



# Justice Reinvestment in Minnesota

Report to the Governor as Required by Executive Order 21-34

February  
2022

## Gubernatorial Charge

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Executive Order 21-34 requires the Council on Justice Reinvestment, in collaboration with The Council of State Governments (CSG) Justice Center and the legislatively established Delivery System Working Group, to prepare a report to the governor on or before February 1, 2022. The report must provide recommendations based on the findings from the Justice Reinvestment process.

# 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> They can opt to administer all correctional field services according to the Minnesota Community Corrections Act (CCA); supervise adults charged with 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.<sup>5</sup> 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.<sup>6</sup> The state's proportion of general funds spent on corrections is the lowest in the United States,<sup>7</sup> making the efficient use of these funds important. As budgets have increased over time, and complex funding structures have evolved,<sup>8</sup> 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 Governor’s Council on Justice Reinvestment—a bipartisan, interbranch committee created through Executive Order 21-34—and the Delivery System Standards and Funding Policy Working Group—a committee established in HF 63 to update the state’s supervision funding formula—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.

## 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, hear public testimony, and discuss system challenges and policies initially developed through the Delivery System Standards and Funding Policy Working Group.

### Co-Chairs

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

### 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

## 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

## 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.<sup>9</sup> In 2019, of the nearly 122,000 people under correctional control in Minnesota, 87 percent were on community supervision.<sup>10</sup> There is wide variation in supervision practices and outcomes by county and agency. Often, people on supervision are navigating multiple systems at once, which not only 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.<sup>11</sup> 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.<sup>12</sup> Counties contribute significantly to the overall cost of supervision.<sup>13</sup>
3. **Prison admissions are driven by revocations from supervised release and probation.** More than 60 percent of prison admissions are due to supervision failures. Many of these people cycle through prison quickly, meaning that on most days, about 25 percent of the standing population was admitted for a supervision violation,<sup>14</sup> costing the state more than \$77 million annually.<sup>15</sup>
4. **Black and Native American people are overrepresented in Minnesota's criminal justice system.** The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White people on felony probation. For Native Americans, this rate was more than nine times higher than for White people.<sup>16</sup> Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.<sup>17</sup>

**Recommendations.** The recommendations here are designed to explore ways to ensure that the Minnesota supervision system is effective, equitable, and adequately resourced.

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.

# Recommendations and Key Findings

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## Recommendation 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.<sup>18</sup>
- 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.<sup>19</sup>
- In 2019, state subsidies comprised 20 percent of total (county and state) expenditures for supervision. Minnesota county expenditures for public safety in 2019 were 16.6 percent of all county expenditures.<sup>20</sup>
- The state grant/subsidy funding mechanisms are different for each system and result in inequitable state investments in effective supervision practices. This also means the state may not be supporting effective services at similar levels across systems.
- Per diem expenditures for CCA agencies range from \$3 to \$13 per person under supervision. Some counties contribute more than 80 percent of their CCA agency’s budget, while 3 counties contribute less than half.<sup>21</sup>
- 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.<sup>22</sup>
  - 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.<sup>23</sup>
  - 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.<sup>24</sup>
  - 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.”

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## Recommendation 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.<sup>25</sup> When comparing people who start on felony probation in two systems in Minnesota, in one system people on supervision are 2.5 times more likely to be incarcerated within three years, 1.5 times more likely to be convicted of a felony within three years, and 1.2 times more likely to start a new probation term within three years.<sup>26</sup>
- Community supervision agencies operate evidence-based assessment, case planning, case management, and discharge planning practices, but the implementation of these practices is inconsistent across the state. Similarly, there are inconsistent definitions of terms within and across the delivery systems, like what administrative supervision involves.<sup>27</sup>
- Between 2018 and 2020, Level of Service/Case Management Inventory (LS/CMI) assessments were completed for 70 percent of people on felony probation. For people on gross misdemeanor or misdemeanor, LS/CMI assessments were completed for 32 and 18 percent of the population, respectively.<sup>28</sup> There is no use of formalized case plans that flow from assessment results.<sup>29</sup>
- 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, 5,048 had more than one supervising agency, and 2,399 had to navigate more than one delivery system.<sup>30</sup>

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## Recommendation 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.<sup>31</sup>
- People on felony probation fail at higher rates than those on probation for gross misdemeanor and misdemeanor offenses.<sup>32</sup>
- More than 60 percent of prison admissions are due to supervision failures. Many of these people cycle through prison quickly, meaning that on most days, about 25 percent of the standing population was admitted for a supervision violation,<sup>33</sup> costing the state more than \$77 million annually.<sup>34</sup> Minnesota needs effective statewide strategies to reduce technical violations and other supervision failures in order to increase supervision successes.

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#### Recommendation 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.<sup>35</sup>
- Between 2015 and 2019, more than 75 percent of people convicted of felony offenses were sentenced to probation.<sup>36</sup>
- All three delivery systems have agents who are trained in motivational interviewing and cognitive programming, including the Carey Guides, Decision Points, and others.<sup>37</sup>
- There is very limited ongoing coaching or quality control in any of the systems.<sup>38</sup>

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#### Recommendation 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.<sup>39</sup>
- The rate of Black adults on felony probation in 2019 was nearly five times higher than the rate of White adults on felony probation. For Native Americans, this rate was more than nine times higher than for White people.<sup>40</sup>
- Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.<sup>41</sup> Native American people on felony probation were 1.4 times more likely to be reconvicted of a felony within 3 years of starting probation. Native American people on misdemeanor probation were 1.5 times more likely to have a new probation term within 3 years.<sup>42</sup>
- Native American and Black people on supervised release (SR) are reincarcerated more often than people of other races. Compared to White people, Native American people on standard SR were 1.5 times more likely to be incarcerated within one year of starting SR and when on intensive SR, were 1.3 times more likely to be incarcerated within one year. Black people on standard SR were 1.2 times more likely than White people to be incarcerated within one year and when on intensive SR, were 1.1 times more likely to be incarcerated within one year.<sup>43</sup>
- The racial makeup of the delivery systems differs, and supervision officers may need different cultural competencies to deliver appropriate services. Black people make up 21 percent of the CCA population and 5 percent of both the DOC and CPO populations. Native American people make up 4 percent of the CCA population and 9 percent of the DOC population and 5 percent of the CPO population.<sup>44</sup>



- There isn't a current plan in place affording tribal governments the ability to determine which supervision system works best to supervise people on probation or post-release supervision, just like counties.<sup>45</sup>
- 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.<sup>46</sup>
- Structure that improves consistency in decision-making and policy implementation by supporting the use of discretion can help decrease racial disparities at key points in the justice system, including probation.<sup>47</sup>

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### Recommendation 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 driving while intoxicated (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.<sup>48</sup>
- LS/CMI assessments in Minnesota indicate that nearly half of people assessed have high or very high substance use disorder needs.<sup>49</sup> Financial problems, family violence, homelessness, and mental illness are other common issues identified by LS/CMI assessments for people on probation.<sup>50</sup>
- There is no requirement for gender-specific or culturally specific training or program provision. Many community providers do not offer culturally informed, trauma-informed or gender-informed programming.<sup>51</sup>
- Minnesota continues to struggle with a behavioral health workforce shortage, and access to mental health and chemical dependency treatment services varies across the state.<sup>52</sup>
- Minnesota is currently engaged in a number of statewide initiatives to address community resource issues, including provider shortages, workforce diversity, and affordable housing. However, these initiatives do not always include collaboration with the appropriate criminal justice system partners to support the intentional integration of the justice-involved population.

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### Recommendation 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 jail or DOC. Little information is available regarding movement while people are on or have transferred off supervision.<sup>53</sup>

- Only 7 percent of cases in Minnesota include a restitution order for pecuniary damages to a victim, and the average amount of restitution owed across all cases is \$2,098.
- After 3 years, 67 percent of restitution owed is paid and satisfied.<sup>54</sup>

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## Recommendation 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.<sup>55</sup>
- Some, but not all, of the data collected in local CSTS systems are uploaded to the Statewide Supervision System (S<sup>3</sup>). Even though these data are aggregated in a statewide system, the differences in data collection and definitions limit the ability to deliver consistent and accurate measurements and comparisons of agencies and delivery systems.<sup>56</sup>
- There are limited feedback loops to help agents and supervisors improve their day-to-day work. Additionally, data related to recidivism and other outcomes are not consistently available to agency leadership.<sup>57</sup>

## Looking Ahead

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 that support each of these recommendations. The Council will continue to take public testimony from community members and people involved in the criminal justice system. By the end of February, the Council will submit an addendum to this report with additional recommendations for legislative action, ensuring that Minnesota’s supervision system is effective, equitable, and adequately resourced.

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<sup>1</sup> 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](https://mn.gov/sentencing-guidelines/assets/2021MinnSentencingGuidelinesCommReportLegislature_tcm30-463260.pdf).

<sup>2</sup> Minnesota Department of Corrections, Probation Survey, 2020. United States Census Bureau, 2020 Decennial Census,

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accessed January 11, 2022, <https://data.census.gov>.

<sup>3</sup> Minnesota Department of Corrections, Probation Survey, 2019.

<sup>4</sup> "Community Corrections Funding in Minnesota" (PowerPoint presentation, National Conference of State Legislatures, October 2014).

<sup>5</sup> "About MACCAC," Minnesota Association of Community Corrections Act Counties – MACCAC, accessed March 27, 2020, <http://www.maccac.org>.

<sup>6</sup> "Current Estimates of State Budget," Minnesota Management and Budget, accessed February 15, 2021, <https://mn.gov/mmb/budget/state-budget-overview/current-estimates/>.

<sup>7</sup> 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](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf).

<sup>8</sup> SF 878, 89th Senate Reg. Sess. (MN 2015) (the most recent amendment to the Community Corrections Act formula).

<sup>9</sup> Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States*, 2019, (Washington, DC: Bureau of Justice Statistics, 2021).

<sup>10</sup> 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.

<sup>11</sup> 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](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf).

<sup>12</sup> "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, 92<sup>nd</sup> Legislature, 1<sup>st</sup> Special Session, (Minnesota 2021); Minnesota Department of Corrections, *Fact Sheet: Correctional Delivery Systems* (St. Paul, Minnesota: Minnesota Department of Corrections, July 2021).

<sup>13</sup> 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](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](https://www.senate.mn/departments/fiscalpol/tracking/2019/JUD_Judiciary%20Conference%20Final.pdf).

<sup>14</sup> Email from DOC Commissioner to CSG Justice Center staff, December 7, 2021.

<sup>15</sup> 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.

<sup>16</sup> Minnesota Department of Corrections, Probation Survey, "Explore Census Data," United States Census Bureau, accessed March 8, 2021, <https://data.census.gov>.

<sup>17</sup> 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>.

<sup>18</sup> State Spending by Function as a Percent of Total State Expenditures, Fiscal Year 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](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf).

<sup>19</sup> "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, 92<sup>nd</sup> Legislature, 1<sup>st</sup> 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).

<sup>20</sup> Office of the State Auditor, "Minnesota County Finances 2019 Revenues, Expenditures, and Debt," [https://www.osa.state.mn.us/media/lijbetvz/county\\_19\\_report.pdf](https://www.osa.state.mn.us/media/lijbetvz/county_19_report.pdf); Judiciary and Public Safety Budget, Laws 2019 Chapter 5, SF8,

[https://www.senate.mn/departments/fiscalpol/tracking/2019/JUD\\_Judiciary%20Conference%20Final.pdf](https://www.senate.mn/departments/fiscalpol/tracking/2019/JUD_Judiciary%20Conference%20Final.pdf).

<sup>21</sup> CCA Agency Comprehensive Plan Budgets, 2020–2021; Minnesota Probation Survey, 2020.

<sup>22</sup> 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.

<sup>23</sup> Interview and emails with Carey Green, Director of the Community Justice Assistance Division, Texas Department of Criminal Justice, August 2021.

<sup>24</sup> Interview and emails with Marie McNeal, Community Corrections Director, Kansas Department of Corrections, August 2021.

<sup>25</sup> CSG Justice Center analysis of MN DOC probation data.

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- <sup>26</sup> 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.
- <sup>27</sup> CSG Justice Center assessment of Minnesota’s supervision system.
- <sup>28</sup> CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020. The alternative assessments used by these agencies are not included in these numbers.
- <sup>29</sup> CSG Justice Center assessment of Minnesota’s supervision system.
- <sup>30</sup> CSG Justice Center analysis of MN DOC probation data with terms starting between Jan. 2018 and June 2020.
- <sup>31</sup> CSG Justice Center analysis of MN DOC supervised release data.
- <sup>32</sup> CSG Justice Center analysis of MN DOC probation data with terms starting between July 2015 and June 2020.
- <sup>33</sup> Email from DOC Commissioner to CSG Justice Center staff, December 7, 2021.
- <sup>34</sup> 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.
- <sup>35</sup> Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, PhD, *Correctional Populations in the United States, 2019*, (Washington, DC: Bureau of Justice Statistics, 2021).
- <sup>36</sup> CSG Justice Center analysis of Minnesota Sentencing Guidelines Commission data.
- <sup>37</sup> CSG Justice Center assessment of Minnesota’s supervision system.
- <sup>38</sup> Ibid.
- <sup>39</sup> 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; U.S. Census Bureau, *American Community Survey, 2019*.
- <sup>40</sup> Minnesota Department of Corrections, Probation Survey, “Explore Census Data,” U.S. Census Bureau, accessed March 8, 2021, <https://data.census.gov>.
- <sup>41</sup> 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>.
- <sup>42</sup> 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.
- <sup>43</sup> 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.
- <sup>44</sup> CSG Justice Center analysis of MN DOC probation data with terms starting between Jan. 2018 and June 2020.
- <sup>45</sup> HF 63 accessed Sept. 25, 2021, at [http://wdoc.house.leg.state.mn.us/leg/LS92/1\\_2021/HF0063.2.pdf](http://wdoc.house.leg.state.mn.us/leg/LS92/1_2021/HF0063.2.pdf).
- <sup>46</sup> CSG Justice Center assessment of Minnesota’s supervision system.
- <sup>47</sup> Marc Mauer and Nazgol Ghandnoosh, *Incorporating Racial Equity into Criminal Justice Reform* (Washington, DC: The Sentencing Project, 2014).
- <sup>48</sup> CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.
- <sup>49</sup> Ibid. Only includes clients with completed LS/CMIs during probation term.
- <sup>50</sup> Ibid. Only includes clients with completed LS/CMIs during probation term.
- <sup>51</sup> Ibid.
- <sup>52</sup> CSG Justice Center assessment of discussion at the Minnesota Behavioral Health Summit, January 11–12, 2022.
- <sup>53</sup> “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>.
- <sup>54</sup> “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>.
- <sup>55</sup> CSG Justice Center assessment of Minnesota’s supervision system.
- <sup>56</sup> Ibid.
- <sup>57</sup> Ibid.