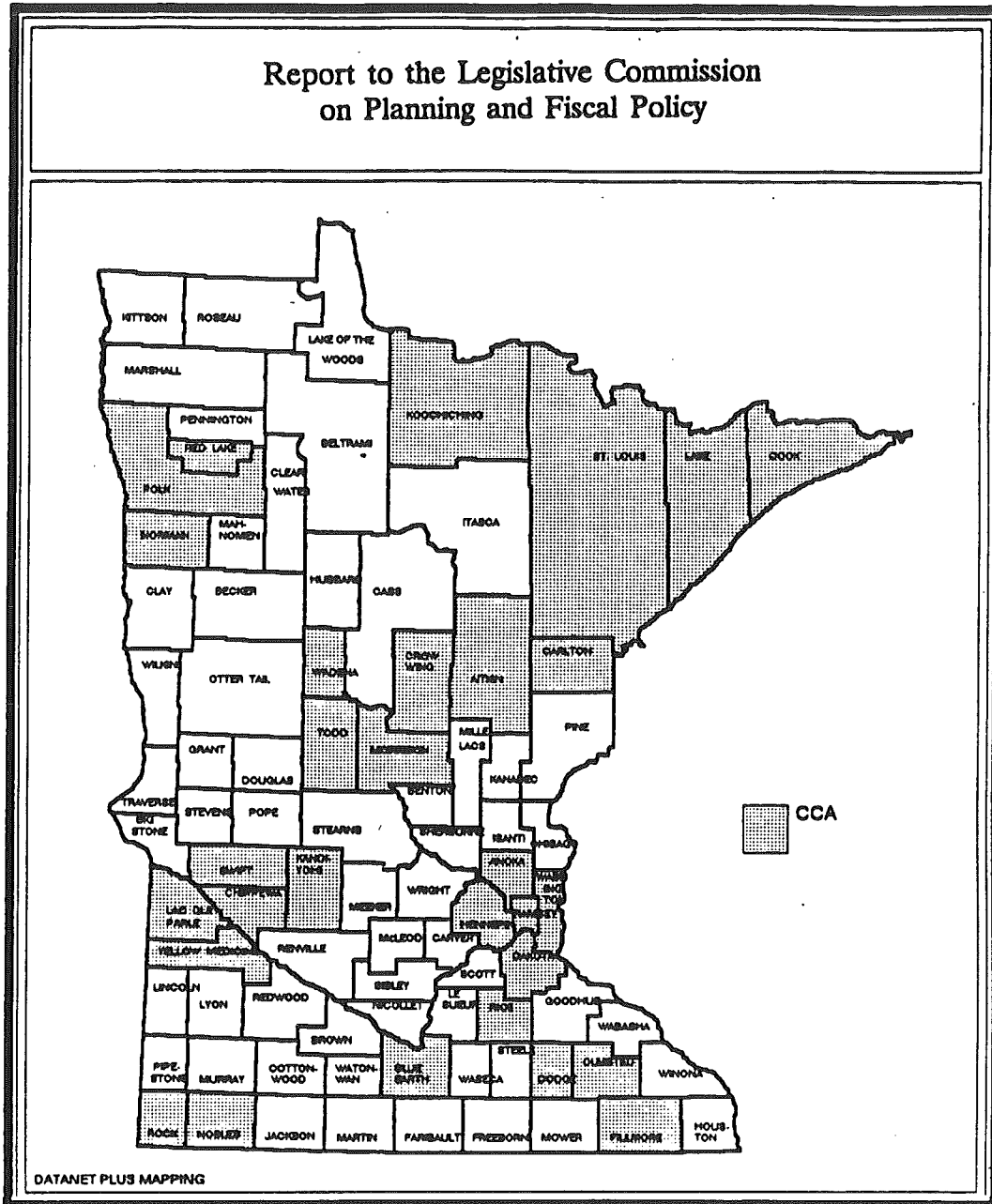


THE ROLE OF THE COMMUNITY CORRECTIONS ACT BLOCK GRANT IN MINNESOTA CORRECTIONS



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SPECIAL NOTE

This report is the product of the work group consisting of legislative and executive agency staff listed on the cover. However, because the report contains recommendations to the legislative and executive branches of government, House Research and Senate Counsel policy prevents Emily Shapiro and Allison Wolf from signing on as authors. Ms. Shapiro and Ms. Wolf did participate in the work group.

TABLE OF CONTENTS

	<u>Page</u>
Executive Summary	i
Introduction	1
Intent of Community Corrections	1
Program Description	1
The CCA Grant Formula	3
Cash Flow Problems	3
CCA: A Voluntary Program	3
Important Historic Markers	4
What Factors are Affecting Correctional Costs?	4
Adult Arrest Data	4
Prosecution: Criminal Case Filings	6
Incarceration and Probation Trends	6
Crime Rate	8
Current State-County Issues	9
Definition of a Mandate	9
Financing System Growth Mandates	10
Policy Issues	12
Local Discretion in Corrections	12
A Statewide Community Corrections Act	13
The Role of Local Financing	15
The Cost of Criminal Law Changes	15
State Role in Local Jails	16
Juvenile/Misdemeanor Probation Services	16
Appendix 1: (CCA Units and Administrators)	18
Appendix 2: (Community Corrections Spending: CY 1990)	20
Appendix 3: (1989 Reported Crime Rates)	21

TABLE OF FIGURES AND CHARTS

	<u>Page</u>
State Spending in CCA and Non CCA Counties	2
Financial Responsibilities in CCA and Non CCA Counties	2
Total Adult Arrests: 1980-1989	5
Adult Narcotics Arrests: 1980-1989	5
State Court Criminal Case Filings: 1984-1989	6
Number of Persons Convicted of Felonies and Sentenced to Jail or Prison: 1981-1988	7
Adults in State Prisons: Annual Average 1989-1990	7
Trends in Probation Caseload from 1983-1988: Minnesota and U.S. Compared	8
Crime Rate per 100,000 Population from 1980-1989: Minnesota and Nation Compared	8
CCA Block Grant Compared to Total Eligible County Spending: 1979-1991 (est.)	11
Purchasing Power of CCA Block Grant: 1979-1990 (est.)	11
Number of Reported Offenses in 1989 in CCA and Non CCA Counties by Type of Offense	14

EXECUTIVE SUMMARY

THE ROLE OF THE COMMUNITY CORRECTIONS ACT BLOCK GRANT IN MINNESOTA CORRECTIONS

As requested by the Legislative Commission on Planning and Fiscal Policy, this report reviews the Community Corrections Act Block Grant. Policy options are proposed in light of current criminal justice trends and the intent of the Community Corrections Act (CCA) of 1973.

PROGRAM INTENT

The original intent of the Community Corrections Act Block Grant was to support and expand local corrections. Community Corrections may be defined as the process of providing sanctions and services in, or as near as possible to, the offender's community.

CURRENT TRENDS

The original intent of the CCA block grant has faded over the years due to the creation of sentencing guidelines for adult felony offenders, an escalation in punishment, and the rising criminal justice caseloads. These trends have called into question the traditional state-local fiscal relationship in the criminal justice arena. This review determines that there is still a legitimate policy purpose for the CCA block grant. However, new funding is not recommended unless directly tied to the original intent of the Community Corrections Act.

STATE MANDATES IN COMMUNITY CORRECTIONS?

This study makes a distinction between "Classic Mandates", a legal requirement to pay for a specific set of services, such as the requirement that counties must pay for presentence investigations, and "System Growth Mandates", a requirement to provide services, but without a certain level of service specified in law. An example of a system growth mandate is the obligation to provide jail space when an increased level of sentencing requires it. In the area of Community Corrections, very few Classic Mandates exist. However, the System Growth mandates have grown dramatically in the past few years.

FINANCING SYSTEM GROWTH MANDATES

This report recommends a clarification of the roles of the state and county in the area of community corrections. It also recommends the preservation of the preeminent county role in the provision of community corrections. Further, if that responsibility is to rest locally, then adequate revenue-raising authority is recommended for local officials. Targeting increases in the CCA block grant to policies which help counties deal with serious offenders locally is recommended.

POLICY ISSUES

This report specifically reviews the following policy issues:

- **The Role of State Correctional Institutions in Community Corrections (p. 12)**

The work group recommends that state correctional facilities continue to be reserved for serious and chronic offenders. Limits on counties' ability to send short-termers to the state are recommended through a series of policy clarifications and financial incentives and disincentives.

- **A Statewide Community Corrections Act? (p. 13)**

It is recommended that counties continue to be allowed to choose to join or not join the CCA, rather than mandate statewide participation.

■ **The Role of Local Financing (p. 15)**

It is recommended that community corrections be exempted from levy limits, and that jail operating costs be included within levy limits.

■ **Cost of Criminal Law Changes (p. 15)**

The report reconfirms the state's role in financing classic mandates and proposes changes in the fiscal note process to better anticipate the full costs of law changes.

■ **State Role in Local Jails (p. 16)**

The Department of Corrections role in providing statewide leadership, and standards for jails and community corrections, should be supported and strengthened.

■ **Juvenile/Misdemeanor Probation Services (p. 16)**

It is recommended that the complex financing and administration of juvenile and adult misdemeanor probation be clarified and simplified. One simplification proposed is for non-CCA counties to pay the state for institutionalizing their juveniles in exchange for the state financing the full costs of juvenile and misdemeanor probation services.

INTRODUCTION

The Legislative Commission on Planning and Fiscal Policy decided that one of the state aid programs it wanted to review under the Laws, 1989, First Special Session, Chapter 1, Article 1, was the Community Corrections Act block grant. The purpose of this review is to clarify the state and county responsibilities under the Community Corrections Act (CCA) block grant. This report has been prepared by legislative staff and staff from the Departments of Corrections and Finance.

This review will:

1. Describe the block grant, its intent and history.
2. Discuss current issues and trends.
3. Propose policy options in light of current trends.

THE INTENT OF COMMUNITY CORRECTIONS

The original intent of Community Corrections was to support and expand local correctional programs. Community Corrections may be defined as the process of providing sanctions and services in, or as near as possible to, the offender's community. The activities are based on these basic principles:

1. Primary reliance on imposing the least restrictive community sanction consistent with public safety, offender accountability, offender needs and community values.
2. Maximum control, responsibility and involvement of the local community in determining how to meet its correctional needs.
3. Reduced reliance on state institutionalization.
4. Emphasis on varied programming to meet offender and local community needs.

PROGRAM DESCRIPTION

According to M.S. 401.01-401.16, the Community Corrections Act of 1973 was enacted:

"For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is authorized to make grants to assist counties in the development, implementation, and operation of community-based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent."

Thirty counties are currently under the Community Corrections Act (CCA). These counties represent approximately 67% of the state's population. (See map and listing of Community Corrections Act administrators: Appendix I)

Counties, or groups of contiguous counties, are eligible to join the CCA if;

- they have a combined population over 30,000.
- they establish a broad-based corrections advisory board.
- they develop an annual comprehensive plan for corrections which is approved by the county board(s) and the Commissioner of Corrections.

When a county chooses to enter the CCA, it becomes responsible for the entire spectrum of local correctional programs. Examples of the kinds of programs expected of CCA counties are work release, restitution, DWI programs, and juvenile diversion activities. In addition, CCA counties hire and supervise the probation and supervised release agents. In exchange, the county becomes eligible for the CCA grant and is given a great deal of autonomy in deciding how to meet the correctional needs of its community.

Non-CCA counties are not responsible for adult probation and supervised release. These counties do not generally have the range of programs that are available in CCA counties. If a judge orders a specific service, the county pays the full cost with county funds. The exception is the Sentencing to Service program. This is a

work program designed to reduce jail populations, but the state does pay 50% of the costs. It is available statewide, and is administered by the Department of Corrections. Any county may choose to participate.

In non-CCA counties, adult probation and supervised release services are directly provided by state-paid agents located throughout the state. Non-CCA counties are responsible for providing juvenile and misdemeanor probation services, although the state reimburses the counties up to 50% of the costs of staff salaries and fringe benefits. Because the state has agents out in the field, many non-CCA counties have contracted with state-supervised agents to also provide juvenile and misdemeanor probation services. However, some counties still directly employ probation agents, who are supervised by the courts.

COMPARISON OF SFY 1990 STATE SPENDING IN CCA AND NON-CCA COUNTIES

	<u>CCA</u>	<u>NON-CCA</u>
DEMOGRAPHICS		
Number of Counties	30	57
% of State's Population	67%	33%
FINANCES (State Fiscal 1990)		
CCA Grant Appropriation	\$ 19,241,000	\$ 0
Sentencing to Service	89,348	694,657
Juvenile and Misdemeanor Probation Reimbursement	291,635*	2,617,679
Adult Probation/Supervised Release	457,787	4,828,900
Total State Spending	20,079,770	7,302,466
Spending/Capita	\$ 6.98	\$ 5.11

* Some juvenile probation reimbursements are shown in the CCA column. Dakota and Rice Counties entered the CCA in SFY 1990. CCA counties are not eligible for juvenile and misdemeanor probation reimbursement.

FINANCIAL RESPONSIBILITIES IN CCA AND NON-CCA COUNTIES

	<u>CCA</u>	<u>NON-CCA</u>
Jail Construction	County	County
Juveniles		
Detention	County	County
Probation	County & CCA Grant	State/County*
State Institution e.g., Sauk Centre	County	State
Treatment **	County	County
	(Usually from Social Services)	
Adults		
Pre-Sentence Jail	County	County
Post-Sent. Jail	County	County
Felony Prison	State	State
Misdemeanor Prob.	County & CCA Grant	State/County*
Felony Prob.	County & CCA Grant	State
Community Programs/ Treatment	County & CCA Grant	County
Supervised Release	County & CCA Grant	State

* The state reimburses up to 50% of juvenile and misdemeanor staff salary and fringe costs.

** This is provided with county/state/federal funds through county social services.

THE CCA GRANT FORMULA

The formula for determining a county's particular share of the CCA grant appropriation is based on a series of factors that include two measures of ability to pay and two of need.

- * Per capita income
- * Per capita gross tax capacity
- * Per capita correctional expenditures
- * Percent of Population aged six through 30

These factors are then compared to the statewide average to generate a county's share of the grant. The factors have not changed since the CCA act was passed in 1973.

This calculation results in a computational factor which prorates the actual CCA appropriation. The law does not create an entitlement, nor indicate that the computational amount is the level of full funding. The computational factor is to equitably prorate an appropriation among counties by taking into account varying community correction needs and ability to pay.

The original dollar value was the amount estimated in 1973 to fund the participation of all 87 counties. Of the 15 CCA areas that exist, 7 joined before 1977, 5 between 1977 and 1979, and 3 since 1987. In the early 1980's several counties did express interest in joining, but due to extreme budget constraints, the legislature delayed funding their entry into CCA. Since that time only three of these counties have joined the program.

CASH FLOW PROBLEMS

Each biennium the Department of Corrections computes the grant eligibility for each CCA area. They also estimate how many juveniles each area will send to state institutions and subtract that cost from the CCA grant amount. This has been commonly referred to as a "chargeback". Therefore, the final appropriation made by the Legislature has never been as large as the CCA grant specified by the formula.

Unfortunately, this technique could create a cash-flow problem when counties do not send as many offenders as the state anticipates to state institutions. It hasn't happened yet, but for Fiscal Years 1991 and 1992, with counties restricting their use of state juvenile institutions, it may happen.

Another budgetary technique has been used to prevent potential cash-flow problems. The department has been allowed to use any cancellations to fund the CCA grant account, with surpluses being carried forward year-to-year. However, in 1990, the cancellations were made available to handle prison population increases. So any potential shortage in the CCA grant account will not be solved by cancellations, if the shortage exceeds the surpluses carried forward from previous years.

If a cashflow problem emerges, the Act specifies that the grant funds are to be reduced to all CCA counties on an equalized basis, according to the formula.

CCA: A VOLUNTARY PROGRAM

The CCA program is voluntary. The block grant is designed to encourage a specific set of correctional goals. It may be used for any of a wide range of activities. Counties may supplement the grant as they see fit beyond the required minimum level of spending. That required level is the amount they were spending for correctional purposes when the county joined CCA, plus the same percent increase as the CCA grant receives each year.

The CCA subsidy encourages program innovation and variation. The intent is to allow and stimulate counties to create programs to meet the unique needs of their community. One indicator of the variation is the pattern of investment. Some counties have gone far beyond the required minimums, while others have not.
(Appendix II)

IMPORTANT HISTORIC MARKERS

In exchange for the block grant in the 1973 CCA legislation, counties agreed to serve certain offenders locally. Participating counties became responsible for paying for all juvenile offenders sent to state facilities, and all adult offenders committed to state facilities whose maximum sentences were five years or less. This policy resulted in most property offenders being kept at the local level, consistent with the principles of Community Corrections spelled out above.

The creation of Sentencing Guidelines in 1980 for adult felony offenders changed that local-state relationship. CCA counties felt that the new Guidelines would result in more offenders being sentenced to local institutions. In exchange for this new burden the CCA was amended so that the CCA counties no longer had to pay the state for the adults sentenced to state facilities. However, counties continue to pay the per diems for their juveniles sent to state facilities.

In the 1980's the block grant appropriation increased, but at a rate slower than criminal justice activity. Counties began to request substantial increases in the block grant to keep up with the demands on community corrections.

WHAT FACTORS ARE AFFECTING LOCAL CORRECTIONAL COSTS?

Local correctional costs, like state correctional costs, are driven by a variety of factors. Some of these factors may be controlled by federal, state or local government; others are external to government and result from demographic, social and economic changes in society over which government has less control.

The following charts, created by the State Planning Agency, demonstrate changes over time in several factors directly affecting the criminal justice system. The purpose of these charts is to provide the reader with a picture of the context within which community corrections operates, and the pressures it places on the community corrections block grant.

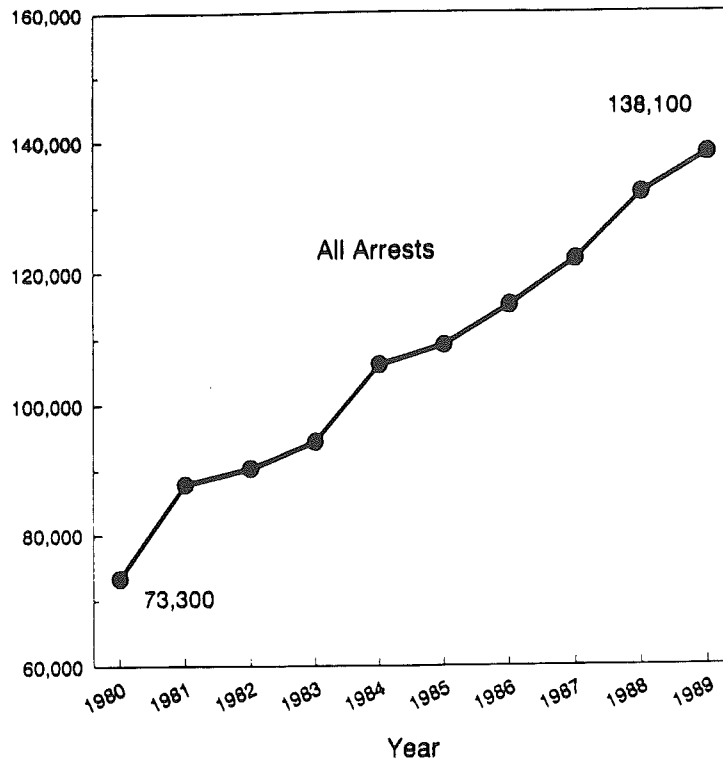
ADULT ARREST DATA

The first two charts show that the number of adults arrested has increased fairly steadily over the past 10 years. This increase, resulting in a doubling of the number of adults arrested in 1989 compared to 1980, has put pressure on law enforcement and on the entire criminal justice system--both state and local.

Total Adult Arrests

Minnesota, 1980-1989

All Crimes



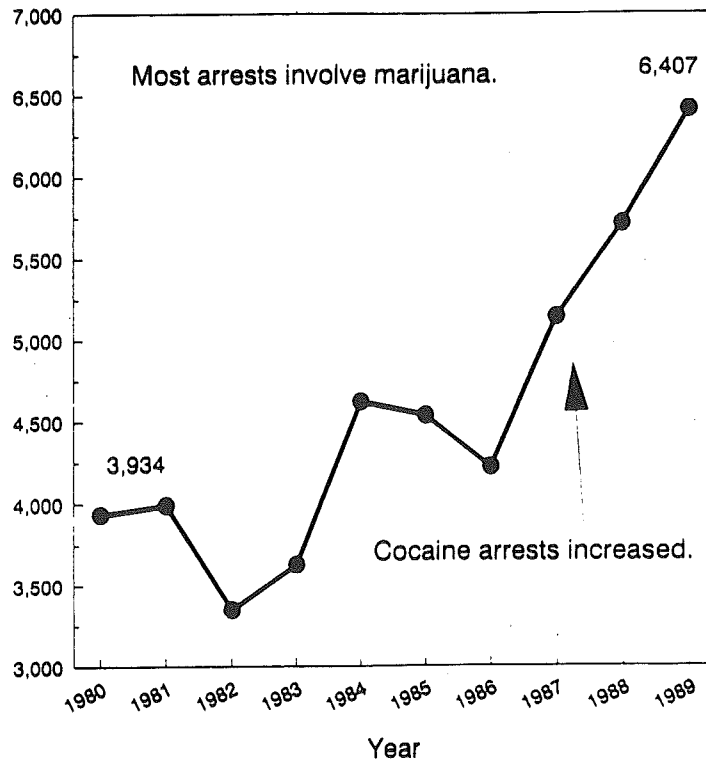
Source: Bureau of Criminal Apprehension
Data extracted from *Criminal Justice Illustrated*, 1990.
Full report available from the State Planning Agency

Chart #1

Adult Narcotics Arrests

Minnesota, 1980-1989

Arrests



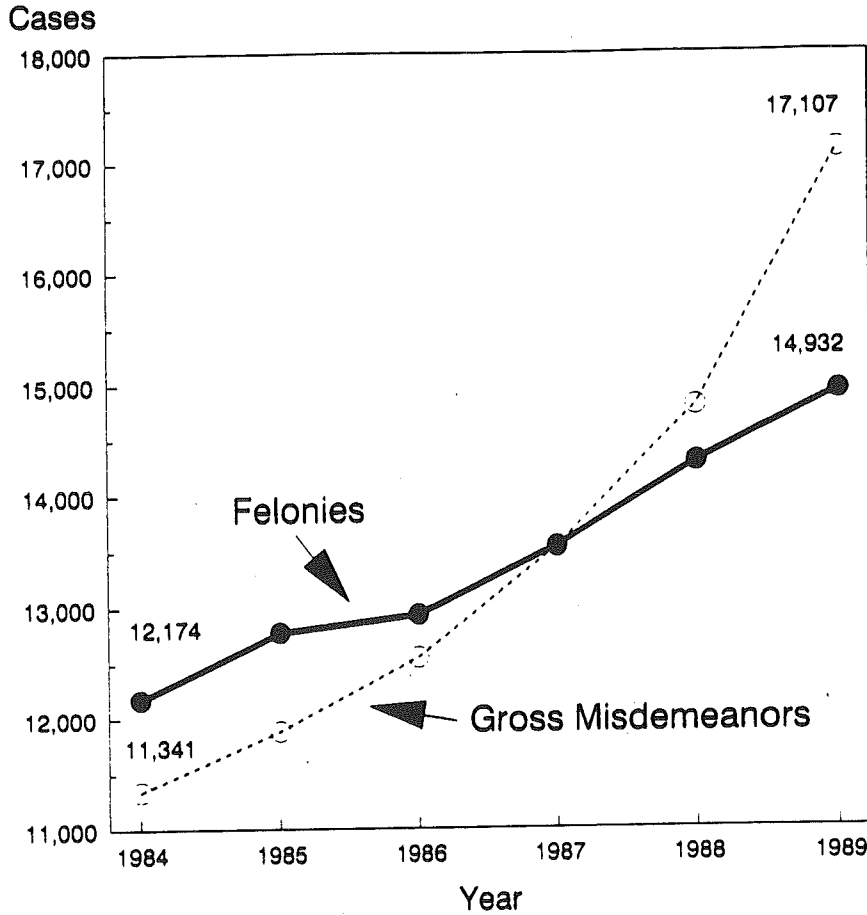
Source: Bureau of Criminal Apprehension
Data extracted from *Criminal Justice Illustrated*, 1990.
Full report available from the State Planning Agency

Chart #2

PROSECUTION: CRIMINAL CASE FILINGS

This apparent increase in criminal activity has resulted in a dramatic increase in the number of criminal prosecutions. The following chart shows the increase in felony and gross misdemeanor prosecutions over the past 5 years and illustrates the increasing pressure being felt by prosecutors, public defenders and courts because of the higher crime and arrest rates.

**State Court Criminal Case Filings
Minnesota, 1984-1989**



Source: State Court Administration
Gross misdemeanors are usually repeat drunken driving cases. Misdemeanor cases not included.

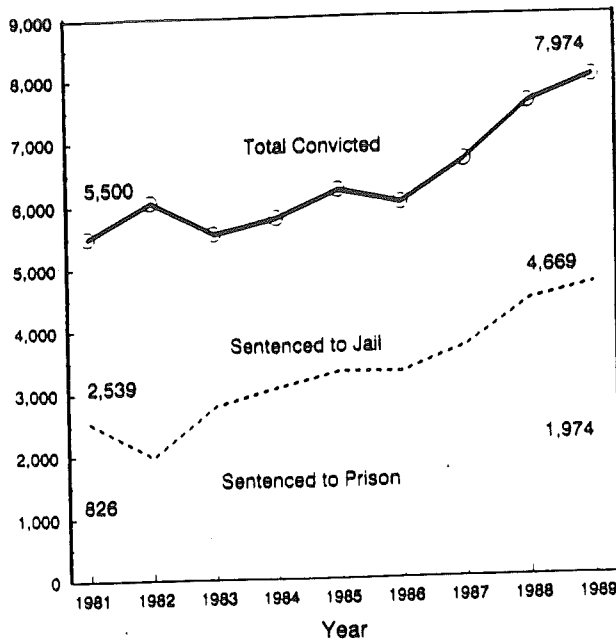
Data extracted from Criminal Justice Illustrated, 1990.
Full report available from the State Planning Agency

Chart #3

INCARCERATION AND PROBATION TRENDS

As might be expected, the number of adults convicted of crime and sentenced to either local jail or state prison is also higher now than several years ago. Additionally, the number of offenders placed on probation has increased 81% over the last 5 years, compared with a national increase of 58%. This data illustrates the dramatic pressure being felt by all the components of the state and local correctional system. Caseloads have increased since 1980, but markedly since 1985. Many state and local institutions are at, or over, capacity. Probation caseloads are at an all-time high.

Number of Persons Convicted of Felonies and Sentenced to Jail or Prison Minnesota, 1981-1989

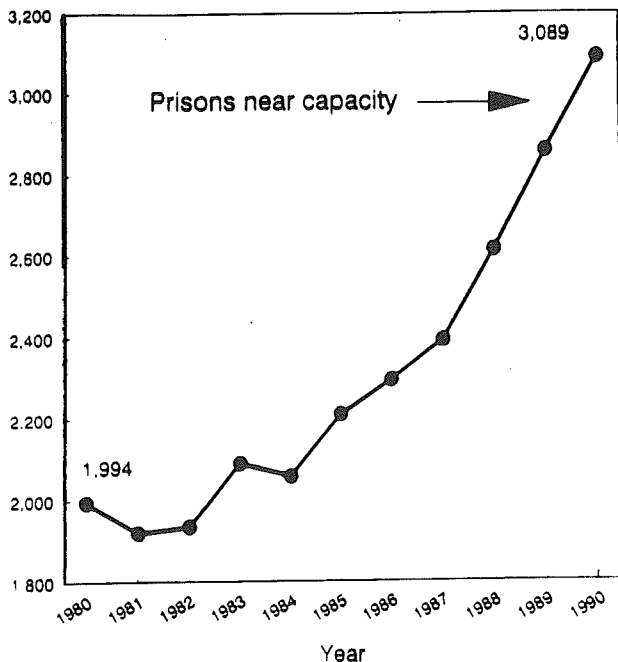


Source: Sentencing Guidelines Commission

Data extracted from *Criminal Justice Illustrated*, 1990.
Full report available from the State Planning Agency

Chart #4

Adults in State Prisons Annual Average Minnesota Inmates Only, 1980-1990

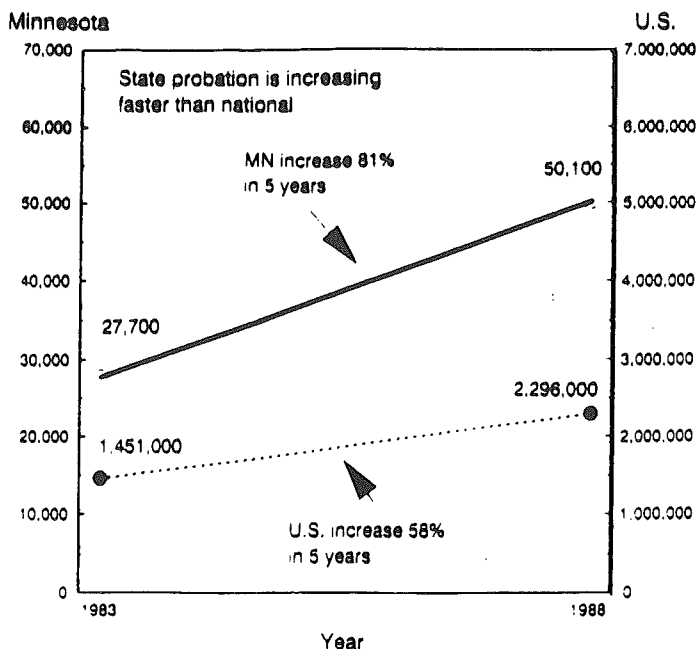


Source: Department of Corrections

Data extracted from *Criminal Justice Illustrated*, 1990.
Full report available from the State Planning Agency

Chart #5

Trends in Probation Caseload Minnesota and U.S. Compared



Source: Bureau of Justice Statistics
Includes all supervised probation.

Data extracted from *Criminal Justice Illustrated*, 1990.
Full report available from the State Planning Agency

Chart #6

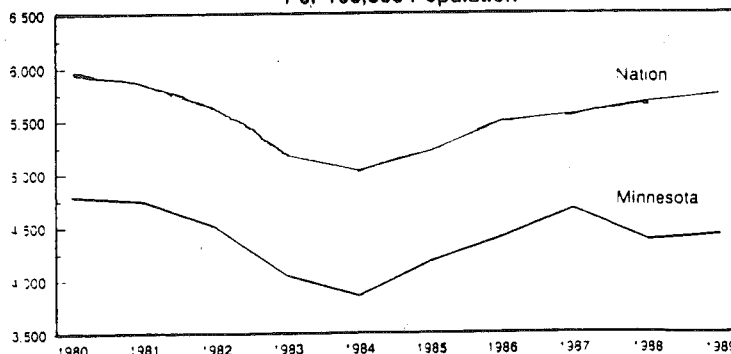
CRIME RATE

As we have seen in the previous charts, the state has experienced dramatic growth in the number of persons arrested, prosecuted, and imprisoned for crimes. It therefore comes as a surprise to find that the reported crime rate, the number of crimes per capita, has not increased dramatically over that same period. Although it is impossible to locate a single reason for the increase in jail and prison populations the number of crimes committed is only one factor. Other factors such as increased and improved arrests, aggressive prosecutions, tough crime legislation, changes in the sentencing guidelines and in traditional sentencing practices have a dramatic effect on incarceration trends.

The Bureau of Criminal Apprehension categorizes crime into two classifications; Part 1, serious offenses such as murder, rape and burglary. Part 2 offenses usually result in local sanctions and include such crimes as driving while intoxicated, narcotic offenses and vandalism.

The per capita crime rate for serious Part 1 crimes has remained quite stable over the 1980's. While certain areas of the state may have experienced crime rate increases, the overall statewide rate has actually declined. As the next chart shows, Minnesota's Part 1 crime rate remains consistently below national figures.

CRIME RATE Per 100,000 Population



INCLUDES: Murder, Rape, Robbery, Aggravated Assault,
Burglary, Larceny, Motor Vehicle Theft and Arson

NOTE: Crime rate is based on population and offenses known or reported to law enforcement agencies

Chart #7

Prepared By: MN Statistical Analysis Center, State Planning Agency
Data Source: Minnesota Crime Information 1989, Page 54, Dept. of Public Safety

CURRENT STATE-COUNTY ISSUES

The system-wide pressure illustrated on Charts #1-6 above has exerted tremendous pressure on county correctional programs.

JAIL CROWDING

One of the most visible effects has been jail crowding. The Department of Corrections licenses and inspects all facilities commonly referred to as jails. These facilities may be temporary holding facilities, adult detention centers, work release facilities, 90 day lockups, workhouses, or jails. Using the department's data, in 1988 55% of local correctional facilities statewide were operating at or above the recommended capacity. In the 7-county metropolitan area, 11 out of 12 were at or above capacity.

To address the jail crowding issue counties have responded in a variety of ways. Jail diversion projects, improvements in case processing, and work release programs, are some of the innovative solutions used. Some counties felt there was no alternative to building or expanding their jails. Since 1985, 23 of the 87 counties have significantly increased, or are in the process of increasing, their jail capacity.

JAIL OPERATING COSTS

Counties which had recently built new jails appealed to the 1990 Legislature for an exemption from the levy limit so they would have sufficient operating funds to run the new facilities. The Legislature allowed the exemption, not only for the counties with new facilities, but for all counties.

JAIL STANDARDS

Some counties also have objected to costs of complying with the jail standards adopted by rule in 1981 by the Department of Corrections. These standards, created with the advice of local law enforcement, correctional professionals and elected officials, have not changed since 1981. Some counties argue that local standards should prevail, and that if state standards are higher than the county would have otherwise used, the increased costs are state mandates.

INCREASED MANDATES?

There is no question that the new laws created by the Legislature and increased criminal justice activity are putting pressure on counties. The question is whether or not these can be considered state mandates. Do these new pressures fundamentally change the traditional fiscal relationship between the counties and the state in the correctional arena?

Although this review is limited to the CCA block grant, it is important to remember that counties that choose not to participate in the CCA and who do not receive block grant funds are also subject to the increasing pressures on the criminal justice system, as well as state jail licensing standards.

DEFINITION OF A MANDATE

So what is a mandate? This report describes two kinds of mandates: Classic and System Growth. A "Classic Mandate" is a legal requirement to pay for a specific set of services. An example of a classic mandate in the area of corrections is the state requirement that Presentence Investigations (PSIs) be done on all felony offenders. (M.S. 609.115) Another example is the federal and state requirement effective August, 1991, that no juvenile can be held in an adult jail for more than six hours.

A "System Growth Mandate" is a requirement that counties must provide certain services for a category of offender regardless of number. This kind of mandate requires that counties provide the services, but the state does not specify the level of service in law. An example is the requirement that counties provide jail space when increased sentencing requires it.

Applied to the area of Corrections, Minnesota imposes very few correctional "Classic Mandates" on counties. However, there are many "System Growth Mandates." As seen in the preceding charts, these mandates on counties have increased the pressure on local corrections. Although the state has not mandated counties to pay for new categories of services, the costs have grown dramatically for the existing services because of increasing numbers.

FINANCING SYSTEM GROWTH MANDATES

The CCA grant has not grown as quickly as the criminal justice system. The questions are: what role should the state play in financing system growth and, if the state should have a larger role in such financing, should the mechanism be the CCA grant?

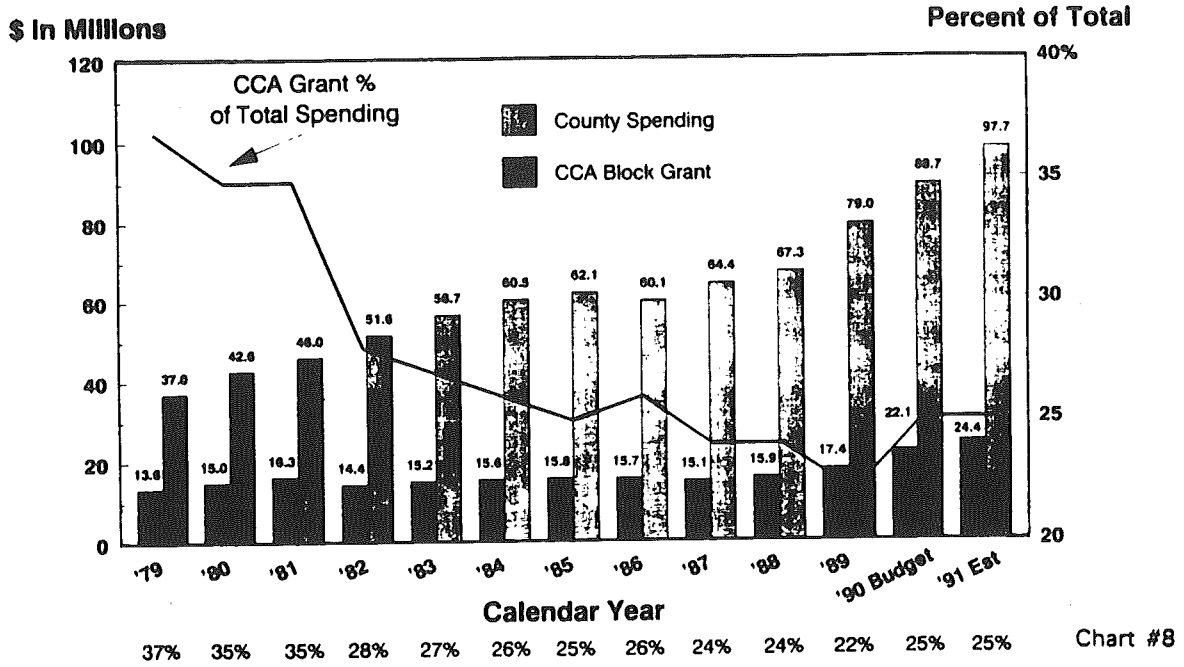
As Chart #8 shows, the CCA grant has increased over time. However, the grant has not kept pace with inflation as measured by the Consumer Price Index. If one assumes a commitment to a block grant that has stable purchasing power over time, then the inflation gap in 1990 is \$1.9 million.

Another approach is to compare the CCA block grant to county spending. (Chart #9) The CCA grant in 1979 accounted for 37% of eligible county spending, while in 1990 it accounted for only 25%. If the CCA grant were re-designed to pay a fixed percent of all costs, instead of being a block grant, the grant in 1990 would be "short" by \$10.7 million. This gap is the amount the CCA counties feel the state should provide them to cover the system growth mandates.

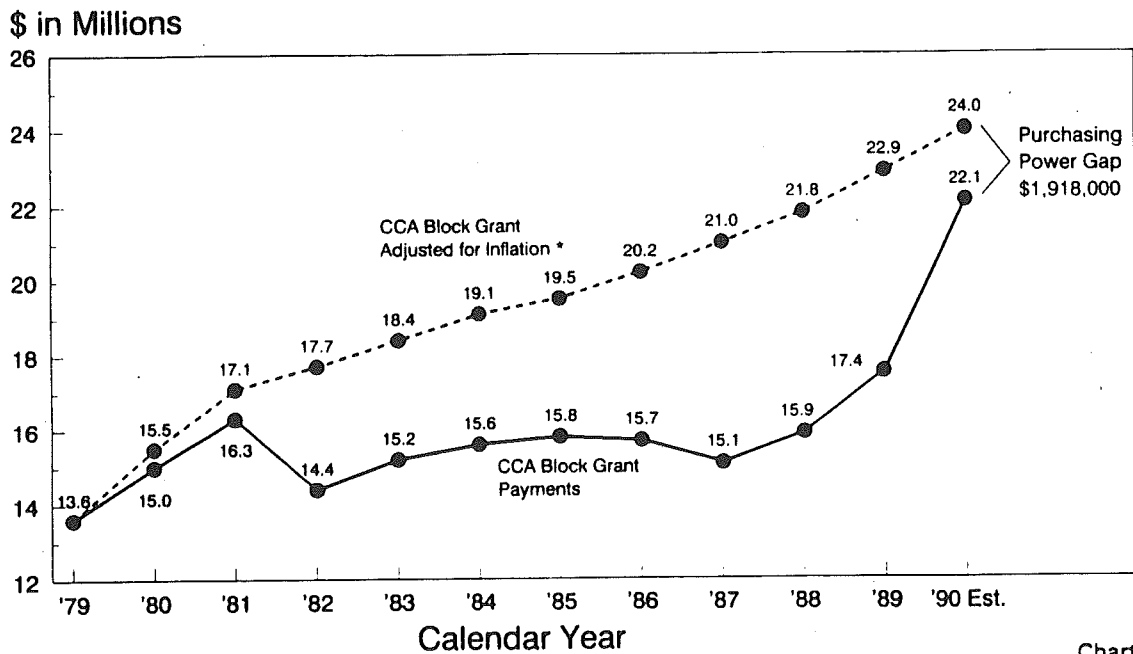
Non-CCA counties are subject to the same system growth mandates and have experienced similar system growth. However, in non-CCA counties the state pays for probation services, juvenile incarceration in state facilities and 50% of juvenile and adult misdemeanor probation staff costs.

Because the Minnesota Department of Corrections (DOC) provides probation agents for the non-CCA counties, system growth mandates also affect the department's budget. Since 1985 the number of adult felony probation agents services non-CCA counties has increased by 27% to a total of 56, and the caseload for state probation agents climbed, even with the addition of new agents, from 85 to 93. Therefore the community corrections services provided directly by the state to non-CCA counties have grown at approximately the same rate (27%) as the CCA grant (29%) over the same time period.

CCA Block Grant Compared to Total Eligible County Spending



Purchasing Power of CCA Block Grant



* 1979 CCA block grant inflated by average yearly change to CPI-U

LOCAL DISCRETION IN CORRECTIONS

Local units of government have significant discretion in managing the system growth mandates in the Criminal Justice arena. The budgets of law enforcement, prosecution and jails are locally controlled. Local officials also have the ability to set policy for those activities. Although the Legislature creates new laws, it is the local community which decides how many peace officers it feels are necessary to preserve public safety, and how many prosecutors are necessary to bring offenders to justice.

Local officials also determine which offenders can be prosecuted, released pre-trial, and which can be adequately punished using intermediate sanctions. Local discretion decides how many non-incarceration options are developed for judicial use and how big a jail facility is required.

What is driving the increased costs in Community Corrections? To the extent it is local action it is reasonable to provide local units of government the revenue raising capacity for them to remain accountable for their decisions. To the extent it is a result of "classic" mandates, then it is appropriate to seek statewide sources of financing.

POLICY ISSUES

THE ROLE OF STATE CORRECTIONAL INSTITUTIONS IN STATEWIDE CORRECTIONS

One of the reasons the CCA block grant was created was to give counties incentives through grants, and disincentives through chargebacks for prison use, to deal with as many felons as possible locally. The goal was to preserve state institutions for dangerous person offenders and increase sentencing options at the local level. The understanding that primarily person offenders would be sent to prison has changed over time. Factors that have influenced this change are as follows:

Widening the Net

There has been an escalation of punishment. Many offenders who in the past would have been placed on probation now receive jail time as a condition of probation. Convictions for drug crimes frequently result in a sentence that includes jail as a condition of probation, whereas in the past most drug offenders would have received probation without jail time. Probation is not considered to be a punishment by some, and jail time is often seen as less of a punishment than prison time.

Sentencing Guidelines

Although counties feared Sentencing Guidelines would mandate more offenders to local facilities, the opposite may in fact now be occurring. Property offenders who formerly would serve time locally now may receive prison time due to the accumulation of criminal history score points. Recent data from the Department of Corrections indicate a decline in the share of prison resources going to serious person offenders.

COURT COMMITMENTS TO PRISON **

	<u>C.Y. 1985</u>	<u>C.Y. 1989</u>
Person Offenses	41%	36%
Property Offenses	51	46
Drug Offenses	3	14
Other	5	4
Total Commitments	1,320	1,932

** If there were multiple offenses involved with one person's commitment, the most serious category was counted.

Probation Revocation Practice

The number of offenders who are being committed to state institutions because of probation revocations is

increasing. There are several factors causing this change. As probation caseloads increase, difficult cases which, in the past, might have been reassigned to local sanctions, are now being sent to state institutions -- off the local probation caseload. Also, because there is no longer a charge for sending adult offenders to state institutions it is a no-cost option for CCA counties, and perhaps a particularly good choice when local jails are full.

These offenders are generally non-violent felony offenders who did not receive long sentences, but who violated the terms of their probation. When they are committed to the Commissioner of Corrections, they usually have less than a year to serve, often much less.

Since many arrive with little time to serve they generally do not qualify for many of the institution treatment, education, training, or industry programs, which require a commitment of several months. Creating an additional set of short-term programs for this small population at state institutions would be extremely costly.

The CCA grant does provide resources that can be used to keep "short-termers" at the county level. There is quite a wide variation among counties in the numbers revoked to state institutions. In the past there had been some discussion of a "stay home" credit to counties which choose to handle probation violators at the county level. The cost-savings to the state, the reduced need to build and staff additional beds for the serious and chronic offenders, could be quite easily calculated and used to form the basis of any future CCA grant increase.

Policy Question:

Is there still value in reserving prison resources for serious person offenders?

Policy Options:

1. Clarify the state/local responsibilities for incarceration. Some ways to do this are through legislation, through the Sentencing Guidelines Commission, or through DOC administrative policy based on the CCA legislation.
2. Create a state policy limiting the use of prison for short-term offenders who violate probation and who have only a short time to serve.

A STATEWIDE COMMUNITY CORRECTIONS ACT

As originally conceived, the CCA was intended to eventually apply statewide. Smaller counties would band together to create the numbers needed to support community corrections. The formula was established based on that concept. However, since 1987, only 3 new counties have been added.

There may be very good reasons to allow counties the choice of joining; size, willingness, judicial volume, geography, or commitment to the philosophy of community corrections. However, as long as the CCA grant does not apply statewide, can it be the vehicle to address the burden of criminal justice system growth on counties?

Crime in CCA vs. Non-CCA Counties

The arrest rate for serious Part I crimes such as murder, assault, rape, and robbery is higher in CCA counties than non-CCA counties. The rate for CCA counties is 5,340 per 100,000 population compared to 2,675 for non-CCA counties. (Appendix III) Surprisingly, the arrest rate for the less serious Part II crimes, which include driving while intoxicated and drug sale and possession, is similar for CCA and non-CCA counties; 5,648 for CCA counties and 5,244 for non-CCA counties.

When one looks at the actual number of crimes reported to police, instead of arrests per capita, CCA counties also have the largest number of crimes. As shown in Chart #10, 72.6% of all reported crimes in 1989 happened in CCA counties.

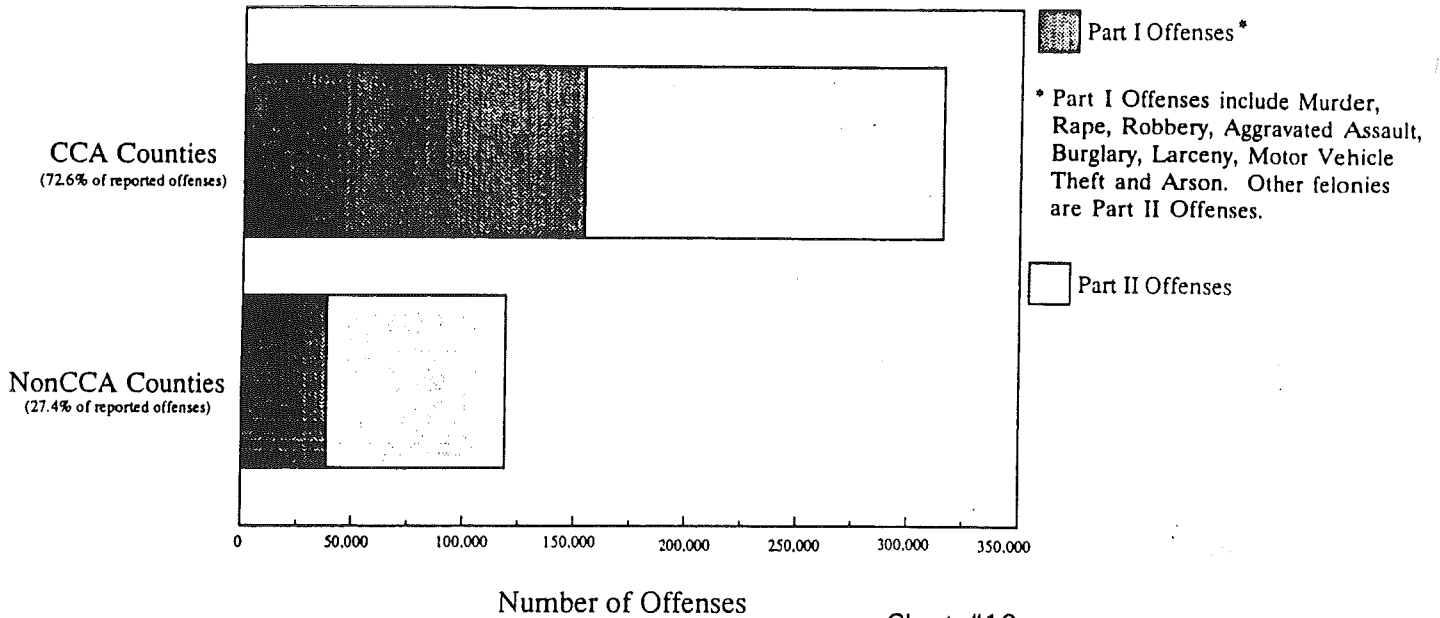
Policy Question:

If one of the purposes of the CCA block grant is to help counties deal with the less serious felony offender, then an increase in the grant may be appropriate. In addition, because the preponderance of serious crimes occur in the CCA counties, additional resources would help those counties create additional sentencing options to handle offenders. Although there are several non-CCA counties with high rates of serious crimes, they are free to join the CCA and become eligible for the block grant.

Policy Option:

Target any increases in the CCA grant to policies which help counties deal with serious offenders. Tie increases to a policy of reserving prison resources for only the most serious and chronic offenders.

Number of Reported Offenses in 1989 by Type of Offense CCA and NonCCA Counties



House Research Graphics
Source: BCA Annual Report

Chart #10

THE ROLE OF LOCAL FINANCING

If the purpose of the CCA block grant has become a general local government aid to offset local correctional costs, then its function needs to be re-examined in the light of current thinking on local-state fiscal relationships. Moving from a block grant to some kind of entitlement, or a percent of total costs, is not recommended.

As outlined above, local entities have great control over correctional usage and costs. Community standards dictate enforcement patterns and resources. Sheriffs, prosecutors, and judges are locally elected. Although state laws are the basis for such enforcement, the accountability for the costs and effectiveness for enforcement, prosecution, and short-term incarceration rests at the local level.

As the Legislature creates new crimes, increases penalties, and provides additional enforcement resources, such as drug forfeiture funds, arrests and prosecutions increase. The Legislature has an obligation to recognize the impact of these laws on the rest of the criminal justice system. It must either make state resources available to carry out its wishes, or allow counties to raise revenue locally, at their discretion, to meet these system growth mandates.

Policy Option:

Allow the counties to raise revenues locally to meet their community corrections needs. Consider including the operating costs of new correctional facilities within levy limitations, while allowing costs of all non-institutional correctional services (probation, treatment, sentencing to service) outside the levy limits.

COST OF CRIMINAL LAW CHANGES

The Legislature must be better informed of the costs of criminal law changes.

Decision-makers should have a general idea of the magnitude of the fiscal impact of a criminal law bill at the time the bill is heard in policy committee, even if final estimates are not available. Local impact in the area of criminal justice is often hard to determine, especially so because state agencies are often not the ones directly affected. Although on the surface there may appear to be little fiscal impact, nearly every change in the criminal justice system will affect costs.

Sometimes criminal justice policy is made in tax and spending committees. One example is the tax provision passed in the 1990 session allowing counties to tax outside the levy limits for the costs of operating jails. This tax provision could effect criminal justice policy, because funds are now available for jail operation outside the levy limits while alternatives, such as intensive probation or treatment, must still be funded within the levy limits.

The legislature should also be aware of how difficult it is to prepare policy recommendations in the criminal justice arena due to serious data integrity and timely access problems. As an example, Hennepin and Ramsey counties are not a part of the statewide jail data system maintained by the Department of Corrections. There is a staff data group which had made significant headway in defining the problems, but without a policy group headed by departmental commissioners to approve changes, and to spur local entities to action, little change will happen.

Policy Options:

1. A preliminary estimate on all criminal policy bills heard in policy committee should be requested of affected state and local agencies. If there is a significant fiscal impact indicated, a fiscal note should be requested immediately upon final action of the policy committee to give as much time as possible to prepare final estimates for consideration by tax and appropriation committees.
2. Because of the varying kinds of data kept locally, fiscal impact statements can vary greatly among counties. For the purpose of preparing fiscal notes for impact on local corrections, a coordinator should be designated to function as a broker, to assist in generating rapid estimates, and to reconcile data from varying sources.

3. A Criminal Justice Administrative Policy Group should be convened and institutionalized to consider statewide issues, such as data integrity, which affect the entire criminal justice system, and to make recommendations to the legislature. Membership in this group should include representatives of the Supreme Court, Court of Appeals, Trial Courts, State Public Defender, Board of Public Defense, Ombudsman for Corrections, Department of Corrections, Department of Public Safety, and the Sentencing Guidelines Commission.

STATE ROLE IN LOCAL JAILS

If Minnesota continues a policy of local accountability for local incarceration and community corrections, is there any legitimate state interest in these issues? The state continues to have an interest in equal treatment under the law. This includes the setting and enforcement of jail standards, for adults as well as juveniles.

The state also has a fiscal interest in minimizing taxpayer burden. One way to minimize costs is to provide incentives to use lower cost community-based programs as alternatives to higher cost incarceration. The Sentencing to Service program is an excellent example of a state-run program offered to counties on a matching-cost basis that has as one of its objective reducing jail populations. This program, offered to CCA and non-CCA counties, offers a safety-valve to counties with full jails and an alternative sanction for judges to use, even in counties with few resources.

Policy Question:

Should State revenues directly pay for the costs of the state's interest in community corrections? If so, what is the proper mechanism?

Policy Options:

1. Clarify the state's policy of local accountability for community corrections. Allow counties to tax local residents to pay for the services local residents demand.
2. Reinforce the Department of Corrections role as a promoter of good community corrections. Encourage the Department to fully utilize the tool of the CCA plan to promote progress in community corrections. Allow the department to continue to provide innovative leadership by instituting pilot programs, such as Sentencing to Service, which provide an intermediate sanction program to all counties, non-CCA as well as CCA.
3. The state should clarify its financing policy in community corrections. Should block grants be continued, or should categorical aids to all counties be created, or some combination of these? A clear policy would help avoid having to change financing sources from state to local in the middle of a program.
4. Consider direct state aid or state-wide administration if circumstances emerge that meet the criteria of a classic mandate. An example may be the removal of juveniles from adult jails.

JUVENILE/MISDEMEANOR PROBATION SERVICES

The state has a complex pattern for providing juvenile and adult misdemeanor probation. CCA counties provide and pay for their own agents. Non-CCA counties receive a subsidy to provide services for juvenile and misdemeanor cases, while adult felony probation is provided by the state.

The funding source for the non-CCA juvenile probation subsidy is the dedicated revenue from driver's license reinstatement fees. This amount has remained steady for the past few years at approximately \$2.5 million per year. This subsidizes up to 50% of salary and fringe benefit costs for juvenile and adult misdemeanor probation staff.

When the fund is not sufficient to cover 50% of these costs it is distributed on a pro-rated basis. Recently, the state has been able to pay the full 50% reimbursement, but the revenue source is not guaranteed, so it is possible it will not continue at its current level. As caseloads rise the number of probation officers will increase

and the fund will have to stretch farther, probably resulting in less than a 50% reimbursement.

Some non-CCA counties use their own agents, while others contract with the state. In any case, counties pay the costs, and are reimbursed by the state for up to 50%, usually about 18 months after the costs are incurred. The county agents are generally hired by the court and report to a District Court judge. The contracted state agents are employees of the state Department of Corrections.

The payments from counties which contract for state supervised juvenile probation are returned to the general fund. This means that when new counties ask for state agents to do their juvenile probation work it creates a fiscal problem. The state must appropriate new general funds to cover the costs of hiring the new agents, even though the county is assessed the full costs. That assessment goes as a non-dedicated receipt to the General Fund. Even if it was dedicated to the Department of Corrections, there would be a need for start-up funds.

Policy Question:

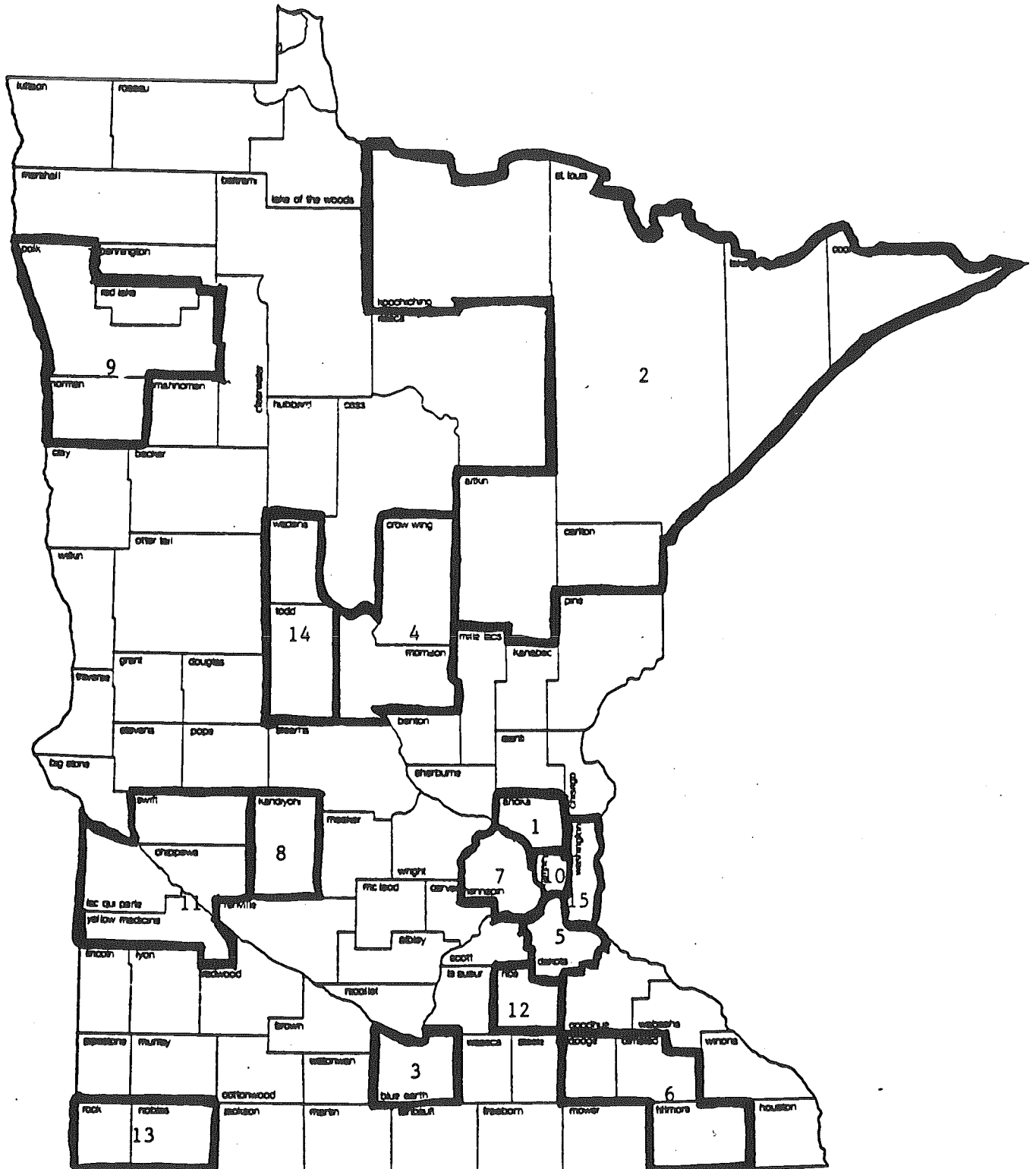
Does this complex pattern of juvenile probation serve the state's interests?

Policy Options:

1. Finance the function with General Funds returning the Driver's License Reinstatement fees to the General Fund.

Encourage conversion of county-supervised juvenile probation agents in non-CCA counties to state-supervised agents. This would create a parallel pattern to adult probation services. Have the state assume all the costs of juvenile probation (rent, equipment, supplies, travel, phone) including the costs of bringing concurrent the 6 month payment lag. Future increases in staff for juvenile probation in non-CCA counties could be requested by the Department of Corrections.

2. If the state fully funds juvenile and misdemeanor probation services, it would relieve non-CCA counties of this county-paid cost. In exchange, non-CCA counties should be held financially responsible for the costs of incarcerating juveniles at state institutions. Not only would this change clarify which unit of government is responsible for juvenile commitment decisions, it would also create an appropriate disincentive to institutionalizing juveniles in state institutions unless all other options have been exhausted. When juveniles are sent to out-of-home placements in non-correctional facilities, the county is often eligible for 50% reimbursement from the open-ended entitlement in Title IV-E of the Social Security Act. This federal funding is not available to state-run juvenile facilities.



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|---|--|
| 1. Anoka County Corrections Department | 9. Tri County Community Corrections |
| 2. Arrowhead Regional Corrections | 10. Ramsey County Corrections Department |
| 3. Blue Earth Co. Community Corrections | 11. Region 6W |
| 4. Crow Wing/Morrison Comm. Corrections | 12. Rice County Community Corrections |
| 5. Dakota County Corrections Department | 13. Rock/Nobles Community Corrections |
| 6. Dodge/Fillmore/Olmsted Comm. Correct. | 14. Todd/Wadena Community Corrections |
| 7. Hennepin Bureau of Community Correct. | 15. Washington County Corrections Dept. |
| 8. Kandiyohi County Community Corrections | |

COMMUNITY CORRECTIONS ACT ADMINISTRATORS
November 27, 1990

Richard Fritzke, Director
Anoka County Court Services
Courthouse, 325 E. Main
Anoka, Minnesota 55303
(612) 421-4760

David Gustafson, Director
Arrowhead Regional Corrections
Region 3 - St. Louis/Cook/Lake/
Koochiching/Aitkin/Carlton Counties
319 Courthouse
Duluth, Minnesota 55802
(218) 726-2650

Gerald Haley, Director
Blue Earth Co. Community Corrections
Law Enforcement Center, 710 S. Front
Mankato, Minnesota 56001
(507) 387-8784

Robert Ferrari, Director
Crow Wing/Morrison Community Corrections
Courthouse
Brainerd, Minnesota 56401
(218) 828-3955

Judy Klein, Acting Director
Dakota County Court Services
1560 West Highway 55
Hastings, Minnesota 55033
(612) 438-8288

Mark Carey, Director
Dodge/Fillmore/Olmsted Community Correct.
Olmsted County Courthouse
Rochester, Minnesota 55902
(507) 285-8164

Michael Cunniff, Chief
Bureau of Community Corrections
C-2353 Government Center
Minneapolis Minnesota 55487
(612) 348-8981

Deborah West, Director
Kandiyohi County Community Corrections
Safety Building
415 SW 6th Street
Willmar, Minnesota 56201
(612) 231-6222

Susan Mills, Administrator
Tri County Community Corrections
Red Lake/Polk/Norman Counties
P O Box 624, 600 Bruce St.
Crookston, Minnesota 56265
(218) 281-6363

Joan Fabian, Director
Ramsey County Corrections Dept.
740 American Center Building
150 E. Kellogg Blvd.
St. Paul, Minnesota 55101
(612) 298-4434

Steve Ulmen, Director
Region 6W Community Corrections
Swift/LacQuiParle/Yellow Medicine
Chippewa Counties
1215 Black Oak Ave., Box 551
Montevideo, Minnesota 56265
(612) 269-6513

Jim Haas, Director
Rice County Community Corrections
128 N.W. 3rd St., Suite B
Faribault, Minnesota 55021
(507) 334-2281

Jay Klein, Director
Rock/Nobles Community Corrections
P O Box 547 Courthouse
Worthington, Minnesota 56187
(612) 732-6165

Mark Sizer, Director
Todd/Wadena Community Corrections
239 Central Avenue
Long Prairie, Minnesota 56347
(612) 732-6165

Russell Reetz, Director
Washington County Court Services
14900 61st St. North
Stillwater, Minnesota 55082
(612) 779-5366

COMMUNITY CORRECTIONS C.Y. 1990

<u>AGENCY</u>	<u>BUDGETED CCA SUBSIDY DIRECT EXPENSE</u>	<u>REQUIRED MINIMUM COUNTY SPENDING</u>	<u>BUDGETED COUNTY ONLY SPENDING*</u>
Anoka County Corrections Department	\$ 1,903,691	\$ 422,097	\$ 4,411,590
Arrowhead Regional Corrections	2,693,877	2,322,086	4,968,576
Blue Earth Co. Community Corrections	387,970	239,349	391,762
Crow Wing/Morrison Community Corrections	614,626	44,335	63,500
Dakota County Corrections Department	1,570,803	576,084	2,225,988
Dodge/Fillmore/Olmsted Comm. Corrections	984,012	125,814	1,086,723
Hennepin Bureau of Comm. Corrections	6,567,887	16,121,817	34,226,770
Kandiyohi County Comm. Corrections	384,980	165,030	165,030
Tri County Community Corrections	363,271	89,429	1,179,858
Ramsey County Corrections Department	4,115,672	5,781,549	18,979,529
Region 6W	377,392	94,869	129,560
Rice County Community Corrections	395,464	149,122	159,561
Rock/Nobles Community Corrections	285,553	47,043	87,043
Todd/Wadena Community Corrections	418,305	51,539	96,059
Washington Co. Corrections Department	<u>1,069,793</u>	<u>325,846</u>	<u>2,013,220</u>
Totals	\$ 22,133,296	\$ 26,556,009	\$ 70,184,769

* CCA Grant is in addition to county spending.

Reported Crime Rates for 1989

County	Pop.	1989		1989		1989		Total Crime Rate/100,000
		Part 1 Crimes	Part 1 Crime Rate	Part 2 Crimes	Part 2 Crime Rate	Total Crimes		
Anoka	229,648	11,368	4,950	18,766	8,172	30,134	13,122	
Blue Earth	52,917	2,022	3,821	3,237	6,117	5,259	9,938	
Crow Wing/ Morrison	74,619	2,892	3,876	3,774	5,058	6,666	8,933	
Dakota	252,690	9,533	3,773	15,789	6,248	25,322	10,021	
Dodge/ Fillmore/ Olmstead	138,565	4,376	3,158	5,580	4,027	9,956	7,185	
Hennepin	989,956	72,044	7,277	61,817	6,244	133,861	13,522	
Kandiyohi	40,542	1,377	3,396	1,723	4,250	3,100	7,646	
Ramsey	472,683	30,986	6,555	14,139	2,991	45,125	9,547	
Red Lake/ Polk/ Norman	47,551	1,216	2,557	2,758	5,800	3,974	8,357	
Region 3 (St.Louis, et.al.*)	272,916	9,387	3,440	18,883	6,919	28,270	10,358	
Reg. 6W (Chippewa, et.al. **)	48,615	611	1,257	934	1,921	1,545	3,178	
Rice	48,220	1,833	3,801	3,031	6,286	4,864	10,087	
Rock/ Nobles	31,749	445	1,402	337	1,061	782	2,463	
Todd/ Wadena	39,094	810	2,072	1,827	4,673	2,637	6,745	
Washington	136,880	4,713	3,443	9,891	7,226	14,604	10,669	
CCA Sub-Total	2,876,645	153,613	5,340	162,486	5,648	316,099	10,988	
Becker	31,428	1,063	3,382	2,035	6,475	3,098	9,857	
Beltrami	34,102	1,745	5,117	3,155	9,252	4,900	14,369	
Benton	28,434	494	1,737	712	2,504	1,206	4,241	
BigStone	7,491	66	881	103	1,375	169	2,256	
Brown	28,161	542	1,925	997	3,540	1,539	5,465	
Carver	44,597	1,050	2,354	1,859	4,168	2,909	6,523	
Cass	21,188	1,111	5,244	2,771	13,078	3,882	18,322	
Chisago	29,868	995	3,331	2,401	8,039	3,396	11,370	
Clay	49,724	1,971	3,964	2,864	5,760	4,835	9,724	
Clearwater	9,009	238	2,642	466	5,173	704	7,814	
Cottonwood	13,487	144	1,068	238	1,765	382	2,832	
Douglas	30,285	810	2,675	1,187	3,919	1,997	6,594	
Faribault	18,141	356	1,962	911	5,022	1,267	6,984	
Freeborn	34,674	719	2,074	1,547	4,462	2,266	6,535	
Goodhue	40,829	1,261	3,088	2,204	5,398	3,465	8,487	
Grant	6,957	154	2,214	300	4,312	454	6,526	
Houston	19,221	296	1,540	1,514	7,877	1,810	9,417	
Hubbard	15,602	534	3,423	531	3,403	1,065	6,826	
Isanti	26,991	728	2,697	1,021	3,783	1,749	6,480	
Itasca	42,834	934	2,181	2,122	4,954	3,056	7,135	
Jackson	12,900	262	2,031	589	4,566	851	6,597	
Kanabec	12,989	331	2,548	433	3,334	764	5,882	
Kittson	6,460	48	743	165	2,554	213	3,297	

County	Pop.	1989	Part 1	1989	Part 2	1989	Total
		Part 1 Crimes	Crime Rate	Part 2 Crimes	Crime Rate	Total Crimes	Rate/100,000
Lake of the Woods	3,941	75	1,903	235	5,963	310	7,866
Le Sueur	23,660	158	668	326	1,378	484	2,046
Lincoln	7,671	91	1,186	131	1,708	222	2,894
Lyon	25,704	484	1,883	1,538	5,984	2,022	7,866
Mahnomen	5,576	162	2,905	284	5,093	446	7,999
Marshall	12,359	166	1,343	337	2,727	503	4,070
Martin	23,679	603	2,547	1,379	5,824	1,982	8,370
McLeod	30,914	888	2,872	2,124	6,871	3,012	9,743
Meeker	21,181	366	1,728	782	3,692	1,148	5,420
Mille Lacs	19,033	646	3,394	1,626	8,543	2,272	11,937
Mower	38,860	1,129	2,905	2,174	5,594	3,303	8,500
Murray	10,566	86	814	182	1,723	268	2,536
Nicollet	28,810	624	2,166	1,685	5,849	2,309	8,015
Otter Tail	55,453	1,054	1,901	2,431	4,384	3,485	6,285
Pennington	13,522	577	4,267	1,069	7,906	1,646	12,173
Pine	21,363	595	2,785	1,131	5,294	1,726	8,079
Pipestone	10,980	59	537	108	984	167	1,521
Pope	11,629	187	1,608	468	4,024	655	5,632
Redwood	18,209	279	1,532	604	3,317	883	4,849
Renville	18,969	194	1,023	283	1,492	477	2,515
Roseau	14,621	297	2,031	560	3,830	857	5,861
Scott	55,727	2,209	3,964	5,109	9,168	7,318	13,132
Sherburne	38,277	1,015	2,652	1,834	4,791	2,849	7,443
Sibley	15,369	106	690	402	2,616	508	3,305
Stearns	118,957	4,146	3,485	6,416	5,394	10,562	8,879
Steele	31,087	852	2,741	1,568	5,044	2,420	7,785
Stevens	11,054	210	1,900	406	3,673	616	5,573
Traverse	4,961	59	1,189	102	2,056	161	3,245
Wabasha	19,381	543	2,802	977	5,041	1,520	7,843
Waseca	18,848	181	960	529	2,807	710	3,767
Watonwan	11,451	222	1,939	442	3,860	664	5,799
Wilkin	8,027	248	3,090	759	9,456	1,007	12,545
Winona	47,325	1,938	4,095	3,810	8,051	5,748	12,146
Wright	67,369	1,949	2,893	3,046	4,521	4,995	7,414
Non-CCA Sub-Total	1,429,905	38,250	2,675	74,982	5,244	113,232	7,919
Total	4,306,550	191,863	4,455	237,468	5,514	429,331	9,969

(Source: "Minnesota Crime Information 1989" Department of Public Safety, St. Paul, 1990)

* (includes Aitkin, Carlton, Cook, Koochiching, Lake, and St. Louis counties)

** (Chippewa, Lac Qui Parle, Swift, and Yellow Medicine counties)