. However, many counties do not have the capacity for such administrative functions. Technology access and requirements, data collection, and outcome design and reporting must be included as part of the cost of providing comprehensive core services.

We urge the legislature to consider a Justice Reinvestment proposal created with input of MACCAC, the Minnesota Association of County Probation Officers, and the Department of Corrections, as well as legislators, local elected officials, judges, county attorneys and public safety stakeholders including community organizations representing impacted individuals.

## **2022 MACCAC Policy Positions**

### **Systematic Criminal Justice Change**

As a part of the criminal justice system, it is crucial that our organization support and drive systematic change, rather than be complicit through silence. Policies and practices that disproportionately and negatively impact people of color must be addressed. Actions that have led to racial disparities and marginalization must be replaced with actions that truly value the human rights and individual potential of all.

The Minnesota Association of Community Corrections Act Counties actively supports criminal justice reform, including measures that bring transparency and equity to all facets of the system. Evidence based practices exist in each sector of the criminal justice system. Practices based on research and evidence demonstrate that positive outcomes are achieved by using methods that promote dignity, respect, and compassion for all. These practices improve public safety and must be implemented statewide. It is critical that as employers, public safety agencies have the tools necessary to enforce standards of conduct in a decisive and transparent manner that promotes public trust. And finally, methods should be established to ensure that public safety agencies afford community input and are accountable to the expectations established by the public they serve.

Racial equity is essential to a just society.

### **Community Corrections Act (CCA) Jurisdictions**

MACCAC supports the expansion of CCA counties with full and ongoing state funding. MACCAC supports the removal of systemic or statutory requirements that act as barriers to counties choosing the correctional delivery system that best meets their individual needs.

### **Structural Change in Distribution of Funds**

Community corrections funding should be allocated using an equitable and transparent model that considers the need of each county. Systematic change in community corrections funding mechanisms is necessary for Minnesota counties to be able to sustain current efforts to utilize proven evidence-based practices.

### **State Funding for New Legislation**

Policies and laws enacted by the state legislature must include adequate, ongoing state resources to support service delivery related to those policies.

### **Data Collection**

MACCAC supports the creation of consistent statewide standards for data collection through the current statewide probation database, CSTS, used by all probation delivery systems in Minnesota. Any changes to CSTS must go through the corrections user group governance process to ensure input from all users.

All probation providers should regularly collect and analyze data to identify existing disparities and create changes within their probation agencies to address and eradicate those disparities.

### **Mental Health Supports**

An increase in mental health services is necessary throughout the state, and particularly in rural Minnesota. A gap in services exists for individuals that exhibit high-risk behaviors due to mental health

conditions. An expansion in placement and program options is necessary to ensure that individuals are not incarcerated due to lack of mental health services.

### **Response to Violations of Supervision**

The response to violations of community supervision conditions must align with evidence-based practices and not used as an alternative to providing clients with treatment and services.

### **Restoration of Voting Rights**

MACCAC supports the restoration of voting rights for individuals who are not incarcerated in a state institution.

### **Pre-trial Assessments**

Pre-trial assessments must include uniform adherence to practice standards, be independently validated, and used consistently throughout all jurisdictions. Any tools known to have biases that create disparities must be discontinued.

### **Bail Reform**

Bail reform should not lead to needless community supervision or pre-trial monitoring that is inconsistent with the limited scope outlined in statute. Any approach to bail reform must balance equity with protecting the public.

### **Predatory Offender Registry Reform**

MACCAC supports legislation that takes a strong statewide approach to sex offender supervision by effectively monitoring overall behavior and activities of offenders using risk assessment and evidence-based practices that enhance public safety.

The predatory offender registry statutes are in need of revision to ensure that the original legislative intent is adhered to, while creating changes that address unintended consequences of the current system. Lifetime supervision of sex offenders should be reserved only for those individuals assessed as high risk to re-offend and the current requirement for juvenile sex offenders to register as predatory offenders must be modified. Additionally, evidence shows that residency restriction laws do nothing to address offender treatment or overall risk reduction, which are paramount to protecting public safety, and inhibit rehabilitation which is critical for ensuring that no further victimization occurs.

### **Statewide Assessment Tools**

MACCAC supports the advancement of statewide risk/needs/responsivity assessment tools that: are accurate as shown through local and external validation; promote fairness by addressing racial, ethnic, and gender disparities; are transparent and provide system stakeholders with information on tool development and validation; and are effectively communicated to clients using Risk-Needs Responsivity principles. Assessment tools must be implemented with sufficient guidance for agents to ensure that disparities are reduced.

### **The Minnesota Rehabilitation and Reinvestment Act**

MACCAC encourages the legislature to consider and discuss legislation that incentivizes programming for incarcerated individuals. It is much more likely that an individual will succeed in the community and be able to reduce contact with the criminal justice system if they receive programming in prison that transitions fluidly into community services and supervision.

It is time to focus on the types of initiatives proposed in the MRRRA, in addition to furthering the dialogue surrounding the future of prison and community supervision in Minnesota. Providing meaningful programming, interventions, and support for those transitioning out of prison should be a core component of Minnesota's criminal justice system.

## **Juvenile Supervision Policy Positions**

### **Juvenile Life without Parole**

MACCAC supports eliminating life without parole as a sentencing option for children. In June 2012 the Supreme Court of the United States ruled that juveniles convicted of murder cannot be subject to mandatory life imprisonment without the possibility of parole.

### **Juvenile Justice Reform**

Juvenile supervision in Minnesota has evolved in the last decade. Juveniles are supervised based on a validated risk/needs assessment which focuses on strengths of the youth and family. Juvenile reform should continue and focus on: eliminating racial and ethnic disparities, reducing collateral consequences facing justice-involved youth; and modifying the current requirement for juvenile sex offenders to register as predatory offenders.

### **Juvenile Mental Health**

MACCAC supports the expansion of programs that provide adequate and appropriate services for children that have both mental health needs and are involved in the criminal justice system. Youth over the age of ten with mental health conditions are at a high risk of involvement in the criminal justice system. Programs that provide early interventions by a multi-system collaborative team and provide youth with the services they need to keep them out of the juvenile justice system, such as crossover youth and dual status youth programs, should be provided as a partnership between the state and counties.

The state must invest in therapeutic placement programs to ensure that secure detention facilities are not the only placement option for juveniles due to lack of services. The gap in services for juveniles that exhibit high-risk behaviors due to mental health conditions is even larger than the gap that exists for adults. The criminal justice system is often used as a tool to connect juveniles with appropriate services when other methods do not work. It is imperative that the children of Minnesota are never in contact with the criminal justice system solely to treat mental or behavioral health issues that are more appropriately addressed elsewhere.

### **Juvenile Stays of Adjudication**

MACCAC supports the option of longer periods of stayed adjudication for juvenile offenders in order to allow greater assessment and treatment of juveniles before an adjudication decision is made. At a minimum, the initial stay should not include the same collateral sanctions as adjudication. Lengthened stays of adjudication will enhance public safety by increasing the amount of supervision to ensure responsivity to community-based education and treatment.

### **Juvenile Detention Standards**

MACCAC supports investments by the state in juvenile detention alternatives prior to changing juvenile detention policies. Changes to juvenile detention policies must include collaboration and input from stakeholders including MACCAC and other counties that run juvenile detention facilities. Juvenile practices should be trauma-informed and include a continuum of appropriate evidence-based responses such as graduated sanctions for high-risk behaviors. The safety and well-being of all children in facilities should be taken into consideration. Should a statewide risk assessment tool be adopted for juvenile detention, it should include uniform adherence to practice standards and independent validation to ensure that it will not create additional disparities in the criminal justice system.