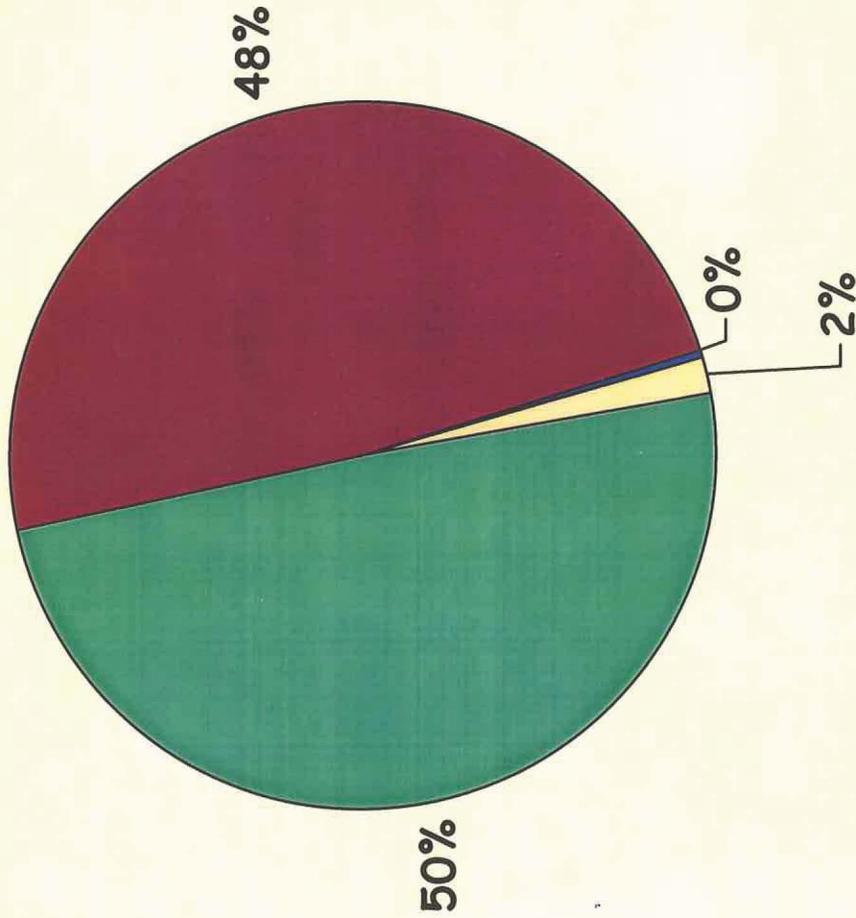


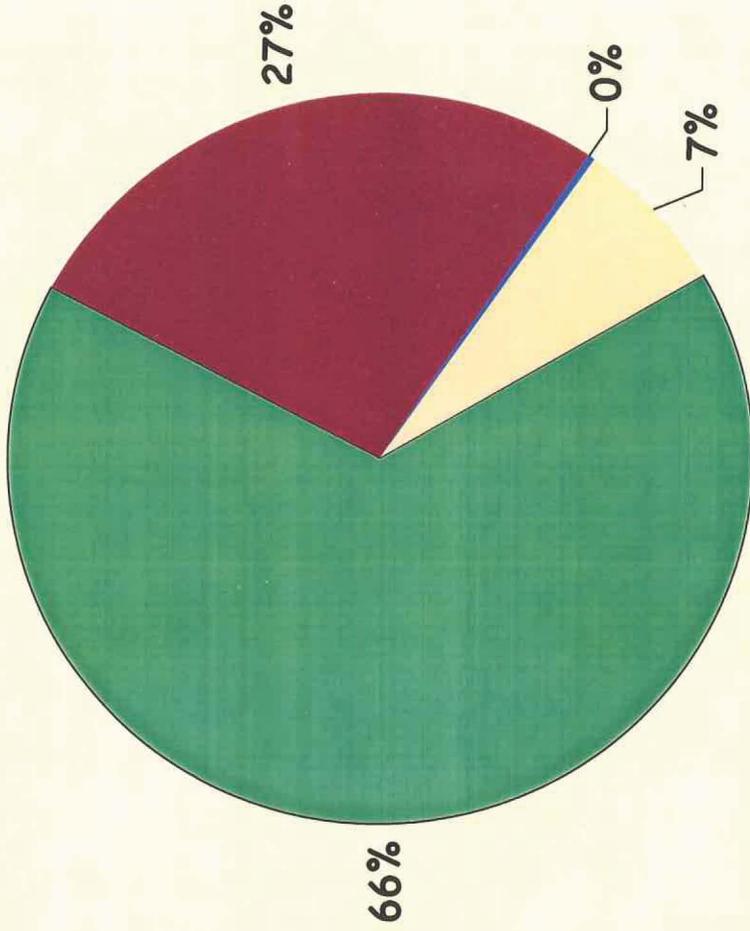
Revenue 2003 vs 2005

2003 Revenue



■ Levy ■ State ■ Federal ■ Fees

2005 Revenue



■ Levy ■ State ■ Federal ■ Fees

**Senate's Provisions Addressing the
Recommendations from the Legislative Auditor's
"2005 Report to the Legislature on Sex Offender Supervision"**

Article 4, section 1, requires that when an offender who is subject to the POR law is being released from prison, the Commissioner of Corrections must provide the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment to the corrections agency that is going to supervise the offender. [See Revisor's side-by-side comparison article 7, pages R2-R3.]

Article 4, section 2, amends the law requiring county and private sex offender programs to provide the Commissioner of Corrections with information related to program effectiveness. Strikes language that limits this provision to programs that seek new or continued state funding or reimbursements. [See Revisor's side-by-side comparison article 7, page R3.]

Article 4, section 3, clarifies that the law requiring the Commissioner of Corrections to provide follow-up information on sex offenders for three years following their completion or termination from treatment programs, provide treatment programs in different geographical areas of the state, provide necessary data relating to sex offender treatment programing, etc., is not a onetime project, but rather an ongoing obligation. [See Revisor's side-by-side comparison article 7, pages R3-R4.]

Article 4, section 4, amends the POR law to require offenders subject to registration to disclose their status as a registered offender to a health care facility upon admittance. The offender must also notify the offender's corrections agent or the applicable law enforcement authority when an inpatient admission has occurred. Requires a law enforcement authority or corrections agent who has received this notice or who knows that an offender has been admitted to a health care facility to notify the administrator of the facility. Requires the health care facility to notify other patients or their emergency contact or next of kin that a predatory offender has been admitted. [See Revisor's side-by-side comparison article 4, page R13-R14.]

Article 4, section 5, provides that when a corrections agency supervising an offender who is required to register under the POR law and who is classified as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of a different corrections agency, the supervising agency must notify the other agency of this and initiate a supervision transfer request. [See Revisor's side-by-side comparison article 7, page R11.]

Article 4, section 6, requires a corrections agency supervising an offender who is required to register under the POR law to notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing. [See Revisor's side-by-side comparison article 7, page R11.]

Article 4, section 7, clarifies that an independent professional assessment of a sex offender's need for sex offender treatment must be conducted before sentencing. [See Revisor's side-by-side comparison article 7, page R14.]

Article 4, section 8, adds to the list of mandatory reporters of child abuse individuals involved in correctional supervision. [See Revisor's side-by-side comparison article 4, pages R30-R31.]

Article 4, section 9, requires the Commissioner of Corrections to convene a working group related to sex offender management and supervision. Requires the working group to study and make recommendations on specified issues. Also requires the working group to review the provisions of any laws enacted in the 2005 legislative session relating to sex offender supervision and treatment. Requires the working group to report recommendations to the Legislature. Requires the Commissioner of Corrections to implement policies and standards relating to the issues studied by the working group over which the commissioner has jurisdiction. [See Revisor's side-by-side comparison article 3, pages R3-R5.]

Article 4, section 10, requires the Commissioner of Corrections to report specified information to the Legislature on prison-based sex offender treatment programs. [See Revisor's side-by-side comparison article 3, page R5.]

Biennial Budget Appropriations comparisons
State criminal justice Accounts
2001, 2003, 2005
(in thousands \$.. add 000)

| Select Appropriations Accounts in criminal justice bills | 2001 bill Spec session chapt 9, art 18 | 2003 bill Spec session chapt 2, art 1 | 2005 House HF 1, 3 rd engrossment(4-27-05) | 2005 Senate SF1879 + SF 2273 spreadsheet (4-28-05) | % House change from 01-05 | % Senate change from 01-05 |
|---|--|---|---|--|-------------------------------------|--------------------------------------|
| Public Defense Board | \$50,723 & \$54,709 | \$53,763 & \$46,082 | \$59,857 & \$63,112 | \$59,403 & \$63,251 | +16.6% | +16.3% |
| DOC management services or operations support gen. fund. | \$12,830 & \$13,085 | \$14,647 & \$14,647 | \$15,348 & \$15,348 | \$14,948 & \$14,948 | +18.4% | +15.1% |
| DOC institutions gen. fund | \$225,365 & \$232,584 | \$236,679 & \$239,797 | \$287,463 & \$302,778 | \$288,254 & \$301,945 | +28.9% | +28.9% |
| Community services (includes \$ for probation to counties and DOC) gen. fund. | \$109,252 & \$113,488 | \$94,239 & \$95,325 | \$101,023 & \$101,274 | \$104,143 & \$104,294 | -9.2% | -6.4% |

Thus the increases for probation services in Sen. Ranum's SC4098, paid for by the 1 cent/drink alcohol tax/fee increase, are NOT out of line with increases in other segments of the criminal justice system. All segments are impacted by changes in crime and changes in law. ALL need state financial support



Hennepin County Community Corrections

C-2353 Government Center
Minneapolis, Minnesota 55487-0533

612-348-6180, Phone
612-348-6488, Fax
www.co.hennepin.mn.us

The total budget and property tax requirement for the Hennepin County Community Corrections Department for the last five years are as follows:

| | <u>Total Budget</u> | <u>Property Tax Requirement</u> |
|------------------------------------|---------------------|---------------------------------|
| 2001 | \$85.0 million | \$52.3 million |
| 2002 | \$90.7 million | \$56.7 million |
| 2003 | \$91.4 million | \$58.4 million |
| 2004 | \$86.2 million | \$60.2 million |
| 2005 | \$88.5 million | \$63.0 million |
| % increase from 2001 to 2005: 4.1% | | 20.4% |

| County | Caseload Impact | Other Implications |
|------------|---|---|
| Goodhue | Adult caseloads have risen from 75-80 to 100-125 in recent years | Because of State budget cuts, Goodhue Co lost one full time agent. |
| Carver | Despite rising caseloads of 5% a year over the past several years, there has not been a new agent added for 7 years | 8% budget cut in 2005 (\$80,000.00) Other cuts: -.5 FTE Probation officer -.5 FTE STS worker -reductions in juvenile placement budget -elimination of programming for high risk offenders (cognitive skills) |
| Pope | One agent caseload included supervision of 77 gross misdemeanor offenders and 43 juveniles The Director of Court Services has a caseload of 70 adults in addition to all administrative functions of the office | Director states they are not adequately supervising clients. They do not have time to do home visits, drug testing collateral contacts or ANY type of intensive supervision for high risk offenders. The number of alcohol and drug offenses continues to rise each year |
| Wabasha | 1995 Average adult caseload was 55 per agent 2003 Average adult caseload was 95 per agent 1994 504 new cases were opened 2003 997 new cases were opened | - decreased funding for State reimbursement and other grants has had significant impact on probation. |
| Mille-lacs | Average caseload for probation officer is 115 -150 cases (40-50 juveniles and 75-100 adults | -State reimbursement last year was short \$27,000.00. Huge hit for a small County - no money for new agents despite growing caseloads and other growing concerns with meth problems in the County. |
| Scott | Adult caseloads were running at 140. These offenders were all classified as medium to high risk supervision. They have now moved all medium risk offenders to group supervision (minimum supervision) These offenders under this supervision include repeat DWI offenders and assaults. | - Drug testing has been cut back because of limited funds - One position cut within the last year - No resources to do intensive supervision for high risk offenders |
| Brown | Caseloads running over 100 | Loss of over \$75,000.00 last year to probation in State cuts, grants etc. |

From: MN Assoc. of County Probation Officers - MACPO

Testimony on behalf Community Corrections Counties - Senate Criminal Justice Finance Committee -
April 13, 2005

Tom Adkins, Director, Washington County Community Corrections #651-430-6902
Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections; #507-287-1686

We appreciate this opportunity to address the Senate Omnibus Public Safety Finance Bill regarding resources available to manage offenders in the community over the past few years, and provide a preliminary response to the Department of Corrections' memo on probation caseload trends dated March 29. We are representing our respective counties as probation directors, as well as members of MACCAC, the community corrections organization. As you often hear, three quarters of the convicted offenders in Minnesota are supervised in the community, by probation staff working for a community corrections agency.

In essence, the March 29 DOC memo suggests that probation caseloads have remained relatively flat since 2001, intimating a neutral impact from the budget reductions enacted for SFY04-05.

We have several responses to the Department's memo, and to the general area of probation funding, as follows:

1. A statewide probation task force presented its report to the MN Legislature in 1995, which concluded the probation system was underfunded by \$40 million. Legislative action provided \$18 million in new dollars toward that shortfall in 2002, and has since cut that by 8%. Since the report in 1995, probation cases have grown by 27.4%.
2. Counties throughout Minnesota have relied on a variety of techniques to balance growing probation pressure with declining resources, including:
 - a. Raising the risk level of offenders who are actively supervised (DFO has raised the threshold on the LSI risk assessment from 17 to 21, Washington has raised it from 17 to 19, and Dakota has raised it from 17 to 26).
 - b. Reducing "contact standards" for agents (the frequency with which offenders who are actively supervised are seen in their office or in their homes)
 - c. Shifting increasing numbers of offenders to either kiosks or paper supervision
 - d. Reducing treatment, educational classes
3. Minnesota has the 49th lowest incarceration rate in the nation, and is 46th lowest on per capita spending on corrections. 15 offenders can be supervised safely in the community for every offender placed in state prison (on an annualized basis). Probation is cost effective and more effective in reducing offender recidivism than prison alone.
4. A number of the programs that contribute to the success of probation and supervision of offenders in the community, namely treatment and cognitive behavioral programming, have been greatly reduced as opposed to laying off probation staff
5. The impact of the state funding reductions (effective date of 07/01/03) were primarily felt in the 2004 budget year by counties. As the 2004 State Probation Survey is still unfinished, caseloads for 2004 cannot yet be calculated on a statewide basis and the true impact of those reductions is uncertain.
6. In order to stave off further staffing reductions, local governments have stepped up to the plate with - in some cases - record levy increases for corrections.
7. Not only are the cases left on probation harder to supervise (as lower risk offenders are moved to paper), but the duties of officers have grown - from DNA collection, to co-facilitation of

cognitive skills classes and sometimes treatment groups, to pretrial supervision (which does not appear in probation counts), drug testing, and assuming responsibility for apprehension of low level offenders to relieve overburdened local law enforcement.

The Dodge-Fillmore-Olmsted Experience since 2001

1. The probationers have become more difficult to supervise
 - Today's offenders present more risk, have more violations (a DFO increase of 24% from 2002 to 2003) and are more likely to engage in behavior which results in probation revocation (which is then followed by a commitment to the DOC Commissioner and a return to the community on supervised release).
 - The outstate growth in methamphetamine production and addition:
 - There has been a significant increase in positive drug tests for meth in DFO (28.6% increase since 2001)
 - ½ of felony drug cases in last half of 2003 were meth-related
 - There has been a 35% increase in new drug felony cases since '02
2. DFO has enacted a 21% reduction in staff since 2001, with a concurrent 24% increase in offenders on probation. In order to stave off cuts to probation staff, the three counties have stepped up to the plate (26% levy increase in Olmsted, 7.5% in Fillmore, and 9.75% in Dodge County for 2005- See chart in Appendix). Had each of the counties levied their historical increase (of 5.71%), DFO would have laid off six staff.
3. DFO has enacted other measures to manage declining resources, including:
 - Raised LSI-R cut-off level from 17 to 21, increasing risk level of all caseloads
 - Decrease/eliminate service to Misdemeanor DUI offenders (men only)
 - Reduce supervision for Gross Misdemeanor property offenders
 - We have reduced our budget for cognitive skills for offenders by 40%. Our own study suggests that adult males who complete cog skills are 15% less likely to reoffend than those who don't.
 - Increased workload for Kiosk and Administrative Supervision, including handling of violations.

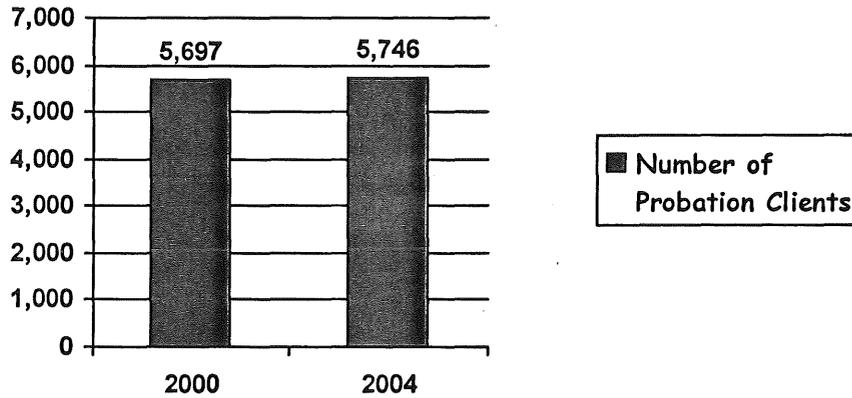
The initial cuts in DFO (to volunteer, program evaluation, contracted services) have had negligible impact on public safety. However, the cuts of the past two years have now begun to compromise public safety. Three specific case scenarios are provided in the appendix - these are the types of cases probation agents used to supervise (home visits, etc). All three of these cases are now on a kiosk, where they check in once per month at an electronic station.

Therefore, behind the numbers of a relatively flat caseload size average for probation agents across Minnesota lies a very different story. Adequate funding of probation needs to be considered in the context of public safety, along with law enforcement, the state department of Corrections, and state correctional facilities. Thank you.

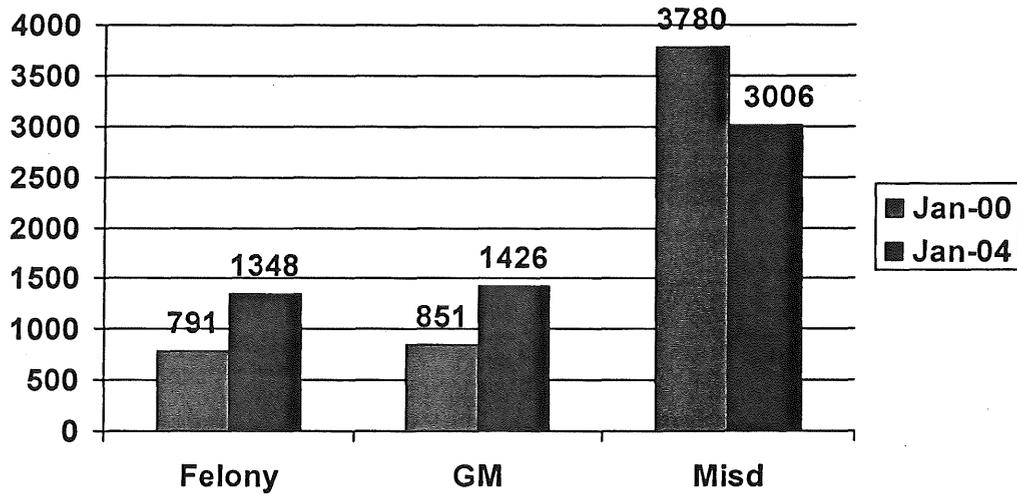
APPENDIX

Tom Adkins, Director, Washington County Community Corrections
Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections

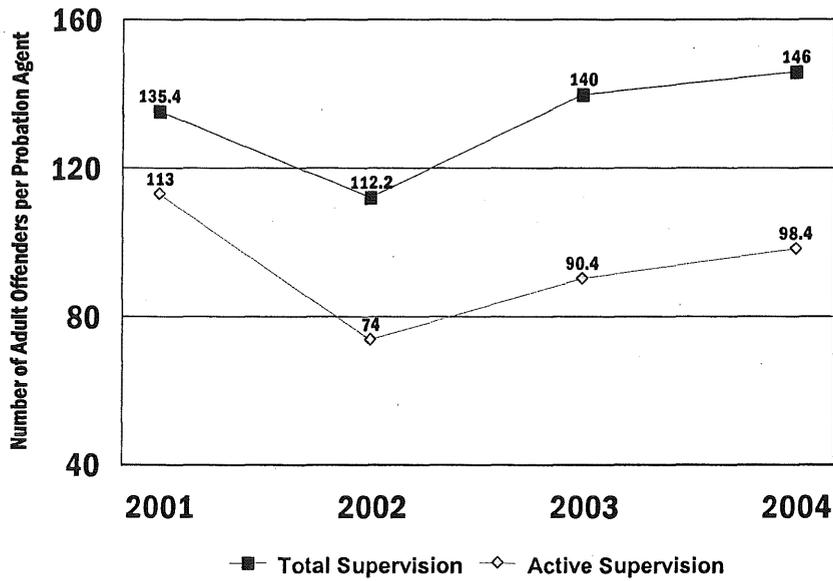
**Washington County Community Corrections
Offenders on probation - 2000 and 2004**



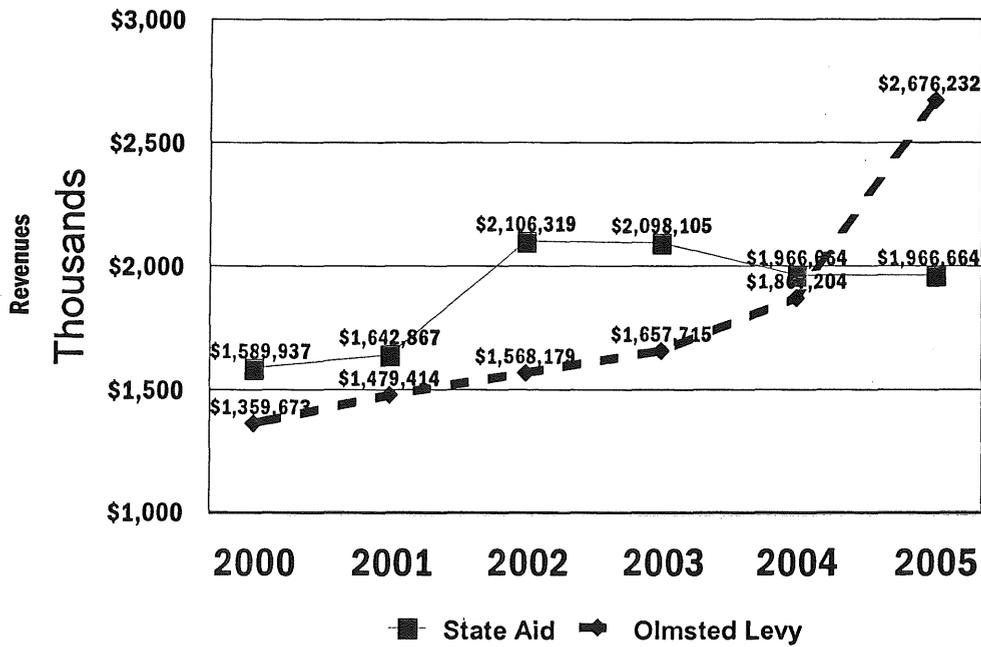
**Washington County Community Corrections
Breakdown by Offense Level
2000 and 2004**

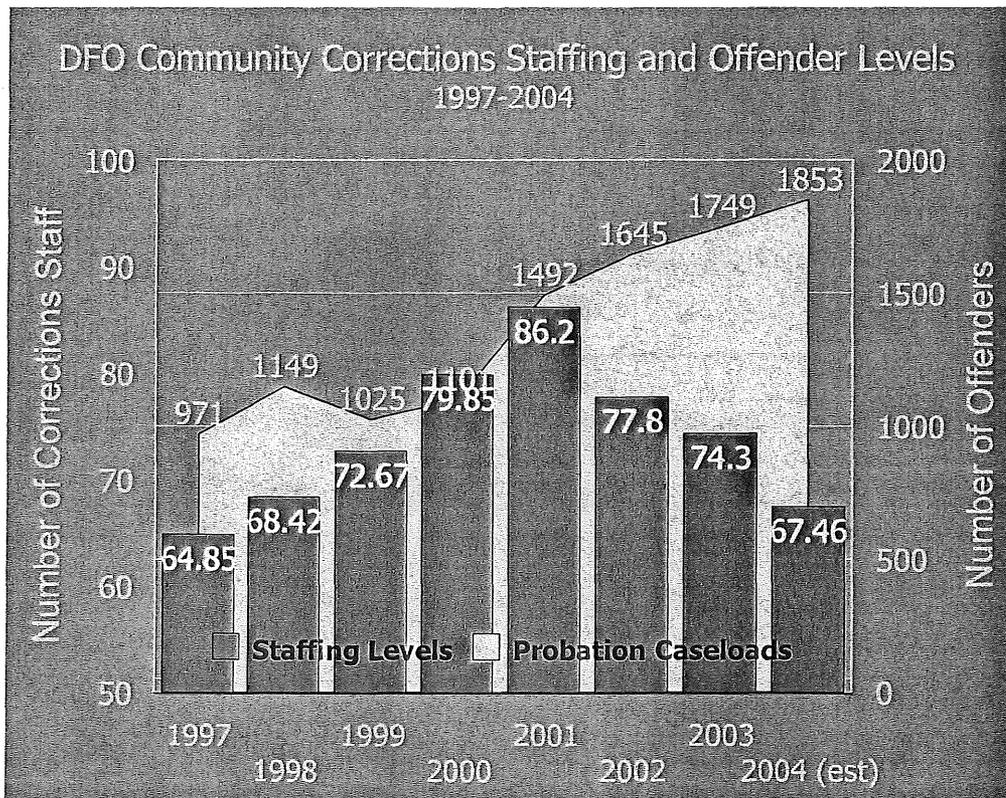


Olmsted County Adult Probation Caseload Trends - DFO Community Corrections
 2001-2004



Funding for DFO Community Corrections
 State Aid vs Olmsted Local Levy
 2000-2005





Three examples of offenders currently on kiosk supervision in DFO

33 year-old white male, currently on probation for two felony counts of Violation of Order for Protection. (The second count occurred approximately two months after being sentenced for the first count). The victim is his ex-wife. He has three previous convictions for OFP violations, as well as 2 DWI's and other miscellaneous driving offenses. He was convicted of 3rd degree Burglary as a juvenile. He has been violated for failing to remain abstinent and failing to remain law-abiding. He is chemically dependent and has been through both CD treatment and domestic violence programming. We continue to get calls from the victim with concerns about her safety.

38 year-old white male, currently on probation for felony 5th Degree Controlled Substance and Terroristic Threats. His wife is the victim of the terroristic threats conviction. The defendant has a lengthy criminal history, including Burglary as a juvenile, two Domestic Assault convictions, three Disorderly Conduct Convictions, two alcohol/drug related convictions, three Theft convictions, a 2nd degree Burglary conviction and 3rd degree Criminal Sexual Conduct conviction, as well as numerous driving offenses. He has had at least 27 detox admissions, 8 chemical dependency treatment admissions as well as domestic violence programming at least twice. He has violated his current sentences by failing to remain abstinent and failing to comply with domestic violence programming.

29 year-old white female, currently on probation for two counts of misdemeanor Theft and one count of misdemeanor 5th Degree Assault. Ten days after sentencing on these convictions she allegedly committed a new offense and has pending charges of 1st and 2nd degree Aggravated Robbery. The charges allege she entered the home of persons unknown to her and demanded money. When they refused she pulled a knife on them. She had her two small children with her during the commission of the crime. She has a lengthy criminal history that includes felony drug crimes, felony Fleeing a Peace Officer, felony Theft, and Prostitution. She also appears to having pending charges in Minneapolis of 1st Degree Controlled Substance. She has a history of chemical dependency.

Portrait of a Meth Case in DFO Community Corrections
NOTE: this case was only supervised by our electronic kiosk
February, 2005

- Corrections officers get tip from Narcotics Task Force that one of our female probationers is using/selling meth. Female probationer is on probation for DUI.
- Police and probation go to home of probationer to conduct a search. First three people they encounter in the home do not live there. They are stoned and in their late teens and early 20s.
- Husband of probationer comes out of bedroom. He has sores all over from meth use. Meth found in bedroom and appears to be the highly addictive crystal meth version.
- Marijuana and drug paraphernalia found under the couch in the living room.
- While at the home an older daughter comes home. She is concerned about the situation and about her 11 year old brother who is at school.
- Mom (probationer) arrives in a car with another young person. Mom tries to deny her identity. Older daughter helps confirm her identity.
- Young person in car with probationer is daughter of law enforcement official from another jurisdiction. Claims she does not use. Meth found in vehicle and appears to be more crystal meth.
- Older daughter agrees to pick up brother and care for him.
- Dad to jail with new felony charges.
- Mom tests positive for Meth and Cocaine. Mom goes to jail.
- Both already have pending First Degree Controlled Substance offenses pending in a neighboring county.
- One week previous, oldest son committed to prison for a sex offense, with the probation violation being use of methamphetamine.

How Supervision levels are Determined

Services and supervision levels are determined by:

- Specialized assessment tools
- Offense severity
- Court ordered conditions
- Cooperation and compliance with probation

Supervision principles

- Community Corrections philosophy relies heavily on local decision making – the bench, community advisory panels, etc
- Utilize most resources on high-risk offenders, minimal for lower risk clients (*Best Practices*)
- Address small misbehaviors in the community before they escalate (*Broken Windows*)
- Utilize Restorative Justice Principles with a balance between victim, offender, and community risks and needs

Offender outcomes

- Offenders remain Law Abiding-Recidivism
- The Community Receives Restorative Services
- Restoring the Crime Victim – Victims Receive Court Ordered Restitution
- Develop Offenders Competencies and Assist Offenders to Change