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- Community Corrections Act of 1973



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IMPLEMENTATION GUIDELINES

for the

COMMUNITY CORRECTIONS ACT

of 1973

MINNESOTA DEPARTMENT OF CORRECTIONS

August, 1973

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FOREWORD

The purpose of this report is to provide implementation guidelines and background information which will allow individual counties or groups of counties to effectively begin to organize the administration and delivery of correctional services as provided in the Community Corrections Act.

The report is divided into sections to aid in the identification of issues which need to be addressed by the county, and the sequence in which they should be dealt. It is not the purpose of this report to provide hard and fast answers to all the issues, nor to promulgate administrative rules, regulations, or standards. As counties elect to begin participation in the Act, they will be requested to participate in the formulation of various rules, regulations, and standards for the implementation and operation of the Act.

Any questions in regard to the Community Corrections Act may be directed to

Director of Correctional Subsidy Services
Minnesota Department of Corrections
430 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

COMMUNITY CORRECTIONS ACT
of 1973

IMPLEMENTATION GUIDELINES

MINNESOTA DEPARTMENT OF CORRECTIONS

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BACKGROUND

The administration and delivery of correctional services in Minnesota is presently characterized by a number of problems:

- o Lack of effective public protection

Public protection is the first goal of all correctional programs. However, the most significant fact about the present system is that it offers minimal public protection. "Graduates" of the State's correctional institutions recidivate (repeat criminal activity) at a rate of 36 percent for juvenile offenders up to 18 years of age, and 22 percent for older offenders--all within the first twelve months of parole. Thus, the plain fact is that incarceration in remote institutions is more likely to have a detrimental than a beneficial effect on offenders. The public is little better protected from a parolee who has "done time" than from one who hasn't. And, in the long run, it is the public, not the unrehabilitated offenders, who suffers most.

- o High costs of State institutionalization

The present system encourages judges to sentence offenders to state institutions by charging counties nothing for these services. But the yearly cost of such care to the State as a whole is very high; \$12,000 for juveniles up to 18 and \$6,800 for older offenders. Reduction of institutional commitments would create savings for more economical, community-based programs. For example, the community-based PORT program in Rochester costs only \$3,600 per offender. PORT, unlike the State institutions, also allows offenders to work, pay taxes, and keep their families off of welfare. Community facilities keep costs low by using, not duplicating, nearby resources such as education, vocational training, and mental health centers.

- o Duplication of services and their delivery

Responsibility for providing correctional services is now divided among jurisdictions in a very mal-coordinated, disjointed way, creating inefficiency and little continuity of care. For example, parole and probation services are divided in a complex fashion between county and State. Likewise, juvenile institutional care in Metro areas often overlaps between county and State. A well-planned administrative framework is needed to organize this corrections non-system.

o Inappropriate correctional solutions

A large number of recent studies tell us that criminal behavior is rooted in a community's socio-economic problems. If the community is the source of such deviant behavior then, logically, it should provide the solution. It makes little sense to banish the law breaker from his community, place him in a disorientating, artificial situation, and then expect him to return home well adjusted. It makes a good deal of sense, however, to keep him in his regular surroundings, extend him special assistance, help him to become reintegrated to work, training, education, family and friends.

Therefore, in response to these and other problems, the 1973 Minnesota State Legislature has passed the Community Corrections Act. The Community Corrections Act provides for financial incentives for the systematic development and use of more beneficial, less costly services by county or multi-county government units. The purpose of the Act is to promote the growth of community-based corrections through the reallocation of correctional resources.

HOW THE ACT WORKS

The Community Corrections Act allows the Commissioner of Corrections to make subsidy grants to a county (or counties) electing to provide the full range of their own correctional services, including diversion programs, probation and parole services, community corrections centers and facilities to detain, confine and treat offenders of all age groups. It would operate with these provisions:

- o Counties wishing to participate will create and establish a corrections advisory board.
- o Counties wishing to participate will submit a comprehensive plan for the provision of all correctional services to the Commissioner of Corrections for his approval.
- o Counties with approved plans will be eligible for a generous subsidy based on the counties' correctional need, ability to pay, and population.
- o Subsidy monies will be drawn from the new community corrections fund on deposit with the State Treasurer and from savings from regular Corrections Department appropriations.
- o Counties electing to come under the Act will be required to pay per diem costs for the commitment of their offenders to State institutions, except when sentences exceed five years by statute.
- o County programs operated under the Act will be regulated and periodically inspected by the Department. Subsidies could be withdrawn if programs didn't meet Department standards.

CORRECTIONS ADVISORY BOARD

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 the Regional Development Act, may qualify for a subsidy under the Community Corrections Act by

1. The enactment of appropriate resolutions by the County Board(s) creating and establishing a corrections advisory board; and,
2. Directing the corrections advisory board to prepare a comprehensive plan for the development, implementation and operation of a total county correctional service system.

As defined by the Act, the corrections advisory board will 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. The authority of the board is to actively participate in the formulation of the comprehensive plan and to formally make recommendations to the county board or joint board, at least annually, concerning the comprehensive plan and its implementation.

The board is to 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 representative 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 of 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 a 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.

Where two or more counties combine to come within the provisions of this Act, the joint corrections advisory board shall contain the representation as provided, but the members comprising the board may come from each of the participating counties as may be determined by agreement of the counties.

COMPREHENSIVE PLAN

Subsequent to the enactment of appropriate resolutions creating and establishing a corrections advisory board by the county board(s), the next step is the preparation of a comprehensive plan. The comprehensive plan involves the development, implementation and operation of community-based corrections programs including, but not limited to, preventive or diversionary programs, probation and parole services, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of a crime or adjudicated delinquent. It must also include the following:

1. Assumption of those correctional services, other than the operation of State institutions, presently provided in such counties by the Department of Corrections; and,
2. provision for centralized administration and control of the correctional services.

Also, as defined by the Act, the Commissioner is authorized to establish regulations for the inclusion of the following, within the plan:

1. The manner in which pre-sentence and post-sentence investigations and reports for the district courts and social history reports for the juvenile courts will be made.
2. 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.
3. A program for the detention, supervision, and treatment of persons under pre-trial detention or under commitment.
4. Delivery of other correctional services, such as diversion programs, non-residential supervision programs, residential alternatives to incarceration, and pre-release programs.
5. 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.

The preparation of the comprehensive plan will involve a number of steps and each county or group of counties may elect to define its own schedule. However, the following is a schedule of major steps that must be addressed.

1. Problem Definition. The first step is defining the problem, including initial demarcation of the specific service area to result in a preliminary statement of the correctional problem.
2. Data. Data survey analysis should be completed to obtain information on population trends and demography, judicial practices, offender profiles, service area resources, geographic and physical characteristics, and political and governmental composition. Such information is needed to assess service area needs and capabilities and to determine priorities.
3. Goals. The next step is the establishment of goals for the correctional delivery system.
4. Program Design. Subsequent to the delivery system definition, program design would be the next step.
5. Implementation Strategy. This step involves the time-table for implementing the delivery system.
6. Evaluation and Feedback. The final step is the evaluation design for the elements of the delivery system.

Assistance in the development and implementation of the plan will be provided by the Department of Corrections, Correctional Subsidy Services unit.

Other issues that will be involved in the development of the plan, as defined by the Act, are as follows:

1. Determination and establishment of the administrative structure best suited to the efficient administration and delivery of correctional services in the area.
2. To the extent participating counties assume and take over State correctional services presently provided in such counties, provide preference to those State officers, employees, and agents thus displaced.
3. Provision for the purchase of selected correctional services.

SUBSIDY

Upon approval of the comprehensive plan, a county, or group of counties, will be eligible for a subsidy. Participating counties are obligated by acceptance of such subsidy not to diminish their current level of spending for correctional purposes. To determine the amount to be paid, the Commissioner of Corrections has been directed to 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. percent of county population aged 6 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:

- a. the number of pre-sentence investigations completed in that county for the current year multiplied by \$50;
- b. the annual cost to the county for county probation officers' salaries for the current year; and,
- c. thirty-three and one-third ($33 \frac{1}{3}$) 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 6 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. percent of county population aged 6 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 this Act, times the total county population. The resulting product is the amount of subsidy to which the county is eligible under this Act.

The result of this formula is contained in the chart on the following pages.

MAXIMUM SUBSIDY AVAILABLE FOR EACH COUNTY

<u>COUNTY</u>	<u>DOLLAR AMOUNT</u>
1 Aitkin	\$55,908.91
2 Anoka	808,134.83
3 Becker	156,516.98
4 Beltrami	315,869.42
5 Benton	166,415.39
6 Big Stone	24,243.87
7 Blue Earth	213,055.18
8 Brown	118,350.04
9 Carlton	100,441.62
10 Carver	126,044.62
11 Cass	89,178.80
12 Chippewa	35,249.30
13 Chisago	65,612.49
14 Clay	284,588.45
15 Clearwater	35,393.42
16 Cook	10,351.15
17 Cottonwood	33,495.75
18 Crow Wing	131,363.67
19 Dakota	521,483.84
20 Dodge	46,411.72
21 Douglas	101,193.47
22 Faribault	54,246.02

<u>COUNTY</u>	<u>DOLLAR AMOUNT</u>
23 Fillmore	62,329.10
24 Freeborn	113,468.78
25 Goodhue	102,254.15
26 Grant	19,207.19
27 Hennepin	3,287,313.92
28 Houston	84,760.37
29 Hubbard	36,236.19
30 Isanti	94,607.28
31 Itasca	152,601.35
32 Jackson	35,750.83
33 Kanabec	38,288.68
34 Kandiyohi	117,457.06
35 Kittson	13,000.14
36 Koochiching	75,115.05
37 Lac qui Parle	27,251.32
38 Lake	63,977.99
39 Lake of the Woods	27,901.03
40 LeSueur	67,110.47
41 Lincoln	23,801.99
42 Lyon	99,446.48
43 Mahnomen	37,752.05
44 Marshall	28,065.94

<u>COUNTY</u>	<u>DOLLAR AMOUNT</u>
45 Martin	67,574.16
46 McLeod	88,822.68
47 Meeker	58,001.19
48 Mille Lacs	63,487.23
49 Morrison	147,276.29
50 Mower	144,908.70
51 Murray	37,098.73
52 Nicollet	129,406.00
53 Nobles	78,953.62
54 Norman	19,595.66
55 Olmsted	265,852.74
56 Otter Tail	147,187.72
57 Pennington	51,631.27
58 Pine	97,006.71
59 Pipestone	45,267.35
60 Polk	89,737.61
61 Pope	28,833.77
62 Ramsey	1,808,816.49
63 Red Lake	19,396.80
64 Redwood	52,182.54
65 Renville	48,408.31
66 Rice	193,273.14

<u>COUNTY</u>	<u>DOLLAR AMOUNT</u>
67 Rock	26,549.64
68 Roseau	53,772.71
69 St. Louis	1,108,320.25
70 Scott	226,896.15
71 Sherburne	118,997.53
72 Sibley	38,566.73
73 Stearns	540,250.20
74 Steele	84,724.93
75 Stevens	35,291.83
76 Swift	40,848.70
77 Todd	92,436.52
78 Traverse	16,097.80
79 Wabasha	70,136.13
80 Wadena	110,417.15
81 Waseca	53,504.89
82 Washington	376,973.58
83 Watonwan	46,769.07
84 Wilkin	25,416.02
85 Winona	190,736.66
86 Wright	187,968.52
87 Yellow Medicine	<u>38,485.95</u>
GRAND TOTAL	\$15,267,125.97

COMMUNITY CORRECTIONS FUND

Upon approval of the comprehensive plan, the Commissioner of Corrections is authorized to proceed to pay the subsidy under the following rule:

On or before the end of each calendar quarter, participating counties shall submit to the commissioner certified statements detailing the amount expended and costs incurred in providing the correctional services provided in this act. Upon receipt of certified statements, the commissioner shall determine the amount of 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.

A county may also elect to receive a quarterly advance upon acceptance into the Act, in lieu of payment after the end of the calendar quarter.

The 1973 State Legislature authorized \$1,500,000 for the purposes of the Act. In addition, monies presently funding correctional services in a county will be transferred to this account upon their assumption by the county and any other savings may also be transferred.

COMMITMENT COSTS

In addition to the preparation and approval of the comprehensive plan for the delivery of correctional services, each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to state institutions, after their acceptance into the Act.

However, no charge will be made against the county of commitment 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 of Corrections shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties.

STANDARDS

As defined by the Act:

No county or group of counties electing to provide correctional services pursuant to this Act 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 this act. 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.

As counties indicate a willingness to participate in the Act, they will be requested to also participate in the development of all appropriate rules, regulations and standards for the implementation and operation of the Community Corrections Act. Such rules and standards will be issued prior to acceptance into the Act and be reflected in each comprehensive plan.

Also, any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the Commissioner of Corrections of its intention to withdraw from the subsidy program and such withdrawal will be effective the last day of the last month of the quarter.