

Specialized training requirements – sex offender supervision, intensive supervision, sentencing to service (sex offender supervision training mandated 1990)

Supervision of conditional release period for serious sex offenders (CSC 1 – 4) (5 or 10-year periods added to supervised release period) (mandated 1992)

Intensive Supervised Release (established by statute 1990)

Notification to schools on the outcome of disposition and review on school property offenses occurring on school property (mandated 1992)

Pre-sentence investigations (adults)

Violation reports

Restitution services

Family court notification of certain offenses (mandated 1990)

Notification to state of convictions for wide range of offenses by persons working in licensed facilities (mandated 1995)

Bail evaluations (mandated 1994)

Supervising Offenders in Minnesota

Facts and Solutions

Juvenile diversion (mandated 1994)

Adult diversion (mandated 1994)

Conditional pre-trial release supervision (mandated by Rules of Court since 1975)

Certification studies for serious juvenile offenses

Neighborhood impact statements in pre-sentence investigations (mandated 1985)

Extended Juvenile Jurisdiction offender category added. One face-to-face per week – age 21 (created by legislature 1993)

Sex offender assessments (mandated 1992)

Fingerprinting on adult interstate transfer clients (mandated 1992)

Transfer investigations

Domestic abuse assessments/investigations on domestic abuse cases mandated 1996; pre-sentence investigations has expanded almost annually since 1995. List of offenses expanded 1991.)

Alcohol monitoring of certain offenders during pre-trial release (mandated 1998)

Participation in community notification process for sex offenders (mandated in 1997)

Notification of victim services and rights

Paperwork to collect reimbursement for IV-E placements

DNA testing for sex offenders (mandated 1989)

Pre-disposition reports (juveniles)

Data system entry (data for statewide information systems)

Interagency pre-placement screening for juvenile out-of-home placement

36-hour hearings on probation violations

Notification to state if sex offender is bus driver (mandated 1985)

Sentencing Guidelines worksheets (mandated 1980)

Victim impact statements in pre-sentence investigations (mandated 1984)

Chemical assessments and determination of whether alcohol/drugs contributed to offense (mandated 1991)

March, 2002

Compulsive gambling assessments in pre-sentence investigations (mandated 1991)

Prison pre-release investigations

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This information will be made available in alternative format upon request.
The report can be viewed at the above website address.

Cover depicts a partial listing of mandated probation and supervised release services.

Introduction

This document was created by the Minnesota Department of Corrections (DOC) and Community Services Advisory Committee (CSAC) to call attention to the state of affairs in the field of probation and supervised release and to solicit solutions to current concerns and lost opportunities. The CSAC is made up of correctional professionals across the three field services delivery systems. It exists to advise the DOC on policies and collaborate within the field to promote effective practices.

The motivation for this document is straightforward:

While Minnesota has historically been a national leader in effective correctional practice, its ability to implement research-validated practices is being stifled by current caseloads. The field is unable to move forward on a substantive basis or consistently improve its ability to promote public safety and victim involvement as well as restoration of the victim and community.

The goal of this educational effort is to engage partners and policy-makers in a discussion on how to free up correctional practitioner's time so that the enhanced knowledge on effective practices can be more thoroughly and broadly implemented.

A concern about this discussion remains. The CSAC is not proposing an increase in the number and type of offenders committed to prison. On the other end of the continuum, early preventive intervention for higher-risk individuals is always the preferred course of action. Further, the field is not proposing that low-offense severity offenders be denied probation services if those offenders possess a higher risk/need profile. Both policy practices (careful and targeted imprisonment and early intervention for the higher risk/need individuals) are in the best interest of public safety, prevention of future crime, and cost-effectiveness. We remain convinced, however, that not all of the 126,000 individuals currently on some form of supervision need probation services. This discussion calls for balance and creative alternatives. It took decades for Minnesota to grow into the current dilemma, and the strategies will need to be long-term and varied. Strategies of action or non-action are likely to fall in one of three categories: additional funding, lower probation referral rates, or higher caseloads per officer.

The CSAC is calling for a dialogue toward implementing a variety of solutions to this problem, one of which might be referred to as “probation contraction” – using alternative forms of sentencing for cases that traditionally receive probation. The message as set forth in this document should not be interpreted as a forfeiture of the search for new resources. Clearly, additional funding will be necessary given how far the probation field is from proper staffing levels. However, funding is only part of the solution. To fully address the gap between existing resources and demands will require a multi-varied response. Since corrections relies heavily on its criminal justice and community partners, any solution requires joint problem-solving. As corrections professionals, we look forward to the outcomes that can be achieved as a result of this discussion and thank our partners for their willingness to engage in policy dialogue.

Fact

We know what works in reducing crime.

Hundreds of studies have been conducted on what works in reducing re-offense. The figure and chart below show some of the more well-known conclusions. To be effective, probation officers need time to assess offender risk and need, refer offenders to the most appropriate programs, collaborate with partners, deliver targeted services, provide appropriate levels of monitoring, and be prepared to support service providers in a timely manner.



What Works, What Doesn't, What's Promising for At-Risk Population

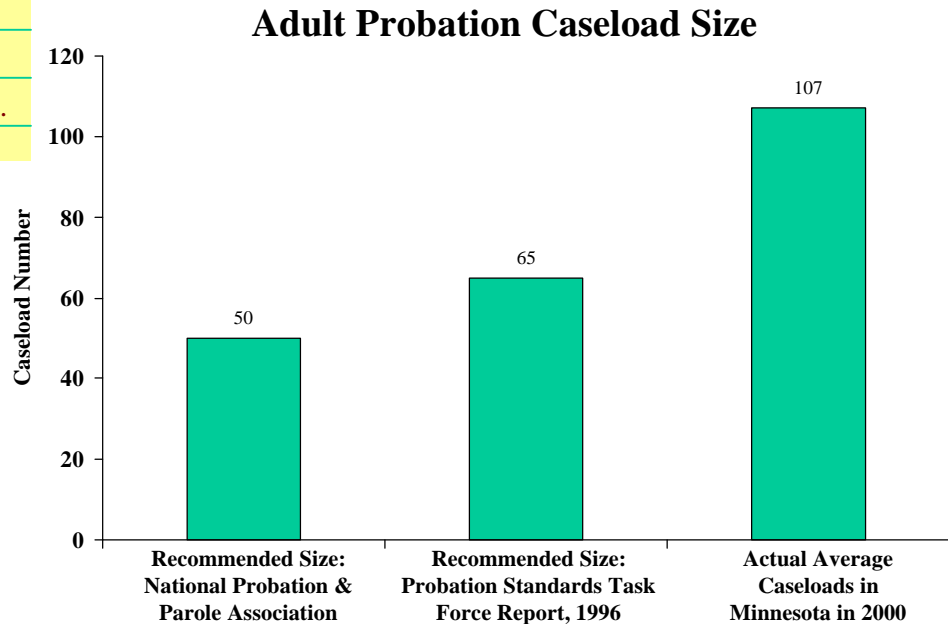
What Doesn't Work	What's Promising	What Works
Shock probation and "scared straight" program	Community policing	Home visits by nurses to infants aged 0-2
Peer mediation	Restorative justice	Monitoring/incarcerating high-risk offenders
Self-esteem building	Community-based mentoring	Drug treatment
DARE drug prevention education	Drug courts	Extra police in high-crime areas
Drug supply crackdown	Zero tolerance of public disorder	Cognitive/behavioral intervention

Coleman, Stephen, 1999. "Review of Criminal Justice Projects and Programs."

Fact

Minnesota falls short of best practices due to excessively high caseloads and multiple mandates/responsibilities.

Minnesota's supervision caseloads exceed recommended practices by a wide margin. In most counties, high-risk offenders receive too little direct, face-to-face contact time per month. If Minnesota wants to implement effective, research-validated practices, this must change.



Note: Since risk levels and corresponding duties vary considerably, workload is a better measure. It can also take into account other duties (such as court reports, etc.). Since no common workload measure is available, caseloads are used to monitor work levels.

Fact

Corrections has implemented creative solutions to reduce caseloads.

High caseloads and lack of sufficient resources have forced jurisdictions to be creative and efficient. The chart below shows examples of some cost-efficient means by which Minnesota has coped with managing high numbers with limited staff. Unfortunately, future solutions will likely require different answers than doing more with the same or less.

Implemented Solutions to Address Probation Crowding

Examples in Minnesota jurisdictions:

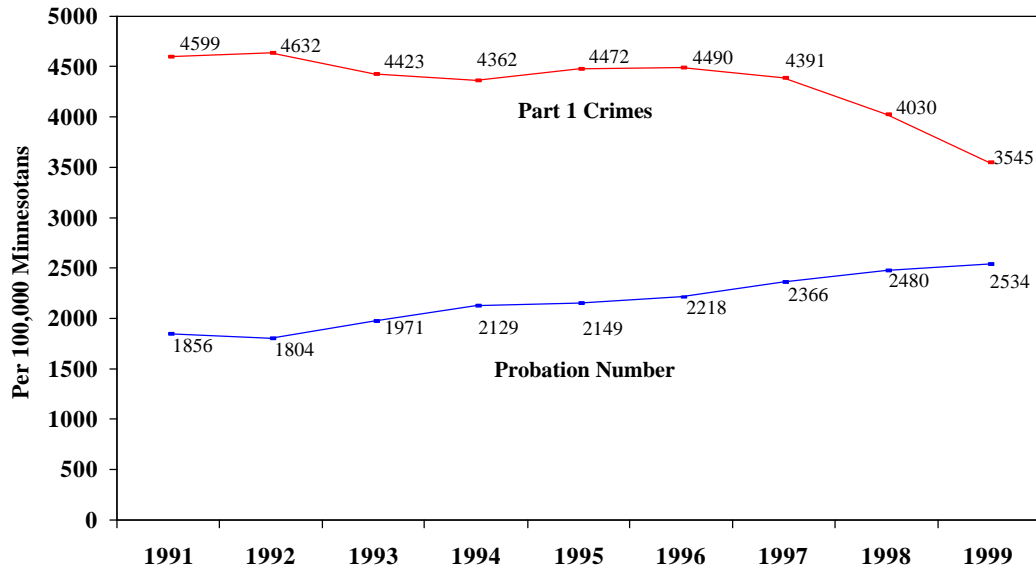
- Group probation reporting centers
- Administrative probation
- Automated kiosks
- Phone-monitoring devices
- Diversion
- Contracted services
- Sole sanctions
- Day-reporting centers

Fact

Crime is down, but probation is up to a crisis point.

Despite the fact that crime in Minnesota is decreasing, the number of offenders under supervision continues to rise. The use of probation and supervised release is only partly linked to crime rates. Most of the increases are due to policy and legislative changes.

Crime Rate and Probation Caseloads

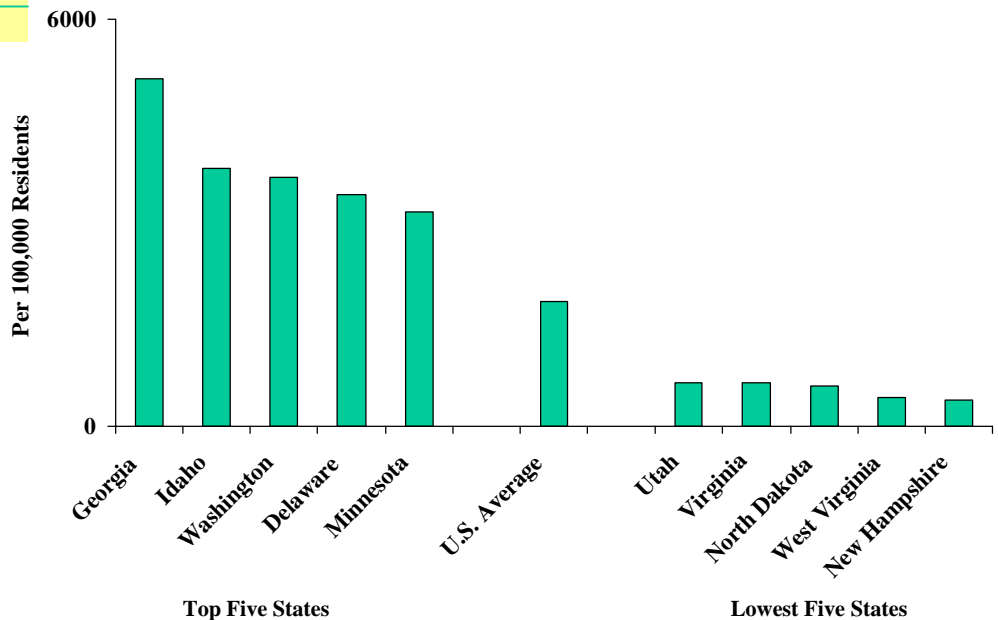


Fact

Minnesota uses probation disproportionately compared to other states.

Minnesota courts use probation supervision at a rate over 70 percent higher than the national average on a per capita basis. Out of the 50 states, Minnesota is the fifth-highest user.

Probationers: Year 2000

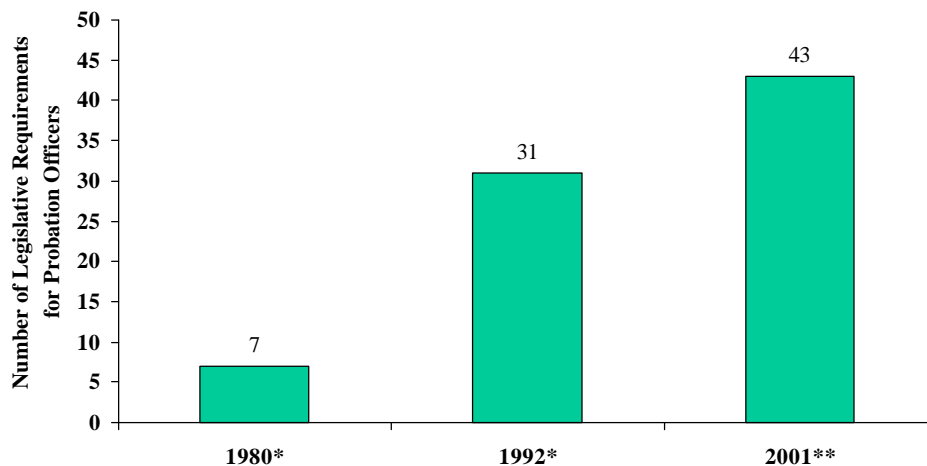


Fact

Legislative mandates have exacerbated the crisis in probation.

Increased legislative attention to crime issues has resulted in added responsibilities (e.g., pre-sentence investigations, gambling assessments, victim notification), new crime categories, and enhanced penalties. While most of these changes have benefited public safety, they have increased the length of time offenders are under supervision and the non-direct offender contact time officers spend on other duties.

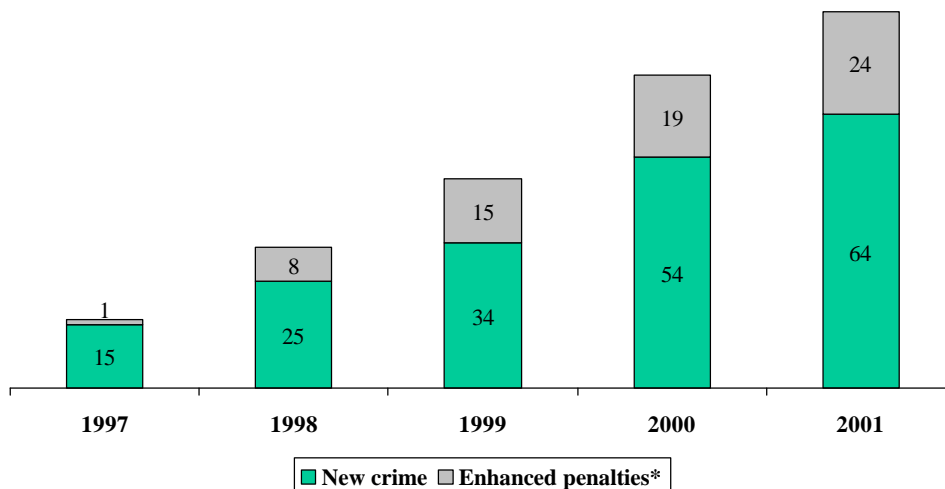
Legislatively-Mandated Probation and Supervised Release Responsibilities



*Source: 1993 Probation Standards Task Force Report.

** Source: Ramsey County Community Corrections: A report on unfunded and under funded mandates, cost containment measures, and growth in probation responsibilities, June 2001.

New and Enhanced Crimes and Penalties Created by Legislation (Cumulative)



Source: Minnesota Sentencing Guidelines Commission.

* Does not include misdemeanor and gross misdemeanor enhanced penalties.

Fact

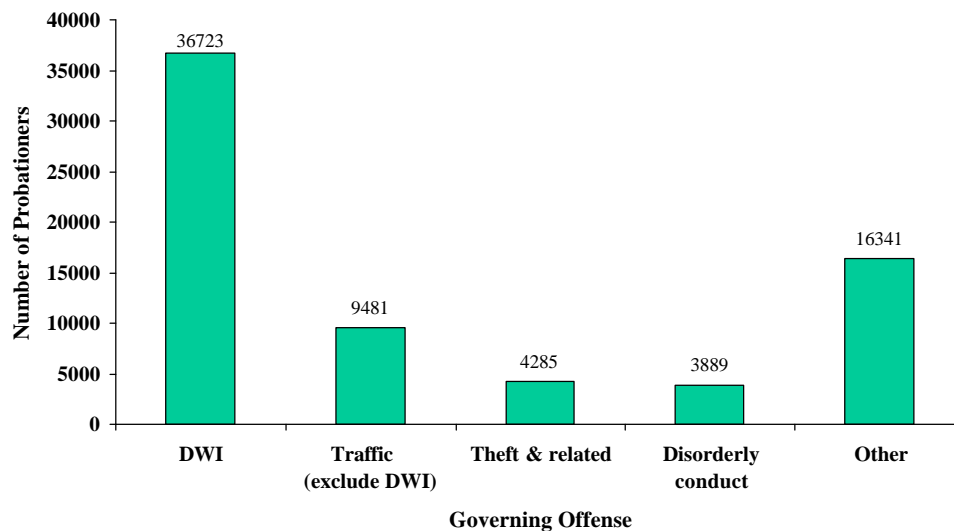
Lower-risk cases are choking probation's ability to supervise higher-risk offenders.

Higher-risk offenders, regardless of offense level, must be placed under supervision for lengthy periods of time. However, a large number of lower-risk offenders are placed under supervision. While these offenders are usually placed on low-intensity supervision plans, each case consumes time that could otherwise be devoted to higher-risk offenders. Below are categories of offenders who were under supervision on December 31, 1999. Many lower-level offenders (i.e., those convicted of misdemeanors and gross misdemeanors) may be at high risk to reoffend. These individuals can benefit from probation supervision. Some of them, however, along with some felons, are actually at low risk to reoffend and can be held accountable without the use of probation. Risk/need tools such as the Level of Service Inventory-Revised (LSI-R) and the Youth Level of Service Inventory (YLSI) can pinpoint risk level and comparative supervision needs.

Total Number of Adult Probationers by Offense Type on 12/31/99

Felony	Gross Misdemeanor	Misdemeanor	Total
33,896	26,797	43,922	104,615

Examples of Active Adult Misdemeanor/Gross Misdemeanor Cases That Might Have Been Diverted From Probation Supervision 12/31/99



Fact

Despite positive changes in the field, the gap between current practice in Minnesota and best practice is widening.

Minnesota has long been seen as a national leader in correctional practices. However, other states have implemented practices that are effective at restoring crime victims, maintaining public safety, and improving offender competencies which show promise for implementation throughout Minnesota. Below are examples of some of these practices.



Georgia: Implemented results-based supervision. Also created policies to reduce returns to prison due to revocation.



Massachusetts: Known for models around police/probation and faith-based partnerships.



Texas: Provides state-of-the-art practices around dual diagnosis and mental health treatment.



Arizona: Outstanding models of beat probation and neighborhood centers.



Colorado: Known for implementing the most thorough cognitive behavioral programming.



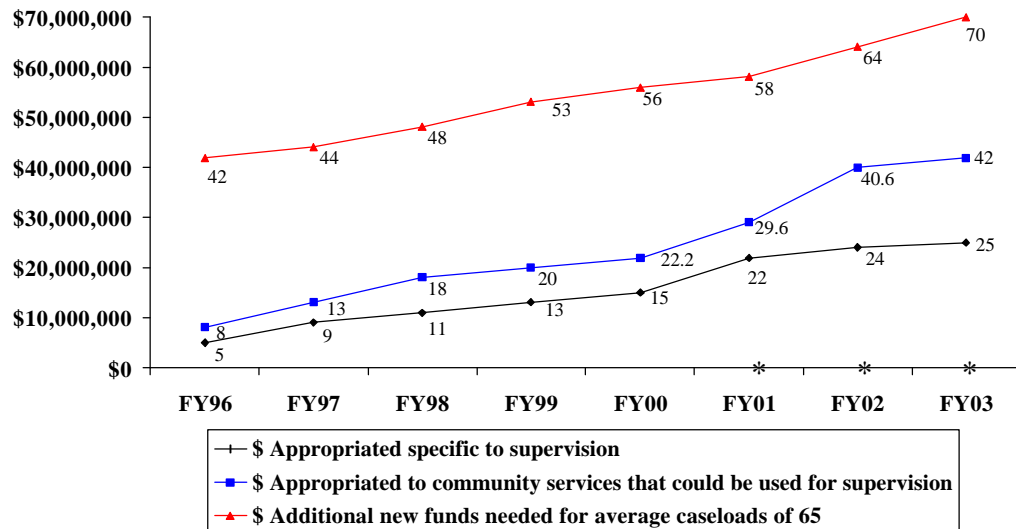
Rhode Island: Provides culturally-responsive interventions.

Fact

Minnesota will not be able to spend its way out of its predicament.

The State of Minnesota and individual counties have contributed significant resources to address probation crowding. Despite these resource increases, the same level of need exists today as was the case in 1994 when the legislatively-created Probation Standards Task Force completed its analysis. It seems clear that the solution will require more than just new funds.

Increased State Funding for Supervision

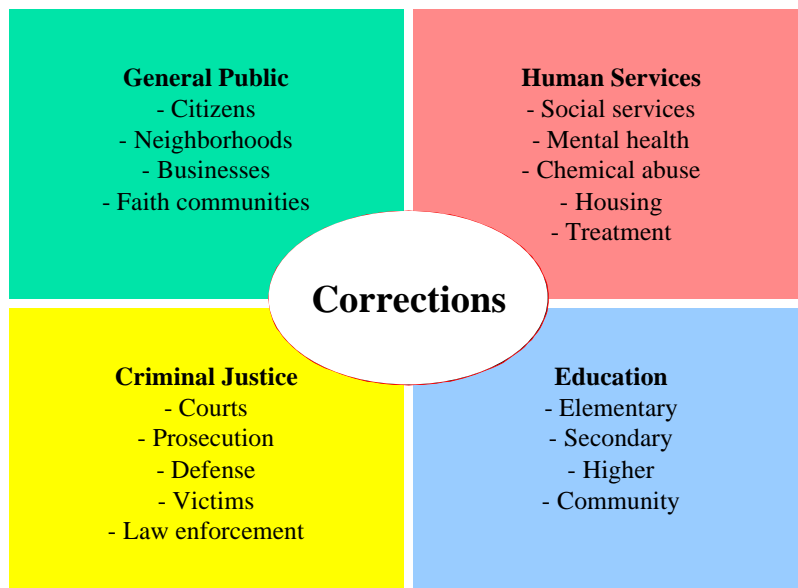


Fact

Solutions will require system-wide and public help.

In addition to funding, other solutions that involve probation's justice system partners, human service agencies, and the general public will need to be employed if public safety goals are to be achieved.

Correctional Partners



Fact

You can help ensure
Minnesota's place as a
national leader in
corrections.

You can help address public safety concerns that have arisen due to probation crowding conditions. In particular, the following activities could help:

If you are a judge:

- * You can start a dialogue with your local probation department.
- * You can review the types of reports you request to see if they can be shortened, eliminated, or submitted less often.
- * You can use alternative sentencing.

If you are a county commissioner or legislator:

- * You can become familiar with research-validated practices.
- * You can fund those services that are known to produce desired outcomes.
- * You can move targeted funding streams into base, flexible accounts.
- * You can remove unnecessary mandates.

If you are a volunteer or advisory board member:

- * You can ask the hard questions about practices and resources.
- * You can examine how resources are deployed.
- * You can examine what activities can be curtailed.
- * You can become familiar with research-validated practices.
- * You can make recommendations on how to address probation crowding conditions.

If you are a citizen:

- * You can volunteer your time toward direct service or policy development.
- * You can become involved in restorative justice activities.
- * You can work with your local justice system to determine needs and help communicate those needs to the community and legislature.