

# Supervision in Minnesota

grace beil call  
The Council of State  
Governments (CSG) Justice  
Center  
[gcall@csg.org](mailto:gcall@csg.org)

**HF 63 charges this working group to “describe how the state and counties can achieve an effective supervision system together, balancing local control with state support and collaboration.”**

**1. A proposal for sustainable funding**

of the state's community supervision delivery systems

- recommended funding model and the associated costs
- alternative funding and delivery models
- mechanisms to ensure balanced application of increases in the cost of community supervision services

**2. Definition of core standards**

in accordance with the state's obligation to fund or provide supervision services that are

- geographically equitable
- reflect modern correctional practice

**3. A plan for tribal government**

**supervision** of people on probation or post-release

**State and local stakeholders are participating in several engagement activities.**

### **Data Analysis**

Exploring sentencing, prison, probation, and supervised release data from MN Sentencing Guidelines Commission and MN Department of Corrections (S<sup>3</sup>)

### **Stakeholder Engagement**

Managing process and communications, ensuring inclusion of voices

### **Supervision Assessment**

Interviewing staff and people on probation from 4–5 agencies from each delivery system (13 total)

### **Policy and Funding Assessment**

Focusing on statutes, judicial policy, budgets, appropriations

## Staff from the CSG Justice Center are assessing Minnesota's supervision system.

Counties were selected to reflect the diversity of the state.

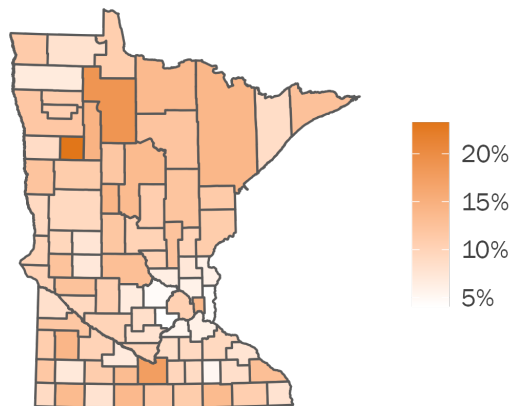
- 4–5 agencies from each delivery system—13 total
- Counties both large and small, by geography and population

CPO Assessment	Completed
Grant	✓
Itasca	✓
Mower	✓
Wright	✓
CCA Assessment	Completed
DFO	✓
Arrowhead Regional	✓
Morrison	✓
Hennepin	✓
Sherburne	✓
DOC Assessment	Completed
Beltrami	✓
Carver	✓
Clay	✓
Wright	✓

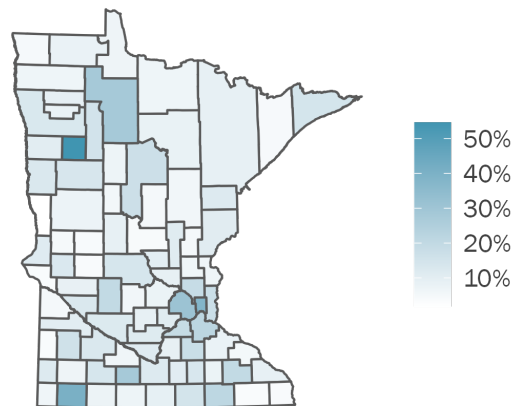
# The goal is consistent, quality supervision across counties that are extremely different.

*What is the fairest and most effective approach to funding and setting policy for supervision that addresses this reality?*

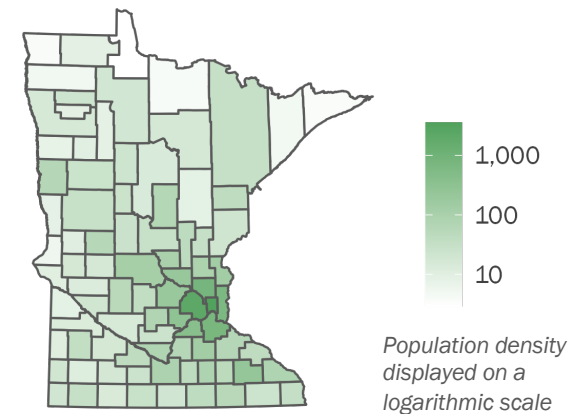
**Poverty**



**BIPOC**



**People per Sq. Mile**



US Census Bureau, American Community Survey 2015–2019 5-Year Estimates, Table C17002, B03002, and B15002.

# The Delivery System Working Group established in HF 63 and composed largely of local practitioners.

DOC	<b>Paul Schnell</b> DOC Commissioner	<b>Chris Dodge</b> Chief Financial Officer, DOC	<b>Safia Khan</b> Director of Government & External Relations, DOC	<b>Curtis Shanklin</b> Deputy Commissioner, DOC	<b>Al Godfrey</b> Field Services Director, DOC	<b>Dayna Burmeister</b> Manager Southern Region, DOC
CCA	<b>Catherine Johnson</b> Hennepin County Community Corrections Director	<b>Midge Christianson</b> Region 6W Community Corrections Director	<b>Nicole Kern</b> Morrison County Community Corrections Director	<b>Tami Jo Lieberg</b> Kandiyohi County Community Corrections Director	<b>Dylan Warkentin</b> Anoka County Community Corrections Director	<b>Carli Stark</b> AMC Public Safety Policy Analyst, MACCAC Executive Director
CPO	<b>Jason Anderson</b> Itasca County Probation Director	<b>Terry Fawcett</b> Pine County Probation Director	<b>Mike MacMillian</b> Wright County Probation Director	<b>Stephen King</b> Mower County Probation Director	<b>Jim Schneider</b> Cass County Probation Director	<b>Les Schultz</b> Brown County Probation Director
County Comm'r	<b>Jack Swanson</b> Roseau County Commissioner	<b>Jeff Lunde</b> Hennepin County Commissioner	<b>Kurt Mortenson</b> Otter Tail County Commissioner	<b>Barb Weckman Brekke</b> Scott County Commissioner	<b>Ron Antony</b> Yellow Medicine County Commissioner	
Courts Tribes	<b>Jeff Shorba</b> State Court Administrator	<b>Janet Marshall</b> Inter-Governmental Liaison	<b>Kristen Trebil</b> Court Services Director	<b>Kenneth Washington</b> Chief, Leech Lake Tribal Police		
Victims BH	<b>Kate Weeks</b> Office of Justice Programs	<b>Bobbi Holtberg</b> Minnesota Alliance on Crime Executive Director	<b>Nicole Matthews</b> Minnesota Indian Women's Sexual Assault Coalition	<b>Sue Abderholden</b> NAMI Executive Director	<b>Clinton Alexander</b> Director of Behavioral Health White Earth Reservation	

## The Governor's Council on Justice Reinvestment, established through Executive Order, will oversee the process and work in tandem.

Person in the Criminal Justice System	Senator	Senator	House Member	House Member
DOC Commissioner	MACCAC President	CPO President	MN County Attorneys Association Representative	MN Sentencing Guidelines Commission Representative
Association of Minnesota Counties Representative	Civil Rights Representative	MN Sheriffs Association Representative	Tribal Government Representative	Designee of the Chief Justice

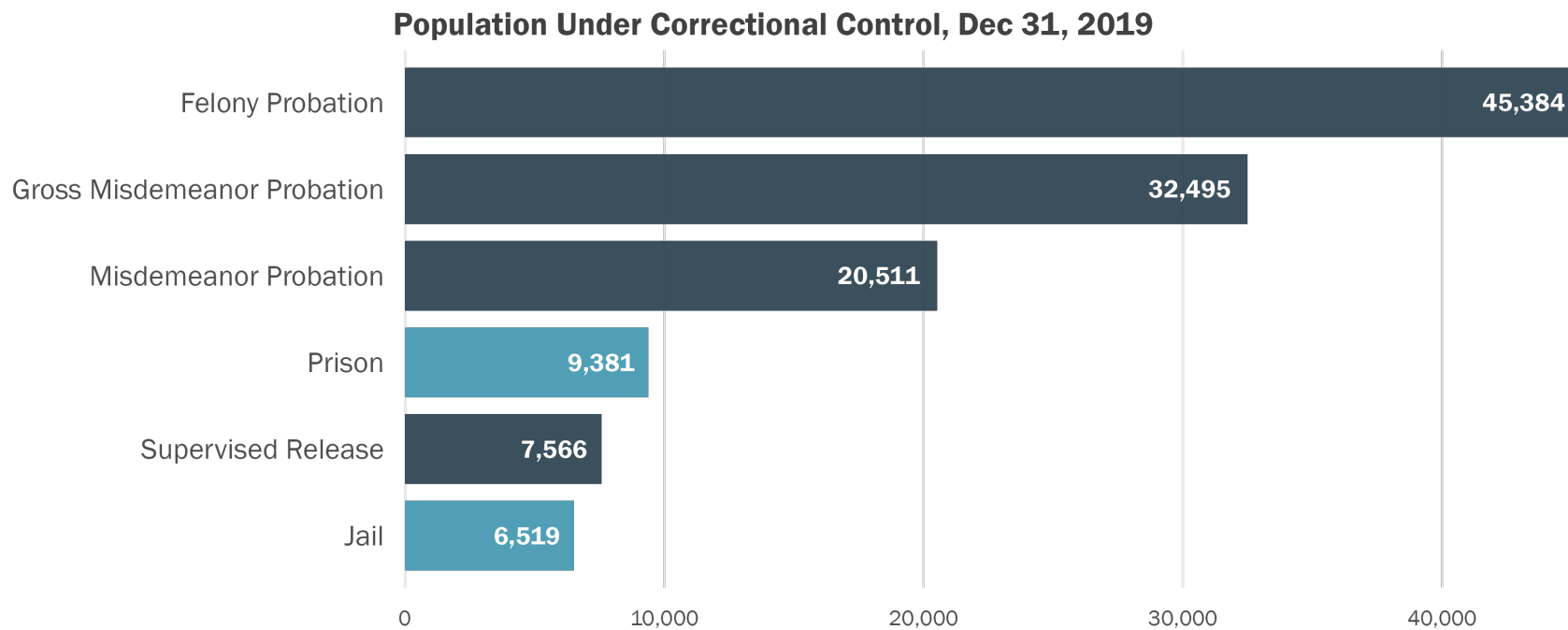
# Minnesota's rate of people under correctional control is 11th highest among states.



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

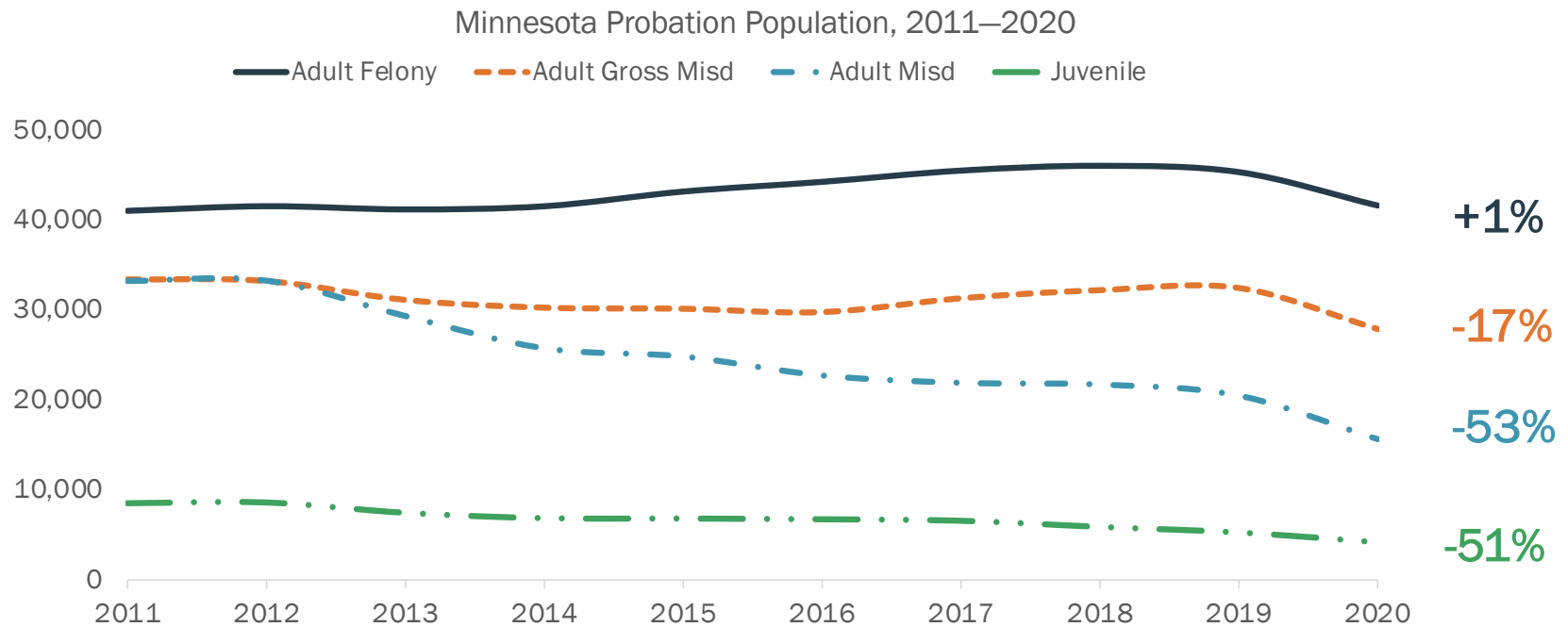


## Minnesota's correctional populations are concentrated in the community, not in prison or jail; this sentencing system demands high-quality supervision.



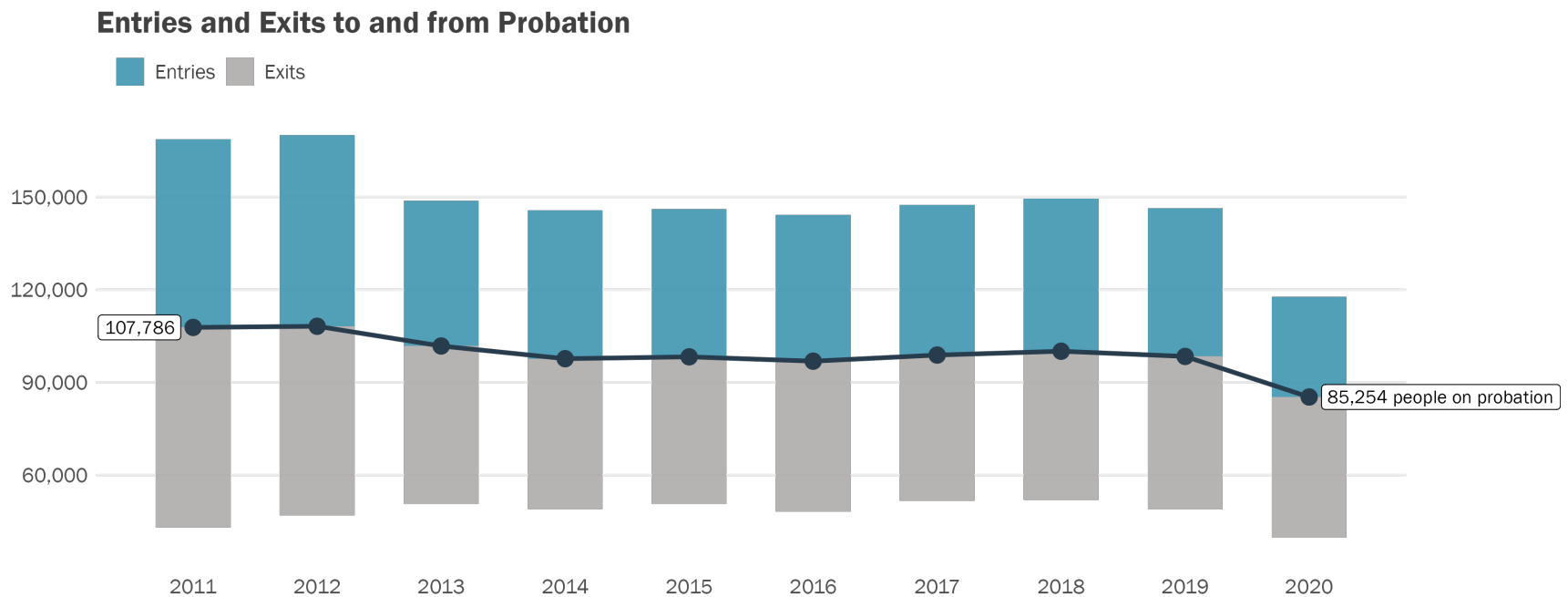
Todd D. Minton, Lauren G. Beatty, and Zhen Zeng, Ph.D., *Correctional Populations in the United States, 2019 – Statistical Tables* (Washington, D.C.: Office of Justice Programs Bureau of Justice Statistics, July 2021); Minnesota Department of Corrections, *Adult Prison Population Summary* (St. Paul, 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.

## Minnesota's total probation population has declined in the past decade.



MN DOC Probation Survey 2011–2020.

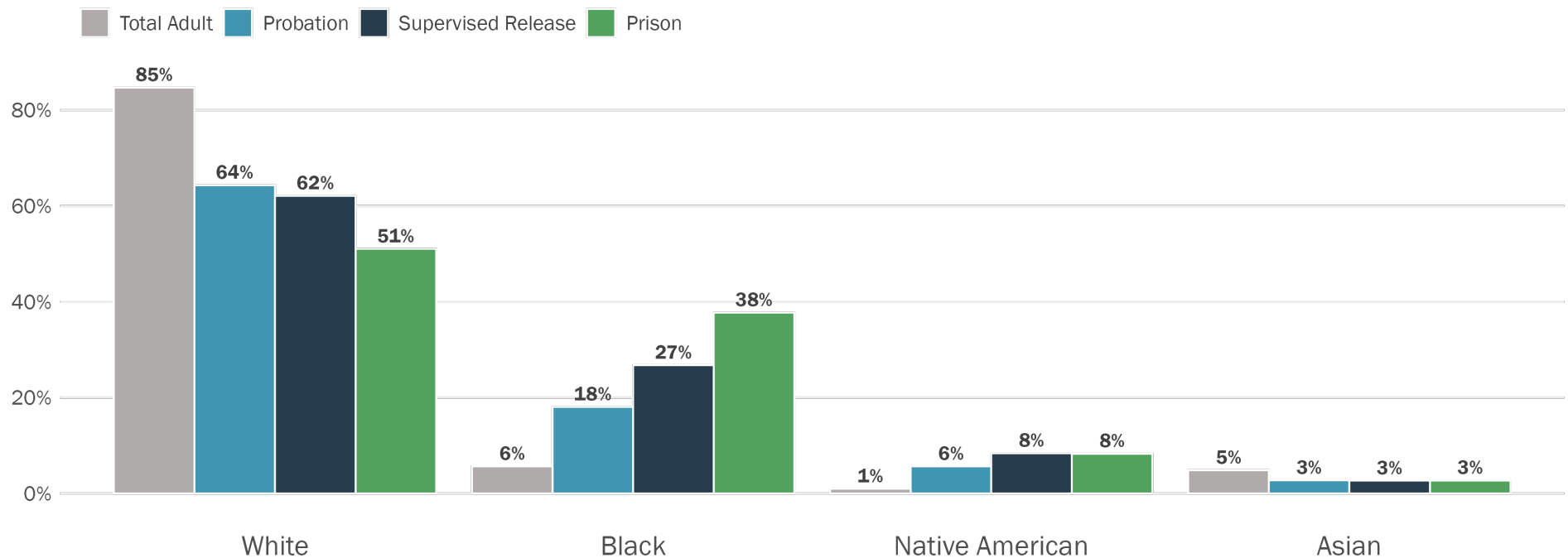
Each year there are around 45,000 adult admissions to probation in Minnesota. In 2020, there were 21 percent fewer people on probation than in 2011.



MN DOC Probation Survey 2011–2020.

# Black and Native American people are over-represented in probation, supervised release, and prison populations.

**Racial Composition of Justice-Involved Populations Compared to Total Adult Population**



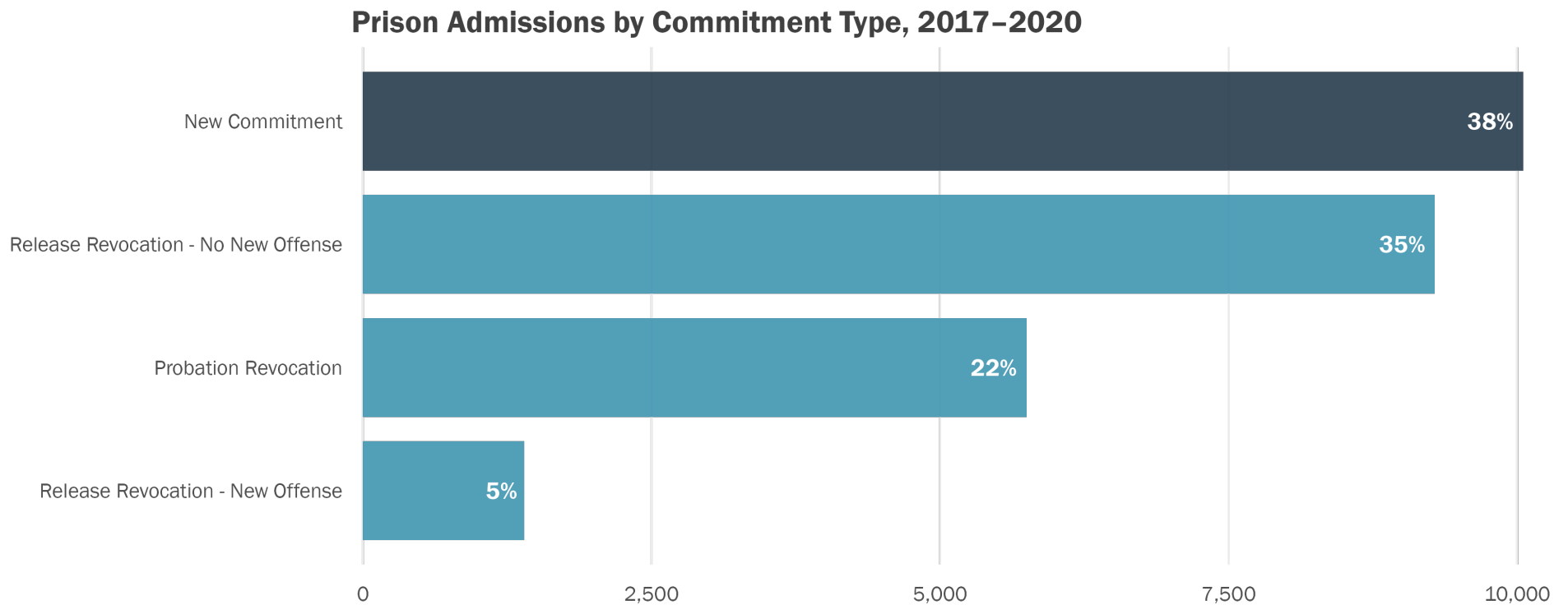
MN Department of Corrections, *Adult Prison Population Summary, 2020*, 2.

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*.

**More than 60 percent of admissions to prison are due to supervision failures.**

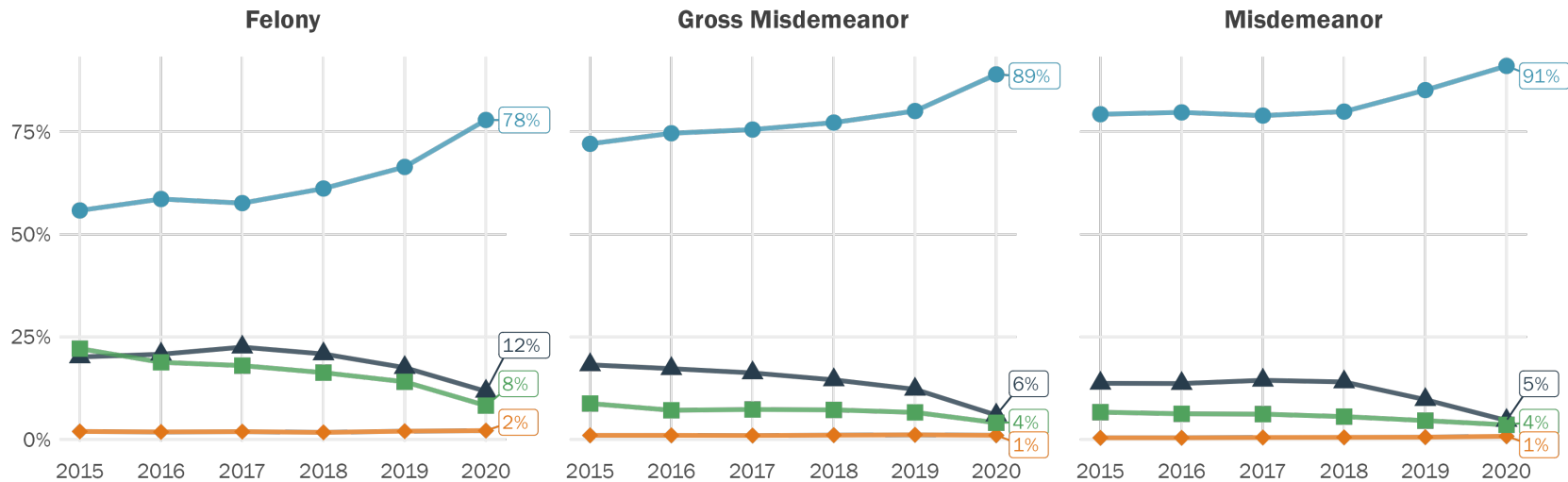


CSG Justice Center analysis of MN DOC prison admissions data.

# People on felony probation fail at higher rates than those on probation for gross misdemeanor and misdemeanor offenses.

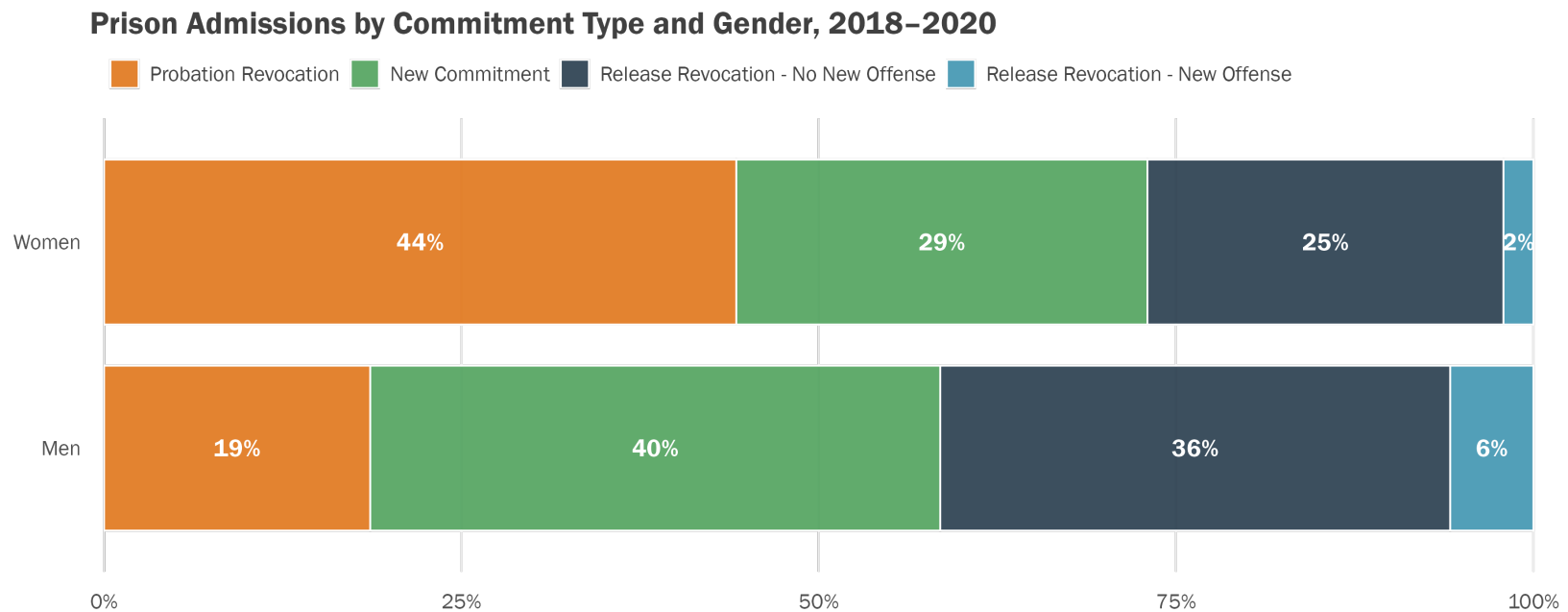
Probation Discharges by Outcome and Offense Level

● Discharged ▲ Discharged with Ongoing Supervision ■ Revoked ◆ Other



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

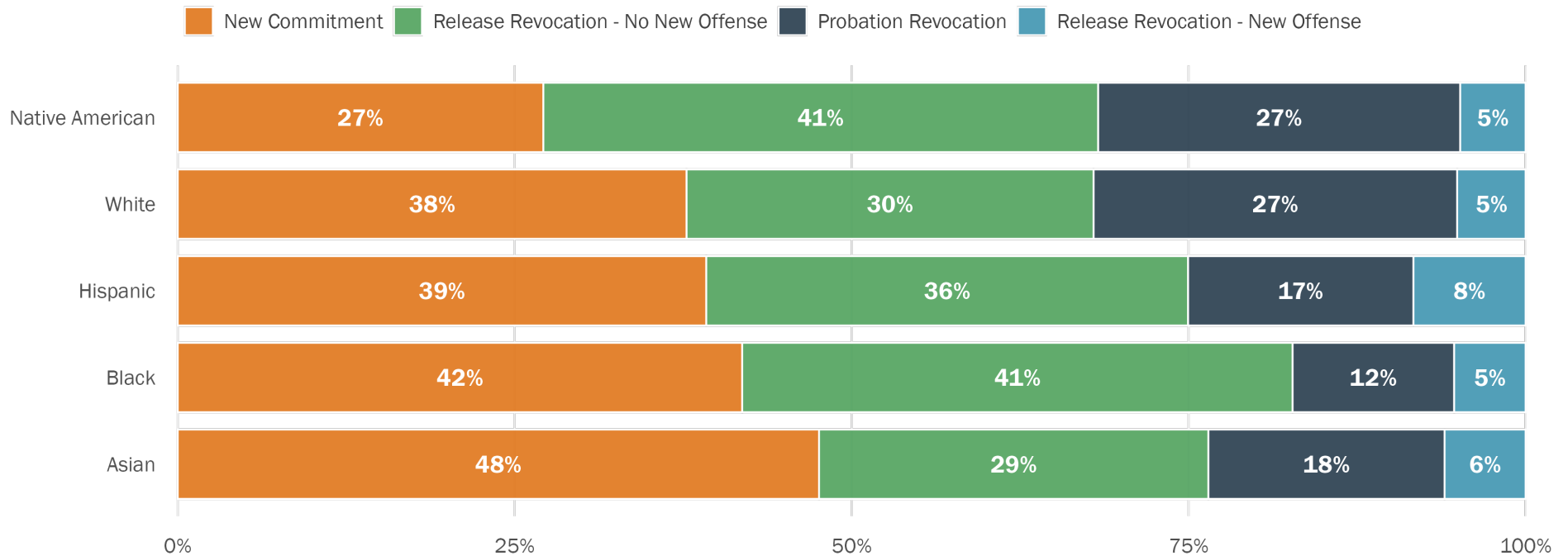
# Reducing probation revocations could lead to a significant reduction in prison admissions.



CSG Justice Center analysis of MN DOC prison admissions data.

# A larger percentage of Native American prison admissions are due to supervision failures compared to people of other races.

**Prison Admissions by Commitment Type and Race, 2017–2020**





# Supervision



## State statute outlines the state's obligation to support supervision.

“

. . . the Department of Corrections shall have exclusive responsibility for **providing probation services for adult felons in counties that do not take part in the Community Corrections Act**. In counties that do not take part in the Community Corrections Act, the responsibility for providing **probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy**.

§ 244.20

“

The commissioner of corrections... shall exercise supervision over persons released on parole or probation,... over probationers, and over persons conditionally released. The commissioner shall appoint state agents... **The commissioner may also... enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements.**

§ 243.05

“

**The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections...** Unless the court directs otherwise, state parole and probation agents and probation officers may impose community work service or probation violation sanctions.

§ 609.135

## Minnesota's supervision delivery systems agree on paper about several core services, if not exactly what they look like.



Sorting clients through assessment with validated tools



Using assessment to drive supervision, treatment, and case management



Collaboration with community supports



Using CBI, motivational interviewing, and evidence-based practices (EBP)



Pretrial support/supervision to limit incarceration but ensure appearance



Early diversion and early discharge

**Reducing recidivism is about targeting the right people, using the right programs and practices, and ensuring program quality and effectiveness.**

Nine Strategies of Supervision Based on the Principles of Effective Intervention	
1	Assess risk, needs, and responsivity.
2	Enhance intrinsic motivation.
3	Target interventions based on assessments and appropriate dosage.
4	Frontload interventions during a person's supervision term.
5	Ensure adequate investment in and access to proven programs (e.g., CBT).
6	Use assessment-driven case planning to facilitate behavior change.
7	Respond effectively to negative behavior and increase positive reinforcement.
8	Engage with supports in the community.
9	Measure outcomes and provide feedback.

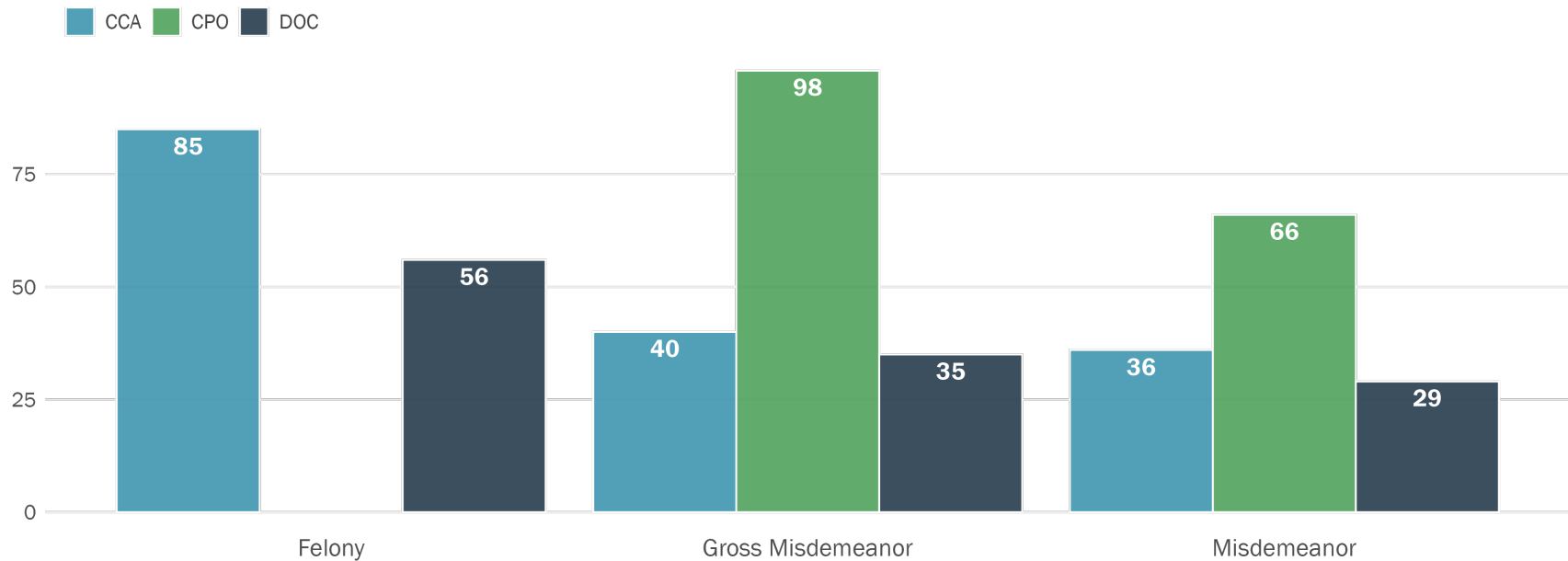
Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.

# Data by Delivery System



# The average length of pretrial supervision by CPO agencies is longer than CCA or DOC pretrial supervision.

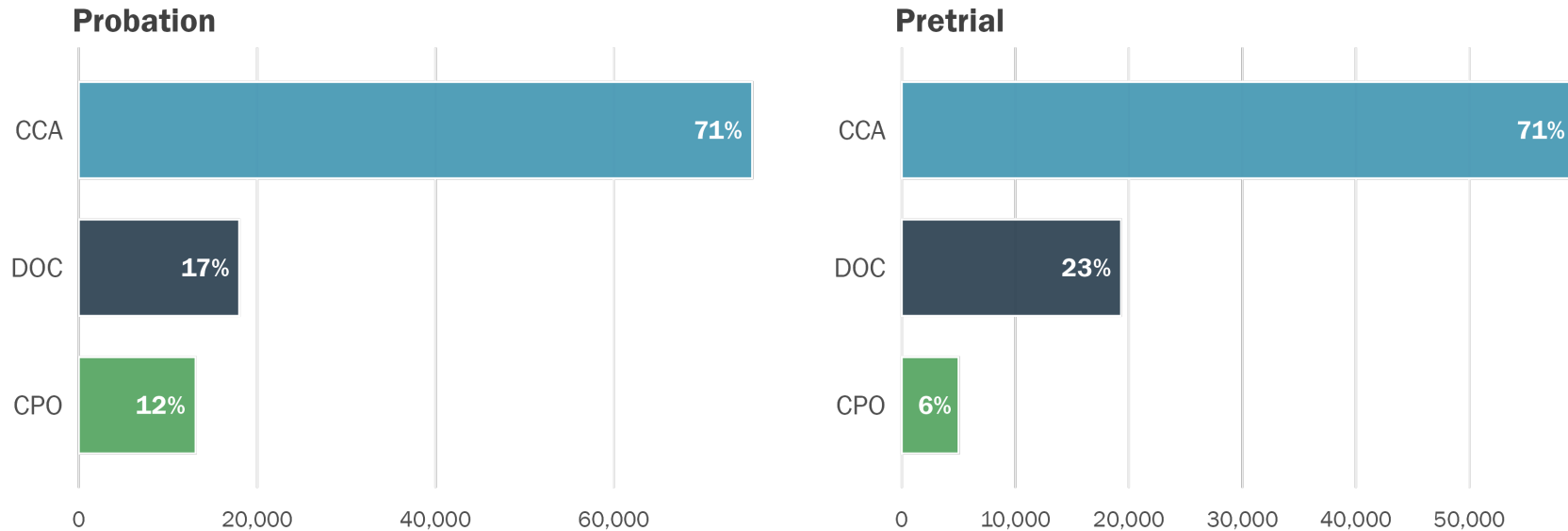
Median Length (Days) of Pretrial Supervision by Offense Level and Delivery System, 2018–2020



*Includes pretrial supervision terms that started between Jan 2018 and Dec 202 and ended by Nov 17, 2021.*  
CSG Justice Center analysis of MN DOC pretrial supervision data.

## Community Corrections Act agencies supervise more than 70 percent of all people starting probation and pretrial supervision.

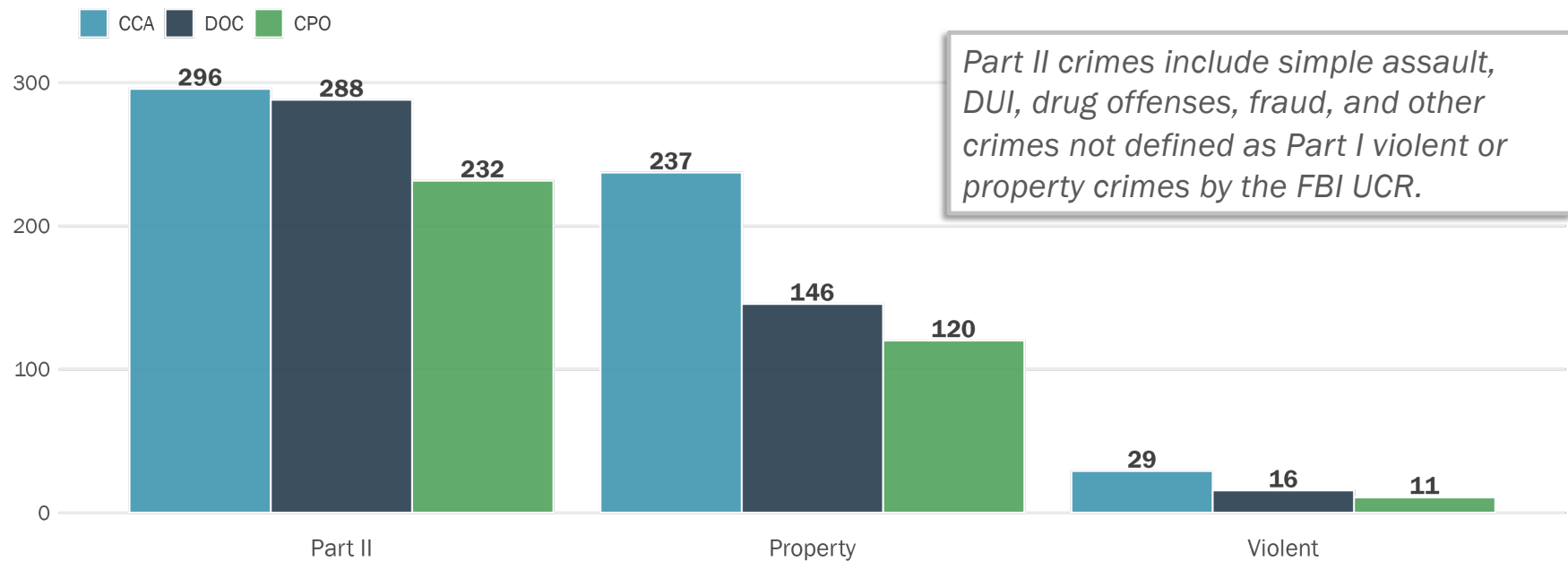
Supervision Starts by Supervision Delivery System, 2018–2020



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

# The per capita crime rate across all offense types is higher in CCA counties than in DOC and CPO counties.

Crime Rate per 10,000 by Offense Type and Delivery System

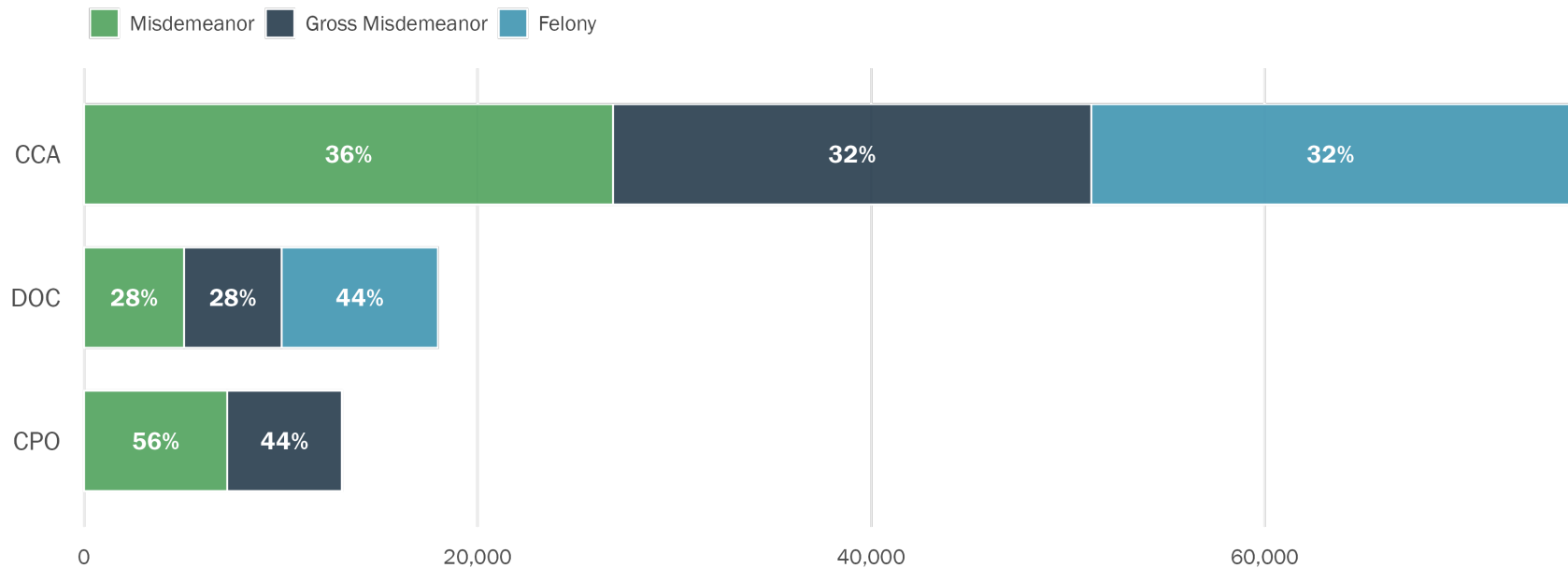


MN Justice Information Services, MN DPS, [Minnesota Crime Information 2020](#), 99.



# Adults on probation are distributed most evenly by offense class in CCA agencies.

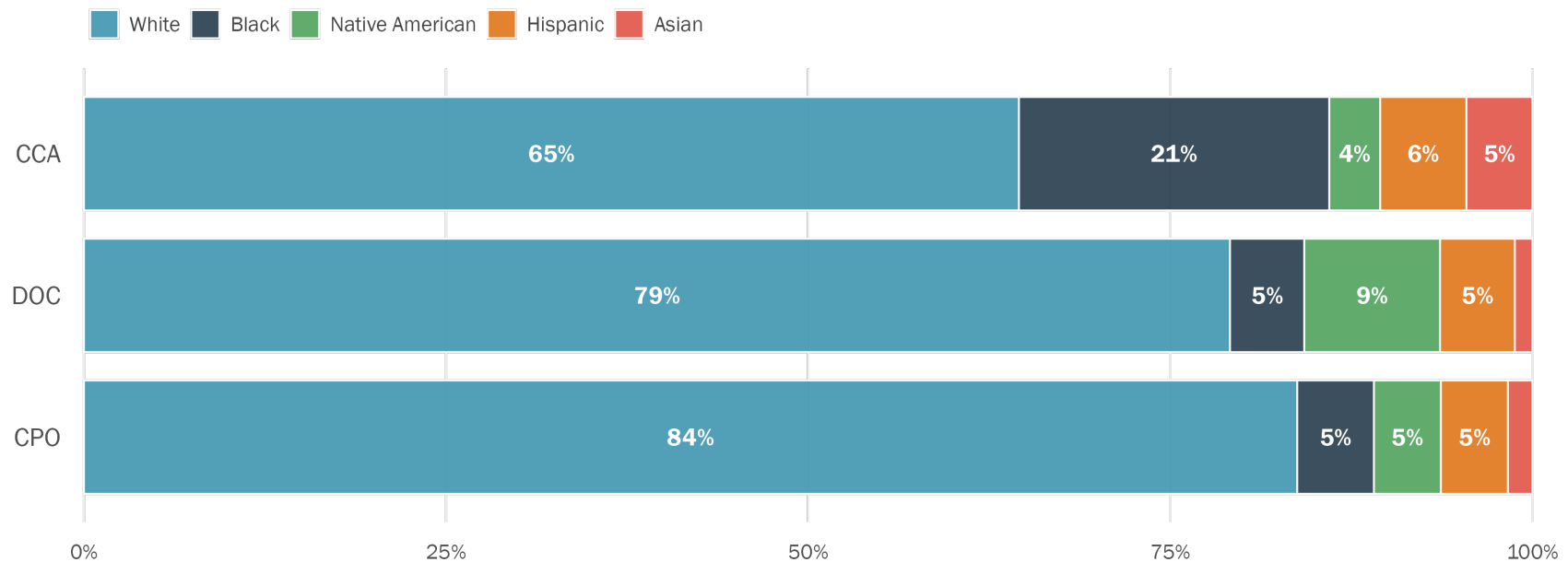
Probation Starts by Supervision Delivery System and Offense Level, 2018–2020



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

The racial makeup of the three delivery systems differs, and they may need different cultural competencies to deliver appropriate services.

**Probation Starts by Delivery System and Race, 2018–2020**



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

# People on Supervision



## Throughout our assessment work, people shared very compelling experiences on supervision.

The agents want to be helpful, not to take you down. He provides me with resources and solutions.



It is hard being on probation in different counties with different expectations from the agents.



My (ISR) agent holds me accountable and gives me the structure I need to succeed.



My agent is available 24/7 and always returns my calls no matter what the time.



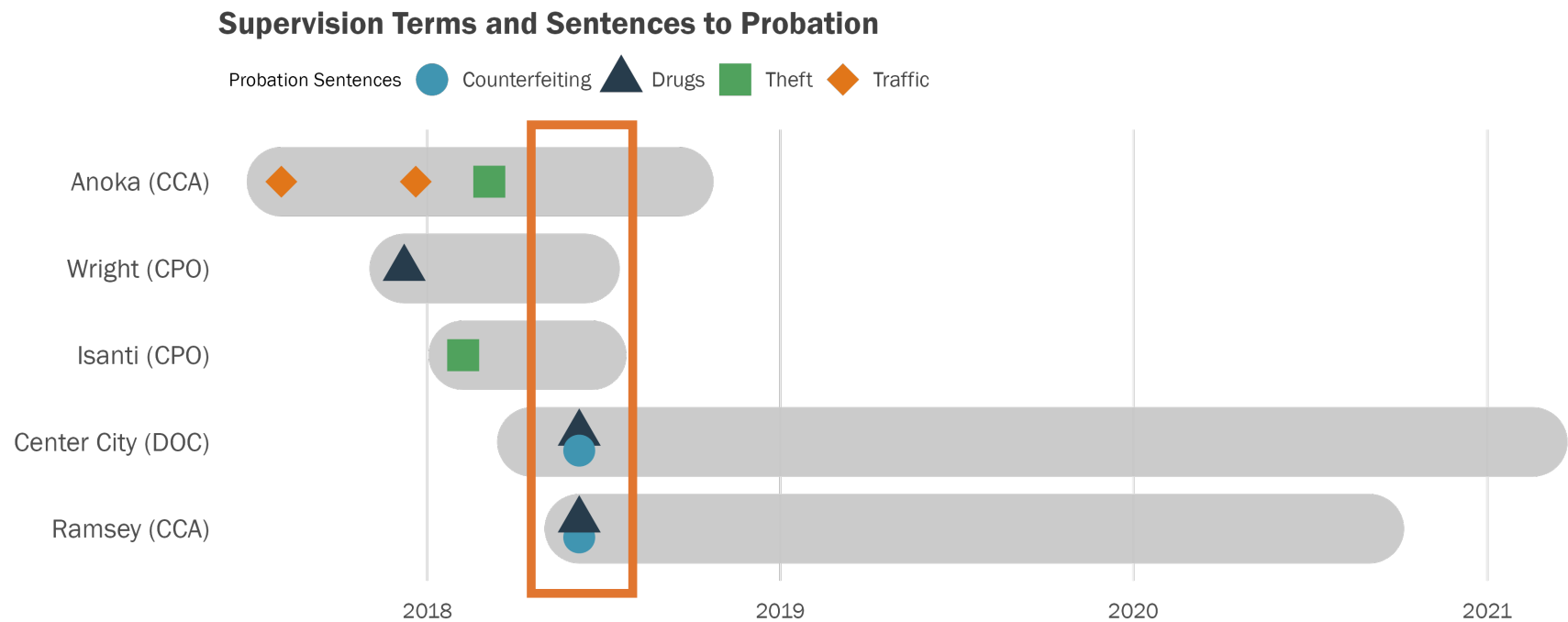
The last county I was in wanted you to fail, but here they want you to succeed.



I couldn't afford the programs [required as conditions].



# One person's path through the supervision system touched five agencies and all three delivery systems.



CSG Justice Center analysis of MN DOC probation data.

## People on supervision in multiple systems must overcome additional hurdles to successfully discharge from supervision.

**82,056**

Adult probation windows started  
between Jan 2018  
and June 2020

**11,179**

**14%**

More than one sentence date

**5,048**

**6%**

More than one supervising agency

**2,399**

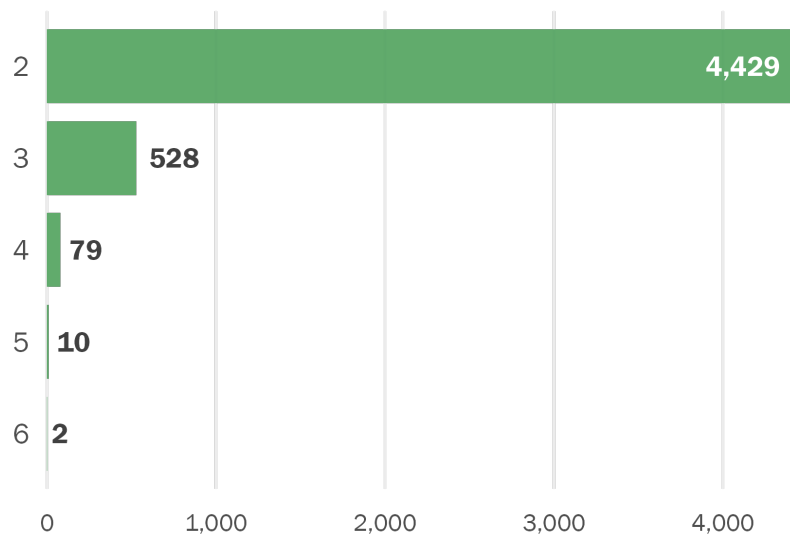
**3%**

More than one delivery system

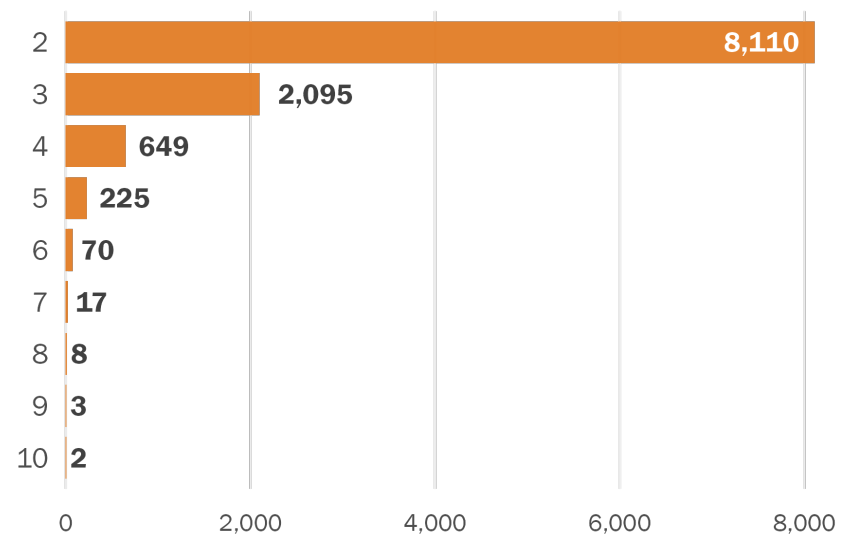
CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

Thousands of people on probation are supervised by two or more agencies, and thousands receive new probation sentences while on supervision.

**Probation Clients with More than One Supervising Agency during a Supervision Window, 2018–2020**

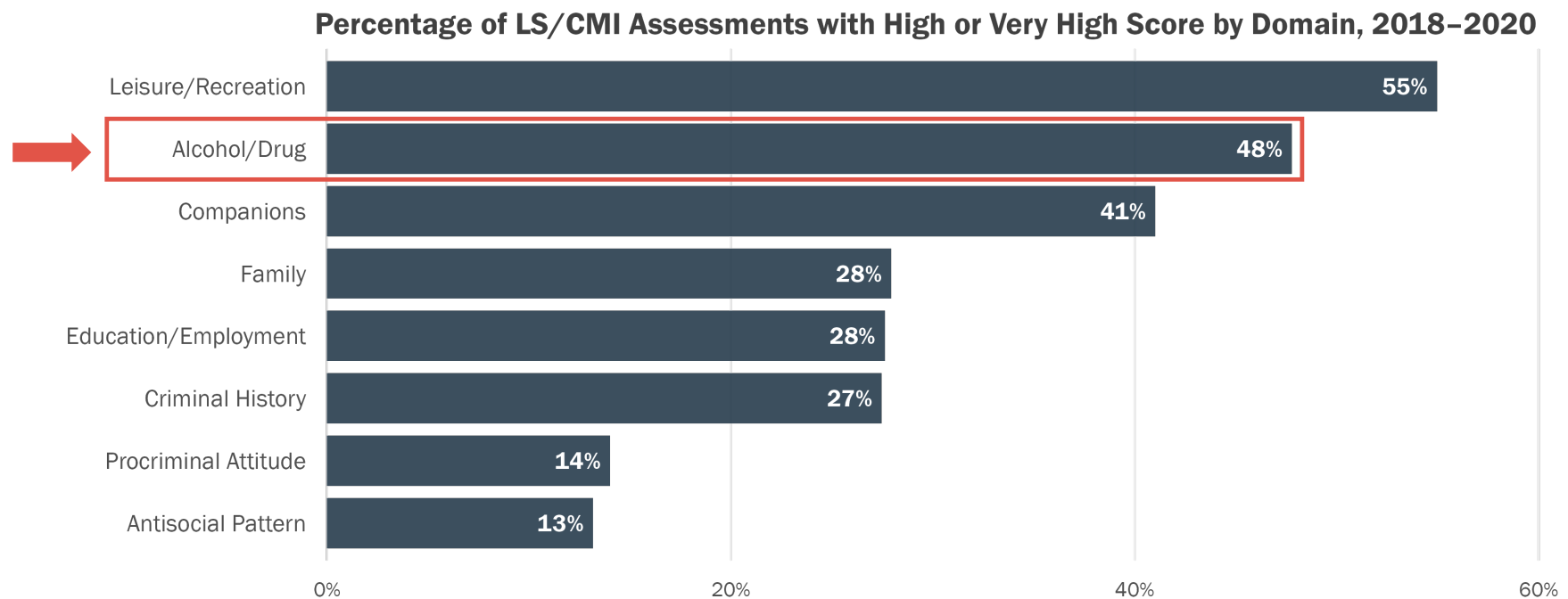


**Probation Clients with More than One Sentence Date during a Supervision Window, 2018–2020**



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

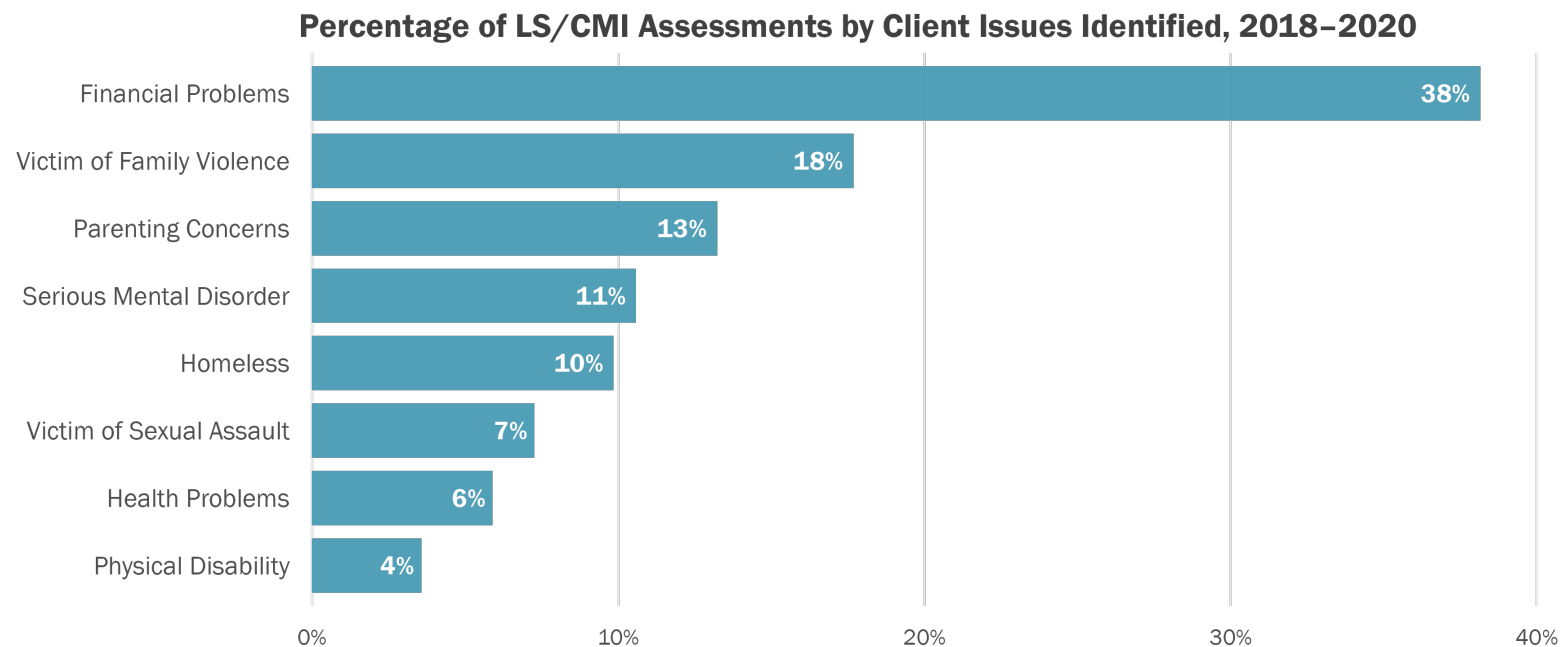
## LS/CMI assessments in Minnesota indicate that nearly half of those assessed have high substance use disorder needs.



*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.



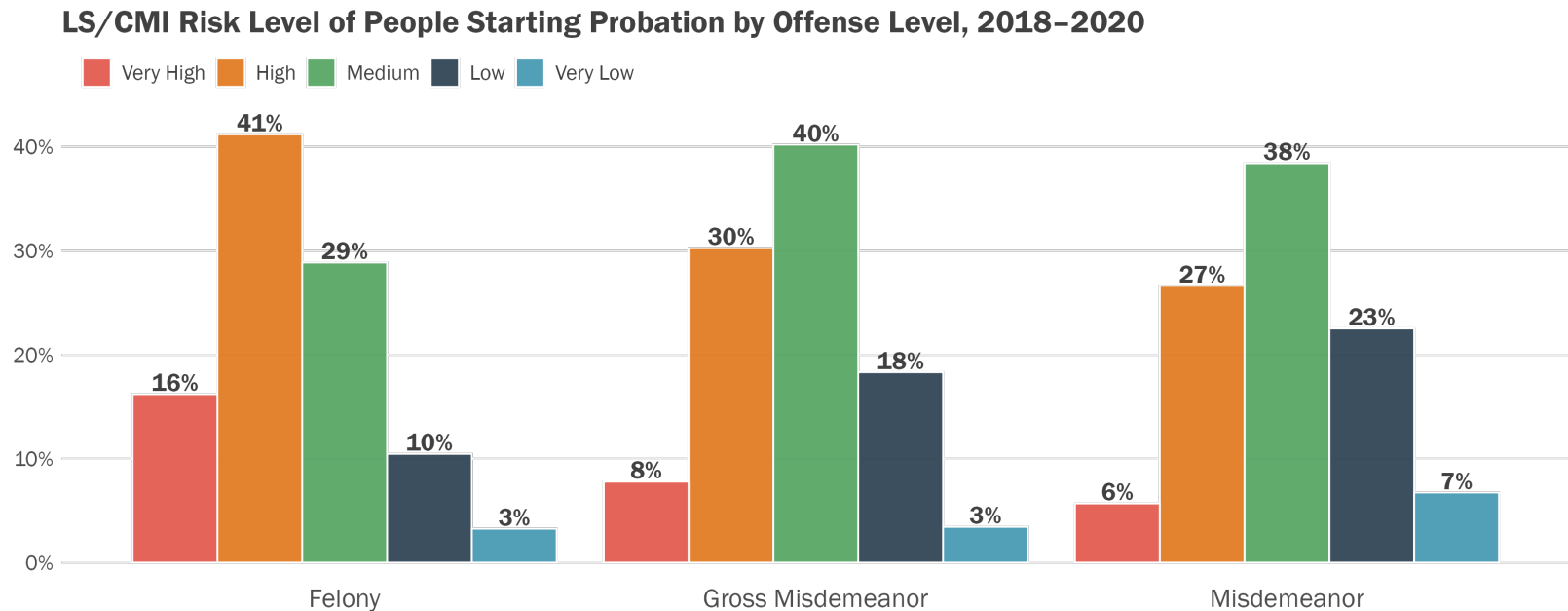
## Financial problems, family violence, homelessness, and mental illness are other issues experienced by people on probation.



*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.

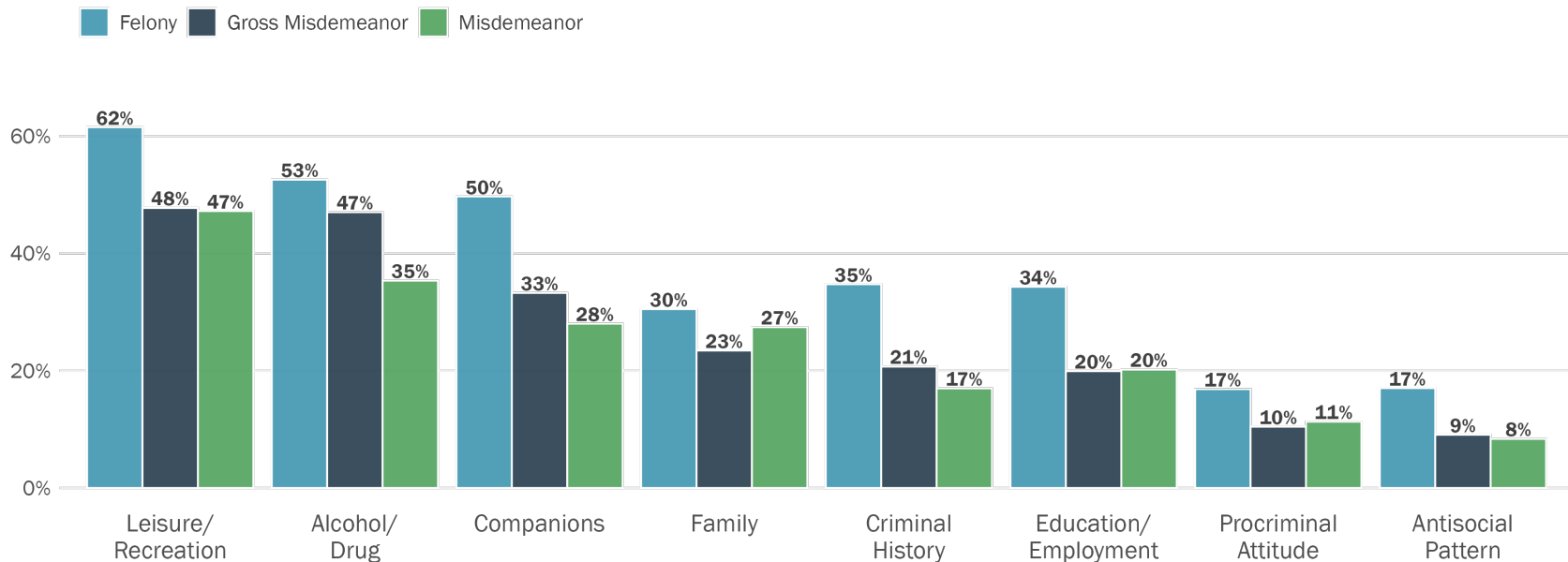
Supervision resources should be targeted to the people who are assessed as high and very high risk, regardless of offense type or supervision system.



*The alternative assessments are not included in these numbers; CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.*

## Prioritizing supervision conditions, programming, and treatment that focus on behavioral health, education, and relationships may support better supervision outcomes.

Percentage of LS/CMI Assessments with High or Very High Score by Domain and Offense Level, 2018–2020

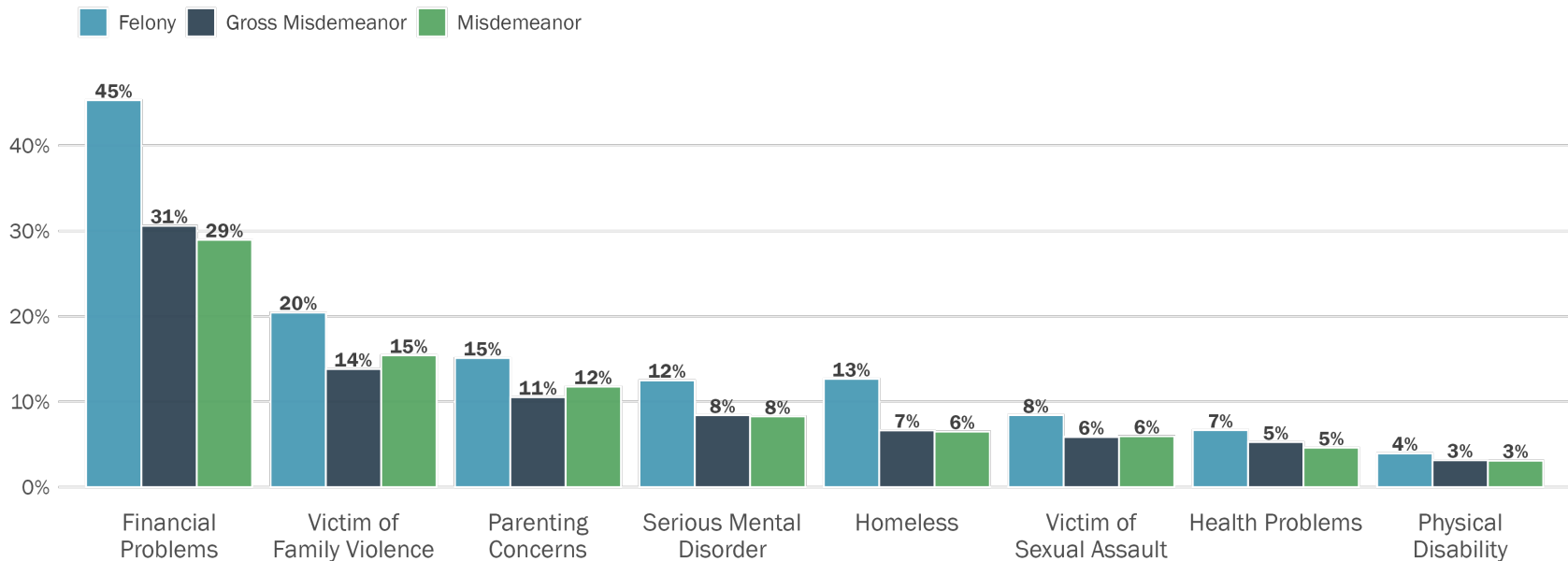


*Only includes clients with completed LS/CMIs during probation term.*

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

# Individuals on supervision identified needs associated with finances, housing, and mental health.

**Percentage of LS/CMI Assessments by Client Issues Identified and Offense Level, 2018–2020**



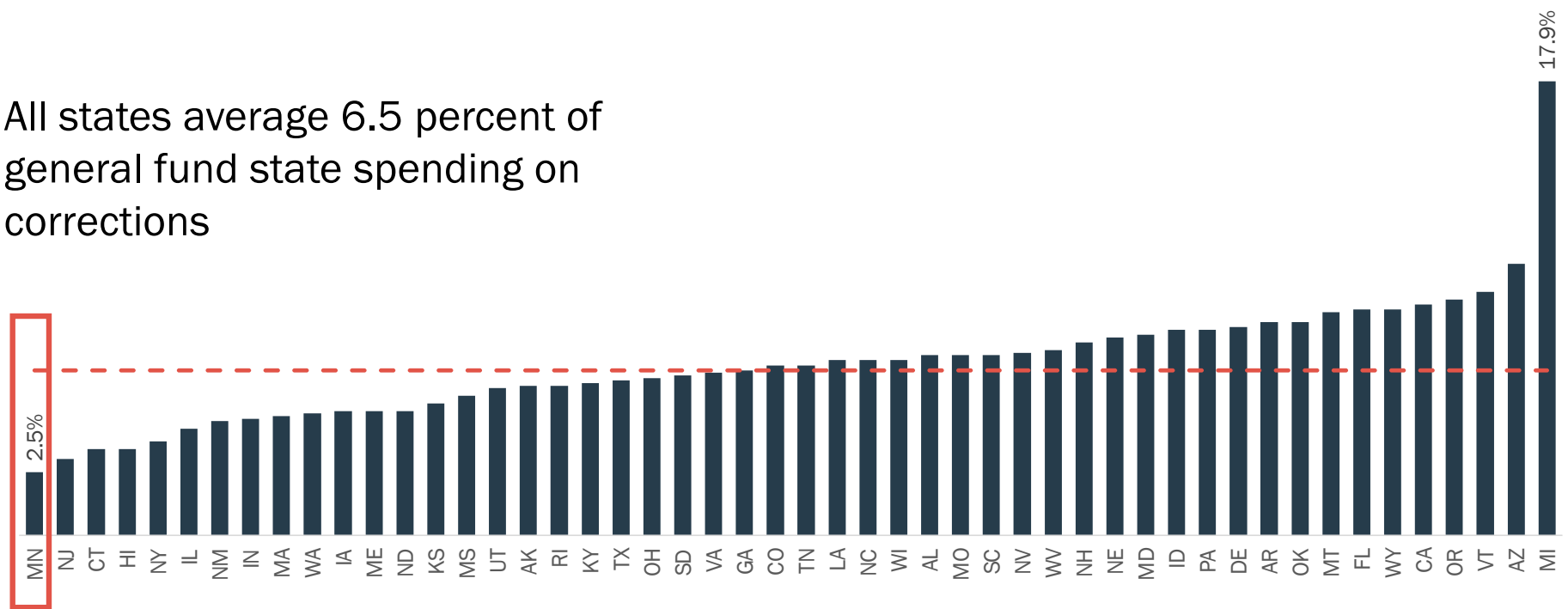
*Only includes clients with completed LS/CMIs during probation term.*  
CSG Justice Center analysis of MN DOC probation data with terms starting between Jan 2018 and June 2020.

# Funding



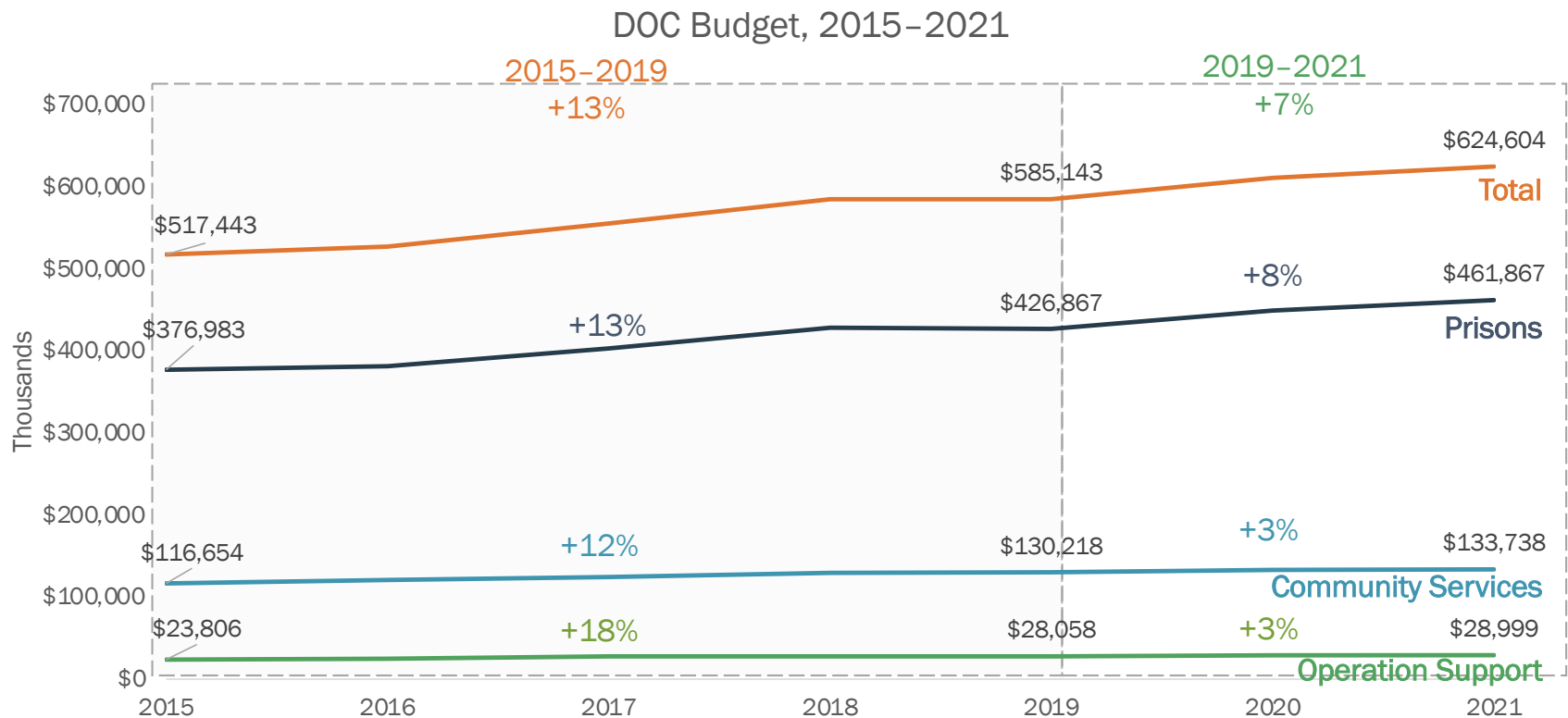
## In 2020, Minnesota spent the lowest proportion of state general funds on corrections.

All states average 6.5 percent of general fund state spending on corrections



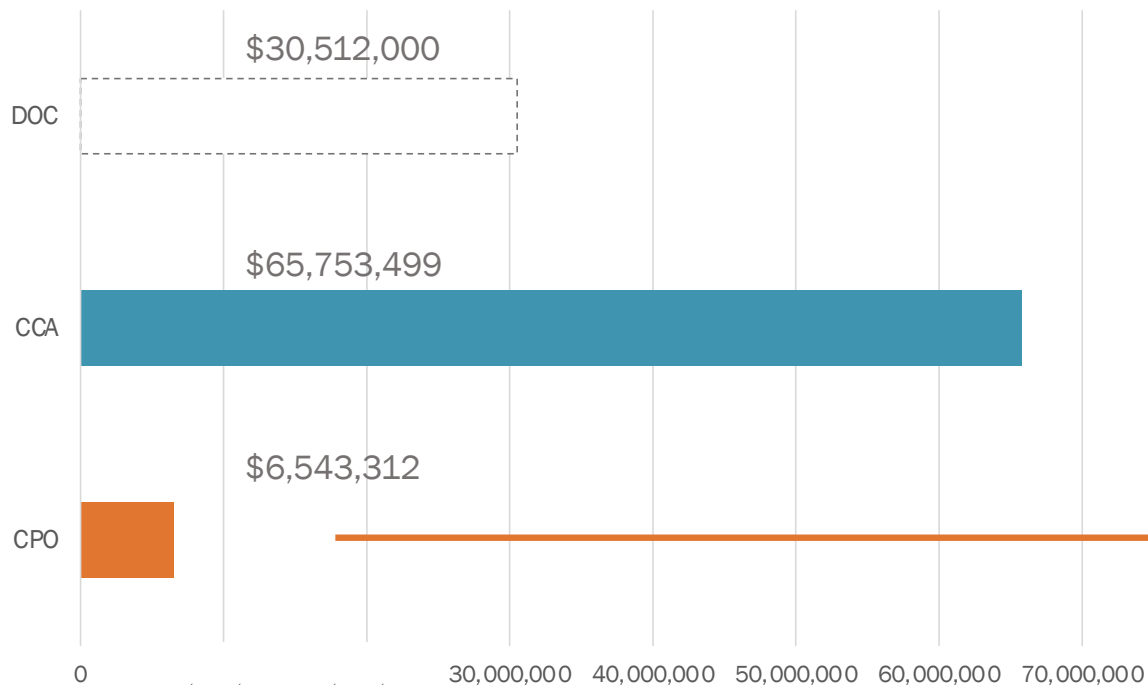
State Spending by Function as a Percent of Total State Expenditures, Fiscal 2020, (Washington, DC: NASBO, 2020), [https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020\\_State\\_Expenditure\\_Report\\_S.pdf](https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf).

# Corrections spending has increased, and the state has prioritized spending on prisons.



Source: Email correspondence between CSG Justice Center and MN DOC, January 2021.

# State probation funding subsidies and grants to counties involve seven funding streams.



FY2020 DOC Funding Streams

CCA	1. CCA Subsidy	\$61,006,999
	2. Alternative to Incarceration Grant	\$160,000
	3. Reentry HWH Grant	\$300,000
	4. Intensive Supervision ISR Grant	\$3,869,000
	5a. REAM Grant	\$417,500

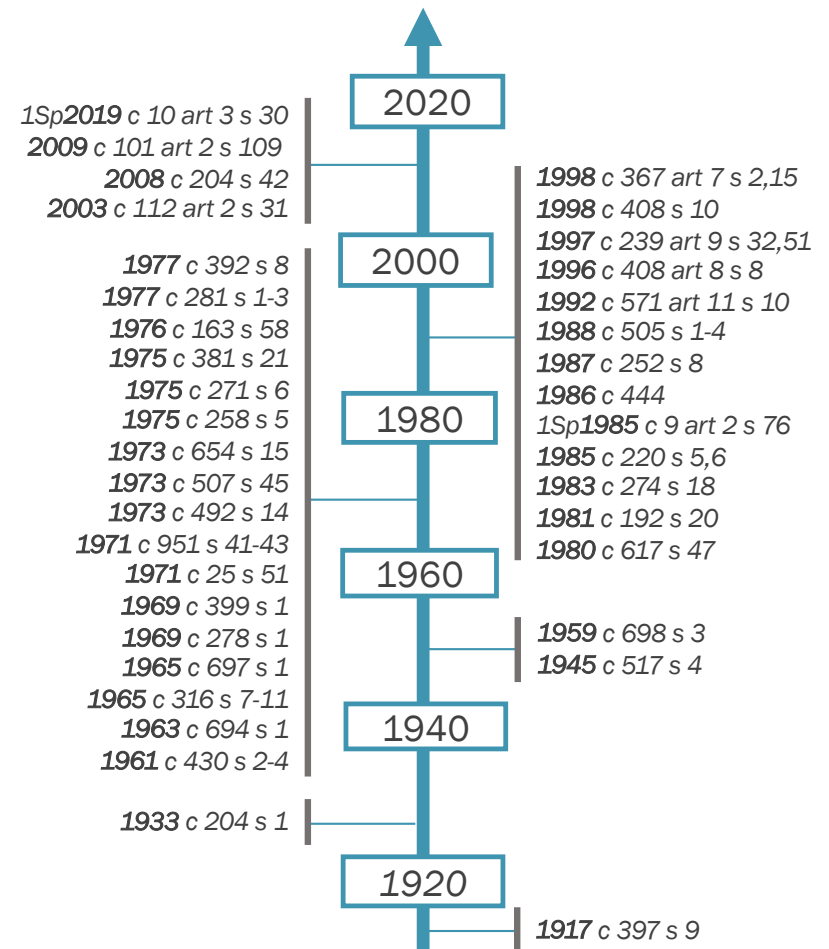
CPO	5b. REAM Grant	\$185,500
	6. CL/WL Reduction Grant	\$1,314,812
	7. CPO Reimbursement	\$5,043,000



# The state has a long history of tinkering with supervision systems in statute.

- Amendments to delivery of supervision
- Differentiating county choices by population
- A penchant for complexity:
  - Three different models
  - Details of the CCA formula (§ 401.10)
  - Multiple statutes and case law on revocation

## History of 37 Amendments to § 244.19



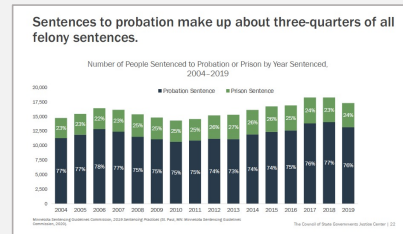
# 1. Minnesota relies heavily on community supervision, but there is concern about consistency and effectiveness across supervision systems.

1st Presentation



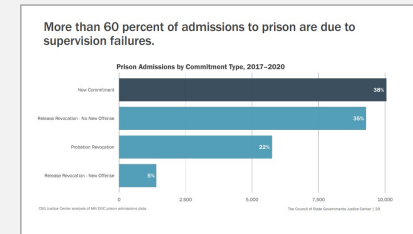
Minnesota's rate of people under correctional control is 11th highest among states, driven by its high probation rate.

1st Presentation



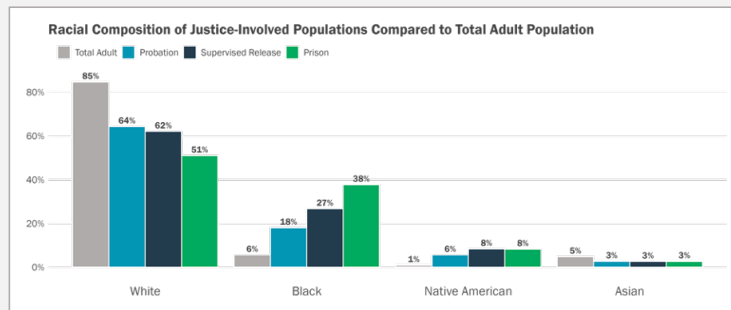
About three-quarters of all felony sentences are to probation.

2nd Presentation



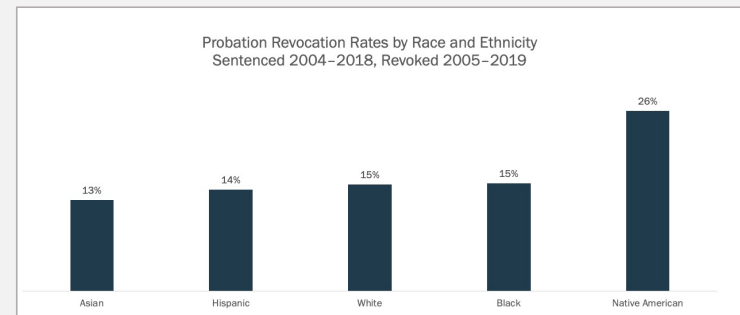
More than 60 percent of admissions to prison are due to supervision failures.

## 2. Black and Native American people are over-represented in Minnesota's criminal justice system.



Black and Native American people are over-represented in probation, supervised release, and prison populations.

2nd. Presentation

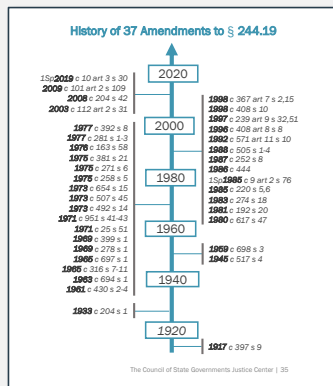


Native Americans in the state have their probation revoked at a higher rate than any other racial or ethnic group.

1st Presentation

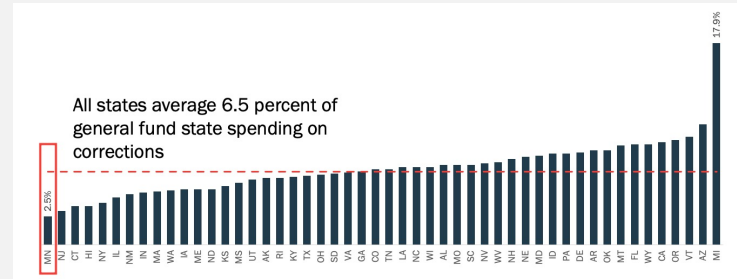
### 3. The methods for determining the state's financial investments in community supervision no longer serves Minnesota's larger criminal justice goals.

1st Presentation



The state has a long history of tinkering with supervision systems in statute.

2nd Presentation

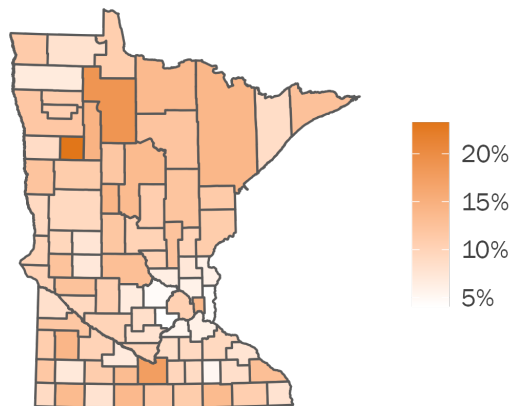


Minnesota spends the lowest proportion of state general funds on corrections.

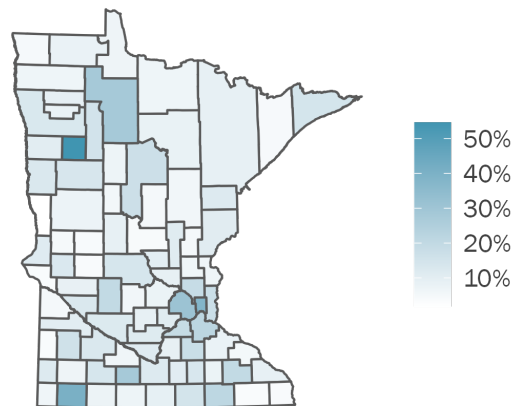
# The goal is consistent, quality supervision across counties that are extremely different.

*What is the fairest and most effective approach to funding and setting policy for supervision that addresses this reality?*

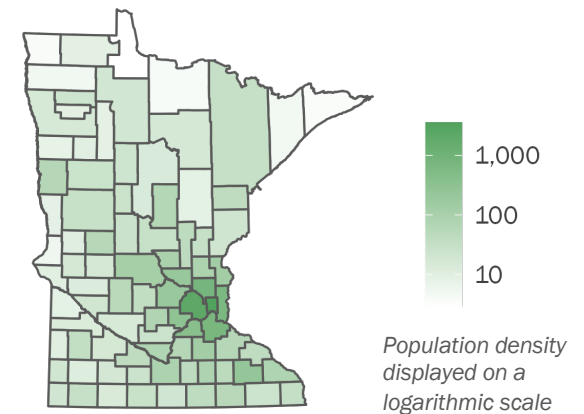
**Poverty**



**BIPOC**



**People per Sq. Mile**



US Census Bureau, American Community Survey 2015–2019 5-Year Estimates, Table C17002, B03002, and B15002.

# Next Steps



## Calendar of meetings and deadlines

Date	Activity
Sept. 28	First Delivery System Working Group Meeting
Oct. 21	Second Delivery System Working Group Meeting
Nov. 18	Third Delivery System Working Group Meeting
Dec. 10	State of Oregon Peer Sharing on Budget
Dec. 16	Fourth Delivery System Working Group Meeting
Jan. 13	Final Delivery System Working Group Meeting
(week of) Jan. 10	Behavioral Health Summit
Feb. 1	Report Due to Legislature

# This work will run through 2022.

