



Association of Counties Research Foundation
HUMAN RESOURCES PROJECT - Pilot State - MINNESOTA

STATE COMMUNITY COUNTY CORRECTIONS

PREVENTION
PAROLE
INSTITUTIONAL PROGRAM
DIVERSION
PROBATION
RESIDENTIAL PROGRAMS

The Minnesota Community Corrections Act

A COMMON SENSE WAY FOR RURAL AND URBAN COUNTIES TO INTEGRATE AND COORDINATE CORRECTION SERVICES INTO A COMMUNITY CORRECTIONS SYSTEM CONSISTENT WITH THE HUMAN SERVICE MOVEMENT IN MINNESOTA.

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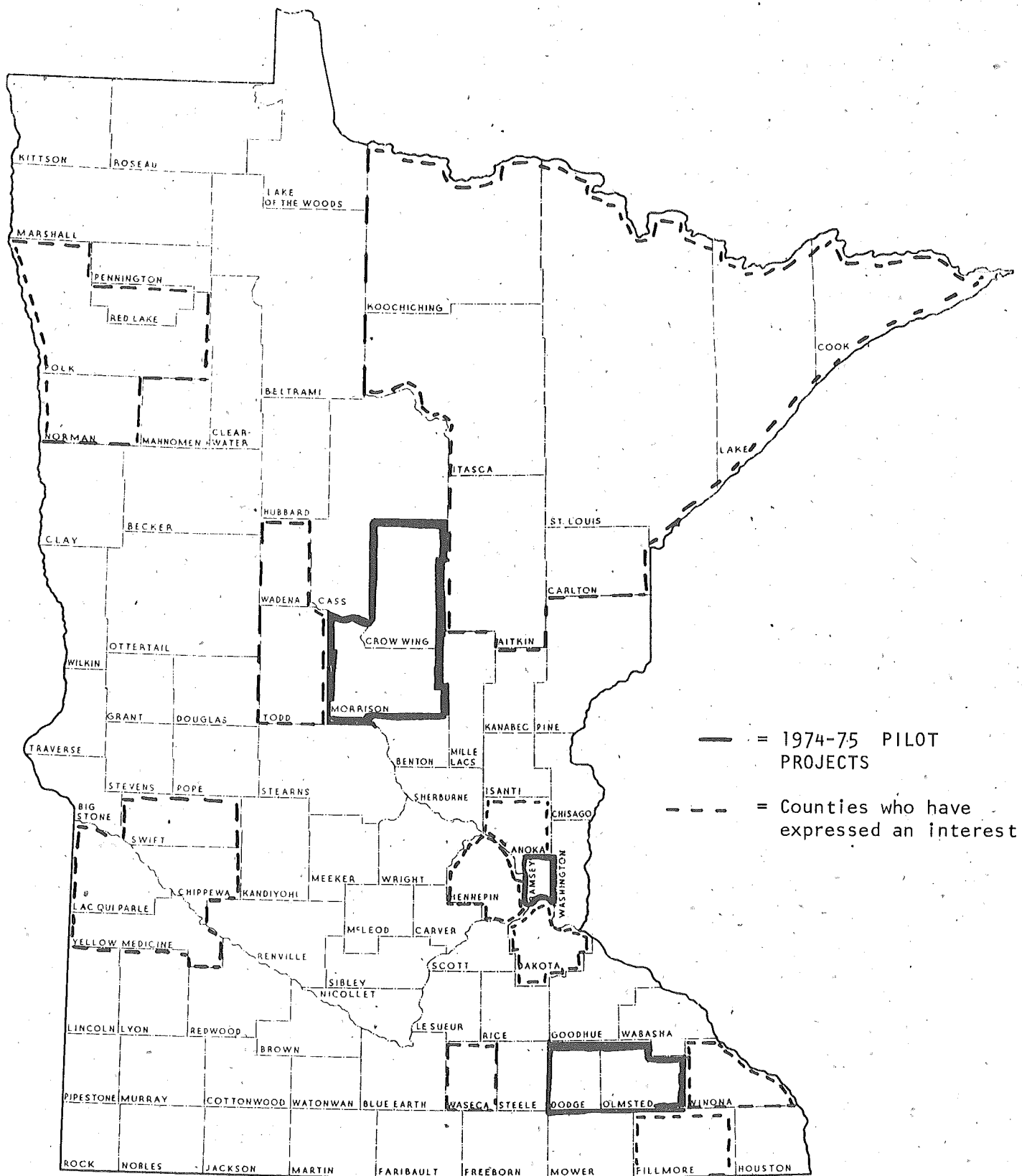
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COMMUNITY CORRECTIONS ACT

July 1974



* NOTE: Counties have been asked to formally respond to the State Commissioner of Corrections if they are interested in coming under the Community Corrections Act during 1975-77

The Minnesota Community Corrections Act

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Minnesota Rural Human Resources Project 1974-75
ASSOCIATION OF MINNESOTA COUNTIES

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HOW THE COMMUNITY CORRECTIONS ACT CAME ABOUT

1973 was a time in Minnesota when something just had to happen in how human services were delivered at both the state and local level. It was also a time when something could very definitely happen, for both the Senate and House and the Governors office were controlled by the Democratic Farmer Labor Party (DFL). Yet, it was also true that there was genuine bi-partisan support to shape up the health, welfare and corrections systems in the state and get them working together. In fact, the most significant statement of what changes should take place had emerged from a study by the interim House Health and Welfare Committee headed by Republican Representative Howard Knutson (elected to the State Senate in the Fall 72 elections). This proposal called for a mandatory regionalization of the County Welfare System and possibly all other locally delivered human services on a 50,000 population base. Many other proposals were also in the process of development in response to legislative concerns about not being able to "get a handle" on such issues as:

- . Should the state close one of the state prisons and look for community alternatives to deal with the less dangerous prison population?
- . Should the state close one or more of the state institutions for the mentally ill or mentally retarded and accelerate the process of encouraging alternate community residential facilities?
- . Should the State Departments of Health, Education and Welfare be consolidated into a state level HEW type agency?
- . Should the State underwrite the twenty-eight Community Action Agencies in the state which were in danger of losing federal funding because of the Nixon Administrations declared intention to eliminate the Office of Economic Opportunity?
- . What kind of relationship should exist between public and private human service agencies which were becoming increasingly tied because of Title IVA contracts and the increasing pressures for cooperation because of pressures on funding sources?
- . And perhaps most of all from a Corrections standpoint, how should the Legislature respond to the increasing public controversy over the policies of State Corrections Commissioner David Fogel which were in the forefront of the liberalizing trend found in prison systems across the country.

The direction for the final corrections legislative action that emerged in 1973 was found within the scattered but growing movement in Minnesota toward corrective residential treatment facilities, half way houses and both formal and informal court diversion programs. Perhaps the most noteworthy and publicly visible project was the PORT (Probationed Offenders Rehabilitation and Training) project in Rochester, Minnesota which had been developed in 1969 by the community as an alternative to use of the State Institutions. Its initial director was Ken Schoen who in 1971 returned to the State Corrections Department as Assistant Commissioner for Community Programs. In the fall of 1972, Ken received the assignment of overseeing a Task Force that was to develop a subsidy program for supporting corrections programs in counties in a more comprehensive fashion than the existing probation officer, group home, and cor-

rectional center subsidies. The Task Force was a broad one with representatives from all elements of the criminal justice center including county commissioners. It split into committees to consider specific aspects of a subsidy program with key members of the State Corrections Department serving as chairmen of each committee. It was during this time period that David Fogel resigned to take a comparable position in Illinois as Corrections Commissioner (a position which never materialized because of a dispute between the Governor and the Legislature). Before the work of the committees was finished, Ken Schoen had been appointed as Commissioner of Corrections in January 1973 and was able to direct the final design on the Community Corrections Act in his new role of Commissioner. (As a commissioner who had received a bi-partisan, enthusiastic response from the legislature upon his appointment and a commissioner who would repeatedly say that "public safety had to be the first concern of corrections".)

The basic elements of the Community Corrections Act were designed to promote a more complete and integrated local corrections system than currently existed anywhere in the state.

1. A COMPREHENSIVE PLAN - which had to look at a full range of correctional services would be the basis for awarding money to counties.
2. AN EQUALIZING SUBSIDY FORMULA - determined the amount of funding available for counties. This formula ranked counties on the basis of per capita income, per capita taxable value, per capita expenditure (per 1000 population) for correctional purposes, and per cent of county population age 6-30 (according to the most recent federal census). This formula intends to relate need to "ability to pay".
3. FUNDING LEVEL FOR SUBSIDIES BASED ON ANTICIPATED FUTURE SAVINGS AND FUNDING STABILITY FOR CORRECTIONS - the subsidy formula is then related to a dollar value in the biannual legislative appropriations bills. This dollar value can obviously be adjusted according to state level funding availability and legislative priorities. However, the expected level of funding for counties is one based on the anticipation that over the next few years the State Corrections budget will grow from 22 million to 30 million plus annually and that at least one half will be directed into community corrections subsidies as the need for state institutions lessens. The legislature could also speed up the process of bringing more counties under the Community Corrections Act by additional appropriations.
4. LOCAL OPTION AS TO ADMINISTRATIVE STRUCTURE. Section 401.04 of the Act allows counties to "determine and establish the administrative structure best suited to the efficient administration and delivery of community services". This permits counties to leave effective delivery systems in place and to provide new administrative forms if the current system is not workable (see section on the Dodge-Olmsted County Community Corrections System).
5. FISCAL INCENTIVE TO DEVELOP MAXIMUM COMMUNITY ALTERNATIVES. The Community Corrections Act requires that counties will be charged for use of state institutions for commitments of less than five years. The obvious incentive is to use community alternatives wherever possible and the state facilities only as a last resort.

6. COORDINATION OF CRIMINAL JUSTICE OFFICIALS AND COMMUNITY INVOLVEMENT. The heart of the Community Corrections Act is the requirement that participating counties must establish a Corrections Advisory Board of no more than seventeen members which must be heavily involved in the development of the comprehensive plan as well as providing the coordination and cooperation needed to make the system work. Because the traditional thrust of Corrections in Minnesota has been to utilize community resources, the Community Corrections Act envisions an expansion of the agencies and persons involved in correctional efforts rather than the creation of a single corrections service unit. The Advisory Board is a must under these circumstances.
7. A NEW ROLE FOR THE STATE DEPARTMENT OF CORRECTIONS AS STANDARD SETTER AND EVALUATOR. The Community Corrections Act calls for the commissioner to develop standards for performance of community corrections programs and to hold counties accountable for meeting those standards. This was consistent with the whole thrust in State government reorganization to get out of the business of being a direct service provider and to become more of a planner and standard setter.

The final Community Corrections Act which emerged (but only after several vigorous committee hearings) addressed itself to the multiple concerns of both state and local officials.

For the Legislators

- The Community Corrections Act made sense in that it provided a way out of the State Institution dilemma and it also made sense in a bi-partisan way.

For the Governor

- The Community Corrections Act was another example of the leadership effort being made in the whole Human Services field.

For the State Planning Agency

- The Community Corrections Act was fully compatible with the Human Services Act (a more comprehensive piece of legislation which allowed counties to integrate Health - Welfare - Corrections - and Mental Health Services under a single board) and the general effort being made to integrate services at both the State and Local level.

For the Counties

- The Community Corrections Act was compatible with county desires to have options to integrate human services at a local level in a flexible way.

The final bill indicated that funding would be made available in 1973-75 for the Counties of Ramsey, Dodge-Olmsted and Crow Wing (Morrison County was added later) where there was significant interest in trying to develop a Community Corrections System and also a base of established community correctional programs. Since the passage of the Act, rules and regulations have been developed for its implementation and on June 1, 1974, Dodge-Olmsted Counties became the first counties to enter the Community Corrections Act.

THE MINNESOTA COMMUNITY CORRECTIONS ACT

WHAT DOES THE COMMUNITY CORRECTIONS ACT REQUIRE MINNESOTA COUNTIES TO DO?

The Community Corrections Act does not require counties to use the Act. In 1973-75 the Act is experimental and can only be used in the counties of Ramsey, Dodge-Olmsted, Crow Wing and Morrison. However, it is intended that the Act continue to be permissive in the future because initial extra state funding and considerable local effort is needed to implement a community corrections system.

WHAT DOES THE COMMUNITY CORRECTIONS ACT ALLOW MINNESOTA COUNTIES TO DO?

The Community Corrections Act allows counties or groups of counties (with a minimum population base of 30,000) to establish a community corrections system that will:

- . take over their current county correctional programs (primarily probation and group homes),
- . incorporate into it any state correctional services (excluding institutions) being provided in the county (primarily parole services),
- . tie in correctional programs being provided by other community agencies,
- . build a common planning, evaluation, and budgeting structure for all community corrections programs,
- . involve the community through the use of a community corrections advisory committee,
- . provide law enforcement and judicial officials with a variety of community alternatives to arrest, prosecution, and incarceration,
- . utilize a subsidy from the State Corrections Department along with the current county expenditure for correctional programs to fund this expanded system,
- . encourage the development of community alternatives as programs financially beneficial for county - all use of state institutions will be charged back against the county.

WHAT IS REQUIRED OF COUNTIES WHO ENTER THE COMMUNITY CORRECTIONS ACT?

1. To enter the Act - Counties or groups of counties (with a minimum population base of 30,000) must enact resolutions to:
 - a. Create a Corrections Advisory Board.
 - b. Provide for the preparation of a comprehensive plan.
 - c. Assume non-institutional correctional services being provided by the State Corrections Department in the counties.
 - d. Provide for centralized administration of the county correctional services. Sec. 401.02
2. To substantially comply with the operating standards established by the Commissioner of Corrections. Sec. 401.06
3. To determine and establish the administrative structure best suited to operate the system. Sec. 401.04
4. To acquire (by lawful means) lands, buildings, and equipment necessary to operate the system. Sec. 401.04

5. To give preference to the employment of any state employees displaced by the county assumption of State Correction Services currently being provided in the county. Sec. 401.04
6. To appoint a community corrections advisory board of no more than seventeen members including the representation specified in the act. Sec. 401.08
7. To annually develop and submit to the State Commissioner of Corrections, a Comprehensive Plan for Community Correctional Services (prevention, diversion, probation, parole, correctional and detention centers, and locally appropriate programs) in which the Corrections Advisory Board has had substantial involvement. Sec. 401.08 - 401.11
8. To continue to expend at least the current annual amount for correctional services spent at the time of entry into the act. Sec. 401.12
9. To pay to the State (via a deduction from the annual subsidy) the per diem confinement costs of all persons committed or sentenced to state institutions for a period of under five years. Sec. 401.13
10. To allow the State Commissioner of Corrections or his designee to inspect any program or facility in the community corrections system. Sec. 401.06
11. To submit to the Commissioner on or before the end of each calendar quarter, certified statements detailing the amounts expended and costs incurred in providing community correctional services. Sec. 401.15
12. To withdraw from the Community Corrections Act only at the end of any calendar quarter and to give notice to the State Commissioner of Corrections by board resolution at the beginning of the quarter of intention to withdraw. Sec. 401.16

WHAT DOES THE COMMUNITY CORRECTIONS ACT REQUIRE THE STATE TO DO?

1. The State Commissioner of Corrections will promulgate rules and regulations (in accordance with the Administrative Procedures Act) for the implementation of the act. Sec. 401.03
2. The Commissioner shall provide consultation and technical assistance to counties to aid them in the development of a comprehensive plan. Sec. 401.03
3. The Commissioner shall annually review the comprehensive plans, programs and facilities of participating counties. Sec. 401.06
4. The Commissioner will hold a hearing to review the activities of any counties who appear not to be in compliance with the Community Corrections Standards. Thirty days notice of hearing are to be given to such counties. Sec. 401.06
5. The Commissioner shall annually determine the costs of per diem confinement costs for juveniles and adults committed to the State Institutions and deduct amounts from the Community Corrections subsidy payable to counties based upon their anticipated use of state institutions. The commissioner shall annually determine the costs of any other correctional services purchased by counties from the State Corrections Department and deduct this amount from the subsidy. Sec. 401.09
401.13

6. The State Corrections Department shall retain any surplus from a county subsidy which cannot be expended in full subject to disbursement in the following year. Sec. 401.12
7. The Commissioner shall upon approval of a comprehensive plan and compliance with prerequisites for participating in the Community Corrections Act determine if funds exist (based upon legislative appropriation and savings) for the payment of the subsidy and if so, authorize payment of the subsidy. Sec. 401.14
8. The Commissioner shall determine for each calendar quarter the amount of subsidy each participating county is entitled to receive and certify to the State Auditor. Sec. 401.15
9. The Commissioner shall biennially review the rankings accorded each county by the equalization formula and compute the subsidy rate accordingly. Sec. 401.15
10. The Commissioner may transfer any unobligated funds from the State Department of Corrections operations to the Community Corrections account. Sec. 401.10
11. The Act does not require this, but the expectation that the Corrections Department would begin to stabilize its budget and begin to divert money from the institutions to community corrections programs was one of the selling points to the legislature. Initial start up funding will still be needed for new community correctional systems for several years before stability and savings begin to occur.

WHAT ARE THE ANTICIPATED BENEFITS OF THE COMMUNITY CORRECTIONS ACT?

1. Elimination of duplicative or competing elements of correctional programs operating within a county.
2. Provision of a wider range of alternatives to arrest, prosecution, and incarceration than is currently available.
3. Lower eventual total cost of state correctional system.
4. Avoidance of placing first offenders into prison setting wherever possible.
5. Development of community advocate groups for correctional client - thru creation of a Corrections Advisory Board.
6. Greater communication and cooperation between members of the criminal justice system.
7. Equalization of the type of justice throughout the state.
8. Greater community understanding of how to deal with correctional clients.
9. Improved ability to draw in community resources to deal with correctional clients.
10. Lowered recidivism rate and more rehabilitation programs.
11. Diversion of appropriate correction clients into community programs so that the state can deal with the issue what types of programs and facilities are needed for long term offenders.

12. Shifting of the thrust of state correctional funding from care of adjudicated criminals to the prevention and minimization of criminal behavior.
13. The bringing of a formal planning and evaluation process to the correctional field.
14. The development of an ongoing community body constantly seeking to identify problems within the criminal justice system (Corrections Advisory Board).
15. It links together the community correctional programs which often come about independently - especially thru LEAA funding - but never reach full potential until they are tied into an overall system.

WHAT ARE CONCERNS ABOUT THE COMMUNITY CORRECTIONS ACT?

1. Legislators - county officials - correctional staff and the public are all going to have to develop a realistic perception of what is possible under Community Corrections. The public will just not be able to accept persons who commit certain types of crimes not "going off to prison". The crime prevention element of community corrections may turn out to be more of a minimization of crime which is realistic but may not satisfy some community corrections advocates. The Community Corrections Act is not for everyone and it may not be appropriate for every county - at least right away.
2. Community Corrections will receive its real test when it is no longer the "in" thing with the legislature and progress is slow and steady rather than dramatic.
3. The Community Corrections Act calls for a partnership between the state and counties with both having a specific role to play which requires the development of certain expertise at both levels. Yet the State Corrections Department is subject to the restrictions of state government - including a current freeze on increasing the staffing of state agencies and a pay scale that is not always competitive within the Twin City Metropolitan Area. There is concern that at some point the State Community Corrections subsidy unit might not be able to effectively respond to and work with a significant number of community correctional systems.
4. There is increasing concern that regardless of how well community corrections systems work it may not be possible to adequately communicate in cost effectiveness terms to the legislature and county decision makers.
5. The Community Corrections Act basically alters a traditional county relationship whereby county judges have previously been supervising probation officers or court services departments. This may or may not be true in the future depending upon what the county comprehensive plans call for in the way of administrative structure. (The Dodge-Olmsted Plan did not disturb the supervisory relationship between the judge and the Court Services Department). The degree to which judges will accept community correctional systems on a state wide basis remains an open question.
6. The Community Corrections Act has been the product of the last two State Commissioners of Corrections. What happens, many people are asking, if another change occurs in this position? Is there sufficient support in the legislature and the Governors Office and in future legislatures and future Governors to ensure continued support of the Community Corrections concept.

HOW COMMUNITY CORRECTIONAL ACT WILL WORK IN DODGE OLMSTED COUNTIES

1. Who is responsible for the overall system?

The county boards of Olmsted and Dodge are responsible to the State Commissioner of Corrections for operation of the system. The county boards exercise their control responsibilities by:

- a. Approving the comprehensive plan.
- b. Approving board administrative policies.
- c. Approving an Annual Budget to fund the plan.
- d. Approving personnel appointments - for county programs within the system.

2. Is there a single Administrator for the Dodge-Olmsted system?

No! There is a centralized administrative process. But, there could be a director at some point in the future if it became necessary and were included in the comprehensive plan approved by the State Corrections Department. Because of the cooperative working relationships over the years between Court services (directed by the judge) and other county departments, it was strongly felt that programs could continue to be operated by existing agencies. Also, three significant programs, PORT Corrections Center (residential treatment for probation offenders), Volunteer Program, and a group home for girls were all operated by a non-profit corporation PORT. There was little interest in trying to turn these into county operations. A commitment to use existing community resources where ever possible also meant that a single administrator was not practical.

3. How do these corrections programs tie together into a system?

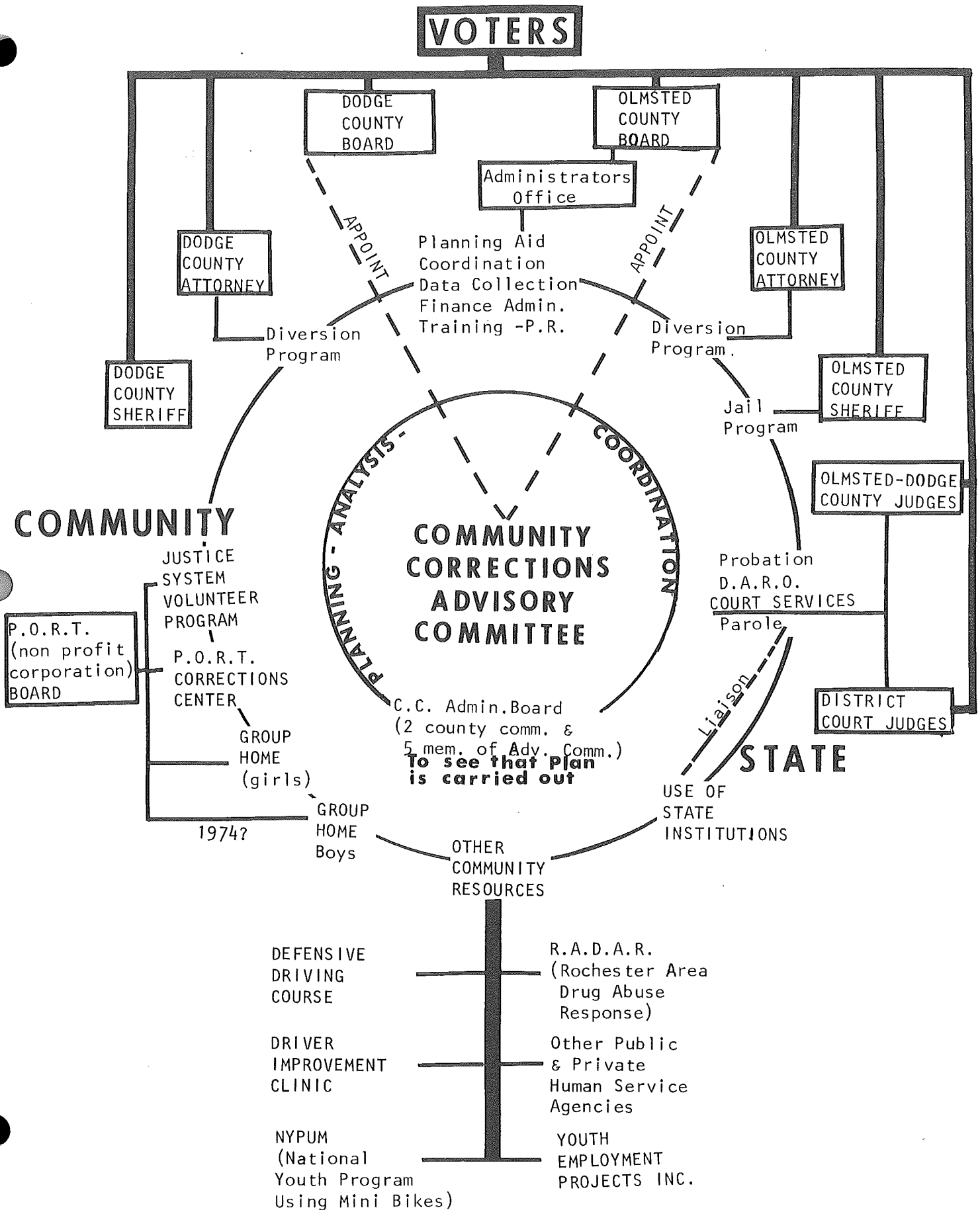
The key elements to making a correctional system work are the:

- . Direction established for all community correctional programs within the comprehensive plan.
- . Ongoing communication and coordination that takes place on the Community Corrections Advisory Committee.
- . Policies of each program in the system which are designed to ensure the type of coordination and cooperation called for in the comprehensive plan.
- . Community Corrections Administrative Committee composed of five members of the Advisory Committee which sees that the plan is carried out.

4. How will the performance of the System be evaluated?

The Comprehensive Plan requires that there be a built in evaluation system for measuring program effectiveness. In addition, when the State Corrections Department reviews the comprehensive plan, there will be an evaluation of how the system is performing compared to others and within the framework of all correctional programming. A simpler test will be if the populations of the state institution are reduced and if the community does take care of its own problems.

The Dodge Olmsted Community Corrections System



The First Approved Plan


The Dodge Olmsted Community Correction Plan

On June 1, 1974, Olmsted and Dodge Counties became the first counties in Minnesota to enter the Community Corrections Act by receiving approval from the State Commissioner of Corrections that their two county comprehensive plan met the objectives and standards of the Community Corrections Act.

This comprehensive plan dealt with many of the same issues that will have to be resolved in other counties.

Improving - the administrative capabilities of Community Corrections

Developing - a planning - evaluation process for community corrections.

Coordinating		Prevention and Diversion Programs
Strengthening		Non Residential Programs
Implementing		Residential Programs, Institutional Programs

Building - Community support for correctional programs

Administrative Capabilities of Community Corrections

Previous Conditions

No central administrative capability previously existed for community correctional programs.

1974-75 Comprehensive Plan

1. Administrative Assistant to the Olmsted County Manager will be employed to:
 - . administratively control correctional funding for program
 - . develop and maintain the necessary financial, personnel, and data collection systems for all programs
 - . monitor programs for evaluation of data and to ensure coordination
 - . coordinate use of consultant and training expenses
 - . provide for education and training of lay citizens involved in Boards
2. Creation of an overall Corrections Administrative Board (composed of one county commissioner from each county and five members from the correctional advisory committee) to monitor plan implementation.
3. The Olmsted County Administrators Office is given responsibility to "see that the system works".

<p>Planning and Evaluation of Community Corrections Programs</p>
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Previous Conditions

1974-75 Comprehensive Plan

Individual program planning and evaluation existed primarily in accordance with what was required in order to secure funding.

Evaluation of program has been done to the practical extent necessary to justify continued funding.

1. Community Corrections Act requires an overall planning process that leads to development of Comprehensive Plan.

2. The corrections administrative assistant is responsible for data collecting that will allow program evaluation and comparison as well as cost benefit analysis.

3. The first year budget under the plan calls for the use of consultants to help in development of a data collection system.

<p>Prevention and Diversion Programs</p>
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Previous Conditions

1974-75 Comprehensive Plan

Informal Pre Trial Diversion Program existed for several years.

Separate Corrections Worker for Dodge County not provided.

Programs previously existed in county.

Program previously existed in county.

1. Pre-Trial Diversion Program in County Attorneys' Office - program will be formalized, better coordinated with other efforts, and tied into the overall planning and data collection - program criteria will be jointly drawn up by the Courts, County Attorneys' Office and the Court Services Dept.

2. Dodge County Corrections Worker - responsible for Dodge County Probations and early diversion.

3. Existing Community Programs utilized to greater extent for correctional clientele - NYPUM - YEP - RADAR - WE/SEP

4. Minnesota Crime Watch Program - Operation I.D.

Non Residential Programs

Previous Conditions

1974-75 Comprehensive Plan

County Court probation services previously provided by County Court Services Department Adult Parole and Probation services for District Court provided by State Parole Agents.

1. Probation & Parole - will be provided for both county and district court by a single court services department which will incorporate into it existing state parole agents.

In addition, a new correctional worker will be added to work primarily with Dodge County.

Program previously existed.

The D.A.R.O. (Diversion of Alcohol Related Offenders) program will continue to operate with both direct group work by court services staff and community referrals. (Coordinator of this program furnished by Olmsted County Social Services Dept.)

Program previously existed.

The Criminal Justice Volunteer Project will continue to be operated by P.O.R.T.

Programs currently exist.

The Driver Improvement Clinic (driver education program) and the Defensive Driving Course (Rochester Police Dept.) will be utilized where appropriate.

Residential Programs

Previous Conditions

1974-75 Comprehensive Plan

P.O.R.T. has been actively operating since 1969.

1. The P.O.R.T. (Probationed Offenders Rehabilitation Training) Correctional Center will continue to operate as a prime alternate to institutionalization for the courts.

Girls Group Home established in 1973.

2. The Girls Group Home will continue to operate under direction of P.O.R.T.

No group home for boys currently exists.

3. A Boys Group Home will likely be opened in 1974 under direction of PORT.

Institutional Programs

Previous Conditions

No rehabilitation program previously existed.

Dodge and Olmsted were not previously required to project commitments to state institutions nor to pay for their cost.

1974-75 Comprehensive Plan

1. Rehabilitation program to be offered in Olmsted County jail for those sentenced for short terms.

- . jail remodeled to provide for day room, library and interview room
- . full time correctional worker employed to develop rehabilitation programs for prisoners using community resources

2. The Comprehensive Plan projects that there will be six commitments per year to state institutions - spaced at 3 months intervals which will cost \$33,765 - this amount to be deducted from the total Community Corrections Subsidy.

Development of Community Support For Corrections

Previous Conditions

The Board of directors of PORT was functioning in many ways as a Community Advisory Committee although it was program rather than system oriented.

1974-75 Comprehensive Plan

1. An overall Community Corrections Advisory Committee is in continuous operation with three active subcommittees:

- . Committee on Prevention and Early Diversion
- . Committee on Adjudication
- . Committee on Community Alternatives

In addition, a special Dodge County Advisory Committee will be formed to help direct the efforts of the Dodge County correctional worker.

2. The volunteer service program which not only provides needed client assistance but also provides community involvement, has the capacity to be expanded under the plan.
3. An Administrative Board composed of a county commissioner from each county and five members of the Advisory Committee ensures that the plan is carried out.

4. A fourth active subcommittee is responsible for overall budgeting, evaluation and cost analysis of programs.

- . Committee on Finances and Evaluation

*The Minnesota Community Corrections Movement May
Have Begun Here*

At PORT a guy has to make it with himself

By ZEKE WIGGLESWORTH
Minneapolis Star Staff Writer

ROCHESTER, Minn.—There are no armed guards at this "prison," no police dogs, no bars, no towering gray walls.

But the sentence is tough . . . instead of two years, they give you yourself.

This institution without walls is called "PORT," standing for Probationed Offenders Rehabilitation Training, and it's an attempt by law enforcement and penal officials in the three counties around Rochester to offer an alternative to "regular" prison sentences.

The program, entering its third year, is an effort not to punish those who have broken the law, but to treat the causes that made them turn to crime.

Thus, when a young man is convicted of car theft or arson or armed robbery in Olmsted (Rochester), Dodge or Fillmore Counties, he often is given a choice: a term at a state institution such as St. Cloud or Stillwater, or being sent to PORT.

If he chooses PORT, he goes to a rambling, three-story Tudor on the grounds of the Minnesota State Hospital in Rochester. There, he encounters a program designed to "cause the negative behavior of the offender and delinquent to stop."

His stay is indefinite. When he is released depends on the PORT staff and his fellow PORT residents. Each resident is judged by his fellows, and the judgments tend to be tough.

Offenders are encouraged to find jobs, and can leave PORT every day to go to work. It costs them \$15 a week to stay there.

"Somebody's been taking care of them, either

parents or themselves, and we expect that to continue," says the executive director at PORT, Kenneth Schoen.

Schoen, a young and blunt man who was with the state prison system before he took over at PORT, says that "it's tougher doing time here than it is at St. Cloud. Here a guy has to make it . . . with himself, with the rest of the guys. We just ask him if he thinks he can cut the mustard."

He said most of the residents were not there out of desire. "It was a choice between this and the joint, the regular prison. But we don't care why they're here. The program works anyway."

In addition to the full-time staff of three at PORT, there are about a dozen or so junior college students living in the house. In exchange for room and board, they serve as models and advisers for the offenders.

"There are no shackles here. The door is open if they want to take off. If they do, it means they've let themselves down. And they know that it means they'll probably go up the river to a prison. That's the alternative they face."

The residents themselves determine how fast

they will get out. They have devised a rating system, from 1 through 5, and each resident is assigned a number, based on progress toward solving his problems.

A "1," for example, is on the bottom of the heap. He can leave PORT only for work or school, can have no calls or visitors except his parents, and has to turn in his paychecks to the PORT revolving account.

At the other end is a "5" who is about ready to leave. He must give the entire house group a written statement "indicating satisfactory performance" in several areas such as legal problems, relationships with his family, financial obligations and the like and "must convince the house that his performance in the above areas will continue to be satisfactory."

If he can hack all this, and the house members approve, he is released.

There is no definite timetable for the journey

from 1 to 5. An armed robber, in his 20s, took nine months. He would have served two years in prison. A teen-age arsonist took 13 months.

"Some stay as long as 14 or 15 months," Schoen said. "It all depends on how they're doing and how the staff and guys feel about it."

Schoen finds "success" a little hard to define for the PORT program.

"Well, of course, if a guy gets out and blows it and ends up in the joint up the river, we call that a failure. If a guy keeps out of trouble and makes it with himself, I guess that's success. If you want to talk in terms of num-

bers, for the guys 18 and up we have about a 10 percent failure rate. It's a little lower for the younger guys."

The "guys" at PORT range from their early teens to their late 40s, and that doesn't seem to bother anybody. "They get along fine," Schoen says.

He says the major reason why the program appears to be working is "the planning and the resources in this community."

The people who set PORT up were judges, chiefs of police, attorneys, psychiatrists, businessmen . . . "a broad range of talent," Schoen calls them.

And, he points out, "the reason we get cooperation from judges and law enforcement people is because they started it and they are running it. The program serves the people who designed it."

It is hoped that if PORT is successful, programs like it will be started elsewhere in Minnesota.

"It just makes sense to do it this way," Schoen said. "We are helping the guys and at the same time saving money. It doesn't come cheap to put a guy away in a prison for a couple of years."

And, Schoen said, the PORT system of rehabilitation differs a little from the traditional approach.

"Lotta times they take guys in and they say, 'we trust you,' and try to help him. That's baloney. When a guy comes in here we tell him, 'Man, we don't

trust you and we won't trust you until you show us otherwise.' That can be a hell of a rough road to travel."

THE MINNEAPOLIS STAR
Thurs., Dec. 16, 1971

THE ROLE OF THE ASSOCIATION OF MINNESOTA COUNTIES IN THE COMMUNITY CORRECTIONS ACT

The roots of the Minnesota Community Corrections Act were many and the fact that the Act emerged in 1973 is credit to the perseverance of many persons in the state and local criminal justice system and bipartisan political leadership in the state legislature. The reason is obvious to natives of Minnesota who were well aware that the state Correctional System had been in constant turmoil for several years because of:

- . rapid turnover in the positions of State Commissioner of Corrections and key staff
- . the public controversy over the policies of the 1971-72 Corrections Commissioner, David Fogel, which resulted in considerable experimentation and openness with the state prisons to a degree that many members of the public were not ready to accept
- . increasing legislative concern over the costs of maintaining the states' prisons and reformatories without seeing results
- . public and legislative concern over the inability of the current correctional system to demonstrate that it was working and producing definite results.

In August 1972, the Commissioner of Corrections appointed a special Task Force to work with the State Corrections Department in developing a systems approach to community corrections. The Task Force contained a mixture of state and local correctional personnel, representatives of client and advocacy groups, legislators, police, and a smattering of county officials (county attorney - judge - and county commissioner). The Association of Minnesota Counties' staff was invited to participate as overall representatives of county effort. The Task Force effort was coordinated by the recently appointed Assistant Commissioner of Corrections for Community Programs, Ken Schoen.

The Task Force was divided into specific committees to develop recommendations in the areas of:

- . local and regional boundaries
- . funding - subsidy plans
- . program standards and evaluation
- . administration

Within the committee study efforts, the AMC staff pursued an effort to ensure that local community correctional systems would be workable and this meant county board control of the system. The basic components of the system, a subsidy formula based upon a combination of need and ability to pay, an advisory committee to ensure community involvement, the local necessity to develop a comprehensive correctional plan, the requirement that counties would be charged for the use of state institutions, and the power of the State Commissioner of Corrections to develop and enforce program standards for the operating of community correctional programs were arrived at by January 1973. The one major factor of disagreement was that State Corrections' staff wanted an independent County Correctional Authority to make administrative, fiscal, and program decisions about the system rather than the County Board. A bill containing this feature was introduced and was vigorously opposed by AMC lobbying in hearings before the House Committee on Corrections and Crime Prevention in

February 1973. The bill was quickly redrafted to put the County Board "in charge" and to change the Correctional Authority to an Advisory Board. AMC's lobbying efforts at this and other hearings hit a responsive cord with the legislature which was looking to delegate responsibilities and funding to established local government units and was much less anxious to create any new administrative forms.

The redrafted bill received AMC support at both House and Senate legislative committees which provided the final impetus for its passage. Contrary to expectations, there was little outward sign of opposition from the County Judges who could have their Court Services Departments placed under a separate administrative form if county boards chose to do so.

Even before the passage of the Community Corrections Act, AMC had begun efforts to inform counties about the act. In December, 1972, Ken Schoen had appeared at a meeting of the AMC Human Services Committee (a committee of County Commissioners, welfare directors, county nurses, probation officers) to explain the thrust of the Act. In February 1973, Ken - now appointed as State Commissioner of Corrections to replace the resigning David Fogel who had taken a similar job in the State of Illinois - discussed the Community Corrections Act at the AMC Delegate Assembly. The same month, one of the Commissioner's assistants appeared at a meeting of the AMC Human Services Committee to explain the detailed workings of the Act.

This communication link would be continued in subsequent months as nearly every one of the monthly meetings of the AMC Human Services Committee contained a report on the progress of the implementation of the Act. In November 1973, Commissioner Schoen addressed the AMC Annual Meeting. During this same time period the AMC staff participated in the development of the Rules and Regulations which were to govern the operation of the Act. On May 7, 1974, AMC officially commented on the rules and regulations at a final public hearing before the rules were to go into affect.

AMC staff had also maintained ongoing contact with the pilot counties which were developing plans to come under the Act. On June 21, 1974, AMC co-sponsored with the counties of Olmsted and Dodge a "Community Corrections Forum" designed to show how the Community Corrections Act would work in Dodge-Olmsted counties - the first pilot counties to come under the Act.

During the remainder of 1974, AMC will use its regular meeting schedules of committee meetings, district meetings, and the Annual Meeting to further inform counties of the activity taking place under the Community Corrections Act.

The Minnesota Community Corrections Act

COMMUNITY CORRECTIONS SERVICES

Laws 1973, Chapter 354

S.F. 1353

An act

relating to community corrections;
authorizing a state subsidy to local
units of government for providing
community based corrections services;
prescribing the powers of the commissioner of corrections; appropriating funds therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. 401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.
Subdivision 1. For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based corrections programs including, but not limited to preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent.

Subd. 2. For the purposes of sections 401.01 to 401.16 "commissioner" means the commissioner of corrections or his designee.

Sec. 2. 401.02 COUNTIES OR REGIONS; SERVICES INCLUDIBLE. One or more contiguous counties, having an aggregate population of 30,000 or more persons or comprising all the counties within a region designated pursuant to Minnesota Statutes, Sections 462.381 to 462.396 or Minnesota Statutes, Chapter 473B, situated within the same region designated pursuant to Minnesota Statutes, Sections 462.381 to 462.396, or Minnesota Statutes, Chapter 473B, may qualify for a grant as provided in Section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services other than the operation of state institutions presently provided in such counties by the department of corrections and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall

comply with the provisions of Minnesota Statutes, Section 471.59.

Sec. 3. 401.03 PROMULGATION OF RULES; TECHNICAL ASSISTANCE. The commissioner shall, as provided in Minnesota Statutes, Sections 15.0411 to 15.0422, promulgate rules for the implementation of sections 401.01 to 401.16, and shall provide consultation and technical assistance to counties to aid them in the development of comprehensive plans.

Sec. 4. 401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES. Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of this act, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 1, and (c) employ a director and such other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in such counties, preference shall be given to the employment of those state officers, employees and agents thus displaced; if hired by a county, such employment shall, to the extent possible, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

Sec. 5. 401.05 FISCAL POWERS. Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16, may, through their governing bodies, use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for and accept federal funds.

Sec. 6. 401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE. No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the administrative procedures act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy the county or group of counties shall substantially comply with the operating standards established by the commissioner. The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. He is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days notice shall be given the county or counties and a hearing held to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

Sec. 7. 401.07 EXISTING SINGLE JURISDICTION COUNTIES OR GROUPS. In any county or group of counties where correctional services are currently being provided by a single jurisdiction within that county, nothing in sections 401.01 to 401.16 shall be interpreted as requiring a change of authority.

Sec. 8. 401.08 CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES. Subdivision 1. The corrections advisory board provided in section 401.02 shall consist of no more than 17 members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

(1) the law enforcement representation shall consist of a sheriff, and a chief of police (selected by the chiefs of police of the county), or their respective designees;

(2) the prosecution representative shall be either the county attorney or his designee;

(3) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(4) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the members of the board;

(5) the director a county welfare board or his designee;

(6) the public defender or his designee;

(7) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:

(a) one parole or probation officer;

(b) one correctional administrator;

(c) a representative from social service agency,
public or private;

(d) an ex-offender;

(e) a licensed medical doctor;

(f) at least four citizens, provided, however, that if the ethnic minorities resident in the county exceed the percentage of ethnic minorities in the state population, at least two of the citizen members shall be members of an ethnic minority group.

Subd. 2. Members of the corrections advisory board appointed by the chairman of the board of county commissioners shall serve for terms of two years from and after the date of their appointment, and shall remain in office until their successors are duly appointed. The other members of the corrections advisory board shall hold office at the pleasure of the appointing authority.

Subd. 3. Where two or more counties combine to come within the provisions of sections 401.01 to 401.16 the joint corrections advisory board shall contain representation as provided in subdivision 1, but the members comprising the board may come from each of the participating counties as may be determined by agreement of the counties. The board may elect its own officers.

Subd. 4. The corrections advisory board provided in sections 401.01 to 401.16 shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional program and services described in section 401.01, and shall make a formal recommendation to the county board or joint board at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Sec. 9. 401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES. Failure of a county or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not effect their eligibility for any other state subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state institution as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the subsidy due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of subsidy to which the participating county or counties are eligible.

Sec. 10. 401.10 CORRECTIONS EQUALIZATION FORMULA. To determine the amount to be paid participating counties during the biennium ending June 30, 1975, the commissioner of corrections will apply the following formula:

(1) All 87 counties will be ranked in accordance with a formula involving four factors:

- (a) per capita income;
- (b) per capita taxable value;
- (c) per capita expenditure per 1,000 population for correctional purposes, and;
- (d) per cent of county population aged six through 30 years of age according to the most recent federal census.

"Per capita expenditure per 1,000 population" for each county is to be determined by multiplying the number of adults and "youthful offenders" under supervision in each county at the end of the current year by \$350. To the product thus obtained will be added:

- (i) the number of presentence investigations completed in that county for the current year multiplied by \$50;
- (ii) the annual cost to the county for county probation officers' salaries for the current year; and
- (iii) 33 1/3 percent of such annual cost for probation officers' salaries.

The total figure obtained by adding the foregoing items is then divided by the total county population according to the most recent federal census.

(2) The percent of county population aged six through 30 years shall be determined according to the most recent federal census.

(3) Each county is then ranked as follows:

- (a) on the basis of per capita income the ranking is from the lowest to the highest;
- (b) per capita taxable value is ranked from lowest to highest;
- (c) per capita expenditure is ranked from highest to lowest;
- (d) per cent of county population aged six through 30 years is ranked from highest to lowest.

(4) The ranking given each county on each of the foregoing four factors is then totaled and the counties ranked in numerical order according to score.

(5) The total score for each county thus determined is then divided into a median total score. The median total score is the score obtained by that county ranked number 44 in the final ranking. The quotient thus obtained then becomes the computation factor for the county. This computation factor is then multiplied by a "dollar value", as fixed by the appropriation pursuant to sections 401.01 to 401.16, times the total county population. The resulting product is the amount of subsidy to which the county is eligible under sections 401.01 to 401.16. Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and appropriations of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds in any appropriation to the department of corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

Sec. 11. 401.11 ITEMS INCLUDED IN PLAN PURSUANT TO REGULATION. The comprehensive plan submitted to the commissioner for his approval shall include those items prescribed by regulation of the commissioner, which may require the inclusion of the following: (a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which probation and parole services to the courts and persons under jurisdiction of the youth conservation commission and the adult corrections commission will be provided; (c) a program for the detention, supervision and treatment of persons under pre-trial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation and duration of program.

Sec. 12. 401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES. Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01.

Sec. 13. 401.13 CHARGES MADE TO COUNTIES. Each participating county will be charged a sum equal to the per diem cost of confinement

of those persons committed to the commissioner or the youth conservation commission after August 1, 1973; and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties. All charges shall be a charge upon the county of commitment.

Sec. 14. 401.14 PAYMENT OF SUBSIDY. Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy and proceed to pay same in accordance with applicable rules and regulations.

Sec. 15. 401.15 PROCEDURE FOR DETERMINATION AND PAYMENT OF AMOUNT; BIENNIAL REVIEW. Subdivision 1. On or before the end of each calendar quarter, participating counties shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in providing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled to receive, and certify same to the state auditor who shall thereupon draw his warrant upon the state treasurer in favor of the chief fiscal officer of each participating county for the amount shown to be due each county. Thereafter, the state auditor shall transmit the warrant to the appropriate fiscal officer, together with a copy of the certificate prepared by the commissioner.

Subd. 2. The commissioner shall biennially review the ranking accorded each county by the equalization formula provided in section 401.10 and compute the subsidy rate accordingly.

Sec. 16. 401.16 WITHDRAWAL FROM PROGRAM. Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and such withdrawal shall be effective the last day of the last month of the quarter in which such notice was given.

Approved May 19, 1973.

Maximum C. C. Subsidy Available For Counties

COUNTY	DOLLAR AMOUNT	COUNTY	DOLLAR AMOUNT
1. Aitkin	\$55,908.91	45. Martin	67,574.16
2. Anoka	808,134.83	46. McLeod	88,822.68
3. Becker	156,516.98	47. Meeker	58,001.19
4. Beltrami	315,869.42	48. Mille Lacs	63,487.23
5. Benton	166,415.39	49. Morrison	147,276.29
6. Big Stone	24,243.87	50. Mower	144,908.70
7. Blue Earth	213,055.18	51. Murray	37,098.73
8. Brown	118,350.04	52. Nicollet	129,406.00
9. Carlton	100,441.62	53. Nobles	78,953.62
10. Carver	126,044.62	54. Norman	19,595.66
11. Cass	89,178.80	55. Olmsted	265,852.74
12. Chippewa	35,249.30	56. Otter Tail	147,187.72
13. Chisago	65,612.49	57. Pennington	51,631.27
14. Clay	284,588.45	58. Pine	97,006.71
15. Clearwater	35,393.42	59. Pipestone	45,267.35
16. Cook	10,351.15	60. Polk	89,737.61
17. Cottonwood	33,495.75	61. Pope	28,833.77
18. Crow Wing	131,363.67	62. Ramsey	1,808,816.49
19. Dakota	521,483.84	63. Red Lake	19,396.80
20. Dodge	46,411.72	64. Redwood	52,182.54
21. Douglas	101,193.47	65. Renville	48,408.31
22. Faribault	54,246.02	66. Rice	193,273.14
23. Fillmore	62,329.10	67. Rock	26,549.64
24. Freeborn	113,468.78	68. Roseau	53,772.71
25. Goodhue	102,254.15	69. St. Louis	1,108,320.25
26. Grant	19,207.19	70. Scott	226,896.15
27. Hennepin	3,287,313.92	71. Sherburne	118,997.53
28. Houston	84,760.37	72. Sibley	38,566.73
29. Hubbard	36,236.19	73. Stearns	540,250.20
30. Isanti	94,607.28	74. Steele	84,724.93
31. Itasca	152,601.35	75. Stevens	35,291.83
32. Jackson	35,750.83	76. Swift	40,848.70
33. Kanabec	38,288.68	77. Todd	92,436.52
34. Kandiyohi	117,457.06	78. Traverse	16,097.80
35. Kittson	13,000.14	79. Wabasha	70,136.13
36. Koochiching	75,115.05	80. Wadena	110,417.15
37. Lac Qui Parle	27,251.32	81. Waseca	53,504.89
38. Lake	63,977.99	82. Washington	376,973.58
39. Lake of the Woods	27,901.03	83. Watonwan	46,769.07
40. LeSueur	67,110.47	84. Wilkin	25,416.02
41. Lincoln	23,801.99	85. Winona	190,736.66
42. Lyon	99,446.48	86. Wright	187,968.52
43. Mahnomen	37,752.05	87. Yellow Medicine	38,485.95
44. Marshall	28,065.94		
		GRAND TOTAL	\$15,267,125.97