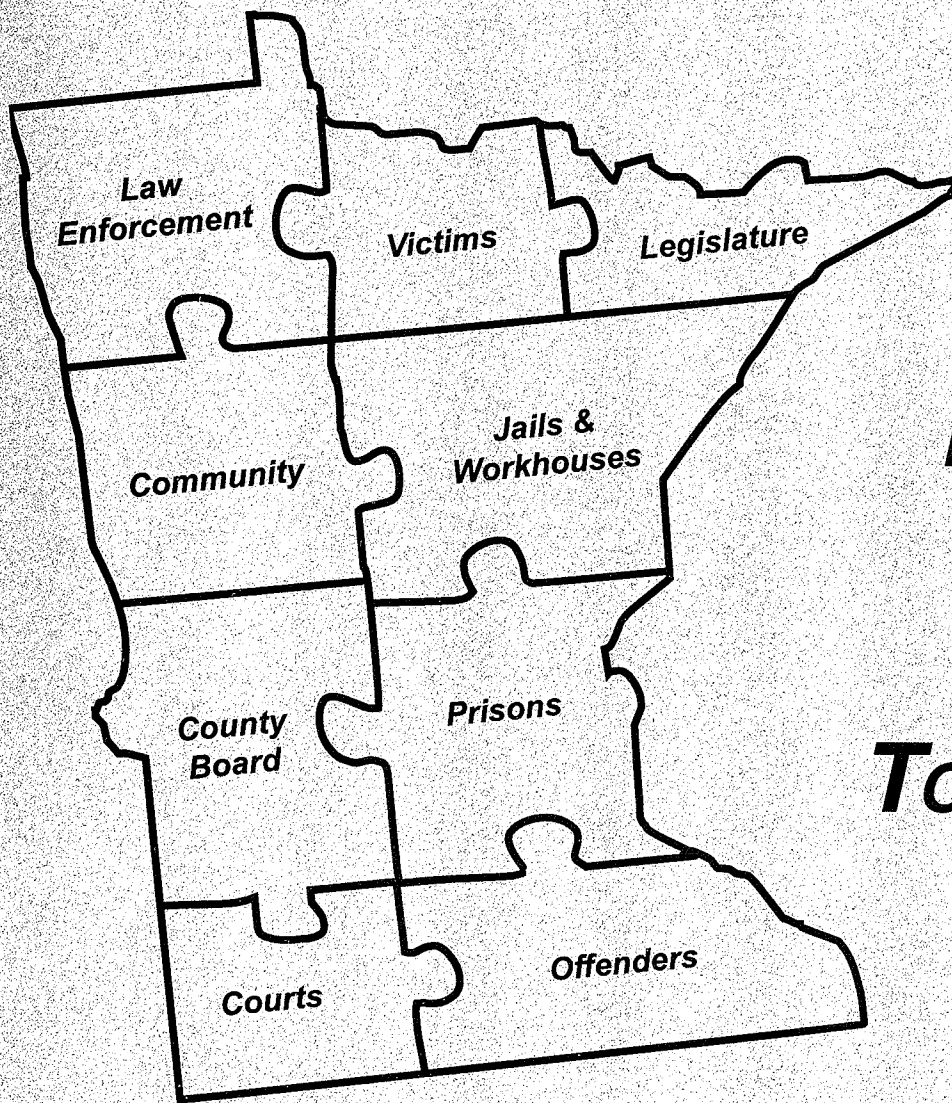


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PROBATION IN MINNESOTA:



***PUTTING
THE
PIECES
TOGETHER***

*A Report of the Probation
Standards Task Force
December, 1994*

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*A Report of the Probation
Standards Task Force*

December, 1994

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PROBATION IN MINNESOTA

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION.....	5
Acknowledgments	5
Task Force Members	5
Background Material Used	6
Probation Effectiveness	6
Guiding Principles	8
Data Collection	9
DIRECTIVE ONE	11
DIRECTIVE TWO.....	15
DIRECTIVE THREE	17
DIRECTIVE FOUR	21
DIRECTIVE FIVE	23
DIRECTIVE SIX.....	25
Appendix One: Glossary	27
Appendix Two: Previous Probation Standards Task Force Executive Summary	29
Appendix Three: Statute Authorizing Task Force	35
Appendix Four: Focus Group Questions	37
Appendix Five: Weighted Caseload: Snapshot Data	39
Appendix Six: Weighted Caseload: Intake Data	41
Appendix Seven: County Survey of Probation Staff	43

EXECUTIVE SUMMARY

Why are we such a violent society? Why isn't our criminal justice system more effective? Is my tax dollar being spent wisely? Why am I afraid of being a crime victim?

These questions are often asked by the public, and indicate a level of frustration and concern about crime, personal safety, and the effectiveness of government services. Despite the dedication and professionalism of hundreds of volunteers and paid corrections personnel, and the national reputation of Minnesota corrections, there is a general sense of anxiety. This anxiety is shared by elected officials, corrections officials, and policymakers, especially as the challenges and workloads increase.

Concurrently, Minnesota is experiencing an unprecedented growth in prison population. This increase in prison beds comes with an enormous price tag. Although alternatives to high-cost incarceration continue to be explored and implemented, the number of incarcerated offenders and the resulting costs keep growing.

Out of these concerns over correctional costs, and the fear of crime, increased attention to probation services has emerged. Probation and probation caseloads have traditionally been viewed as having no capacity limits. More recently, however, it has been recognized that primary correctional objectives have been hindered by offender caseload sizes that far exceed what is considered appropriate.

For these and other reasons, the legislature authorized a study of probation services in Minnesota. In the following pages, the 1994 Probation Standards Task Force is proposing a series of recommendations which seek to establish the following objectives:

- ✓ set minimum standards for "Primary Correctional Supervision Services;"
- ✓ reduce probation officer workloads to minimum standards in order to accomplish public objectives;
- ✓ equalize and simplify the funding provided to correctional authorities responsible for delivering services;
- ✓ target increased public funding to those areas most in need of resources to address public safety/risk;

- ✓ establish statewide correctional supervision outcomes and track the performance of those outcomes; and
- ✓ enhance and coordinate correctional information collection efforts statewide.

The Probation Standards Task Force recommendations are:

DIRECTIVE ONE: *How many additional probation officers are needed?*

RECOMMENDATION:

- ☐ An additional 564 full-time equivalent (FTE) probation officers are needed statewide in order to meet minimum supervision standards.

DIRECTIVE TWO: *How much funding is required to provide the necessary additional probation officers?*

RECOMMENDATION:

- ☐ A total of \$41,464,152 (or \$41 million) is needed to fund the additional 564 FTE probation officers.

DIRECTIVE THREE: *What funding method should be used for these new positions, including relative county and state obligations?*

RECOMMENDATIONS:

- ☐ The state should appropriate \$41 million in additional funds for the new 564 FTE probation officer positions.
- ☐ Beginning July 1, 1995, funding to the Correctional Authority Responsible for Delivering Services (or CARDS) should be based upon a single funding formula. Each CARDS will receive its share of the state appropriation based on its percentage of the state's total number of persons under its supervision as classified and weighted by the Probation Standards Task Force. Distribution of funds through a single source should

be subject to the following conditions:

- ✓ The state will provide a financial base whereby no CARDS will receive less state dollars than were allocated from the state for state fiscal year 1995, excluding all grants except the state felony caseload reduction grant.
- ✓ For state fiscal years 1996 and 1997, the offender supervision data utilized to determine each correctional authority's share of appropriated money will be the most current year's data contained within the Department of Corrections' year-end probation survey. This data represents a snapshot of all offenders in Minnesota under supervision on December 31 of that year on a county by county, organization by organization basis.
- ✓ For future fiscal years, the percentage share of appropriated monies will be computed on the basis of each correctional authority's offender weighted intake data as opposed to snapshot data. The offender categories will change slightly to better reflect offender risk, and therefore the amount of time needed to deliver primary correctional services. Pretrial and diversion supervision figures will be added to the intake data used.
- ✓ Each correctional authority must agree to maintain the local fiscal effort at the same level as existed in calendar year 1994, and to use funds that exceed the state base for additional probation staff and staff-related costs.
- ✓ Each correctional authority must agree to provide the Department of Corrections with specific data from that CARDS area, and must produce a written planning document outlining correctional services/programs in that local correctional authority.
- ✓ After two years of using the intake data to determine relative workload weight, and therefore funding, the most recent three years of intake weight will be used to determine the CARDS annual allocation.

DIRECTIVE FOUR: *What are appropriate standardized case definitions and reporting procedures to facilitate uniform reporting of the number and type of cases and offenders?*

RECOMMENDATIONS:

- ❑ Each CARDS area which participates in this probation subsidy program will be required to submit the information needed to determine a) funding, and b) disparity between actual and minimum standard caseload size.
- ❑ Local jurisdictions should continue their locally determined method of offender accountability standards.
- ❑ Beginning in calendar year 1996, each CARDS will report specific outcome results to the Department of Corrections that identify:
 - ✓ amount of restitution collected at the time of offender discharge;
 - ✓ percent of offenders who complete supervision without a new criminal conviction;
 - ✓ percent of offenders who complete conditions of supervision without court revocation;
 - ✓ number of community work service and supervised work crew hours provided;
 - ✓ number and percent of adult felons who are sentenced locally, under a sentencing guideline departure;
 - ✓ number and percent of juvenile felons who are supervised locally instead of being committed to the state; and
 - ✓ number of juveniles placed out of the home as a result of a delinquency procedure, and placement type.

This data is to be collected for purposes of subsequent analysis in order to develop specific performance indicators for correctional outcome evaluation. The Department of Corrections should form a joint state/county evaluation committee that will define data requirements and analyze the data submitted.

DIRECTIVE FIVE: *What legislative changes are needed to implement objectively defined case classification systems?*

RECOMMENDATION:

- ❑ The legislature should require that each CARDS participating in this proposed funding mechanism develop a case classification system to target the use of resources devoted to offender supervision, and include the system in its correctional plan submitted to the Minnesota Department of Corrections.

DIRECTIVE SIX: *What other general recommendations are proposed to improve the quality and administration of probation services in the state?*

RECOMMENDATION:

- ☐ The legislature should establish a task force to review and make recommended changes related to the new correctional funding method as follows:
 - ✓ effectiveness of the new funding formula at achieving minimum workload standards;
 - ✓ opportunity to fund special initiatives to reduce reliance on state institutions; and
 - ✓ evaluation of the new intake-based offender reporting system.

INTRODUCTION

ACKNOWLEDGMENTS

The Probation Standards Task Force membership was established by the state legislature. As such, representatives of the various stakeholders were identified and provided an opportunity to participate in task force work. Members of the March, 1994, Correctional Delivery System Committee were asked to assist by attending the meetings. Participants who were able to attend and contribute to the task force work were:

Dennis Avery
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Third District Public Defender's Office

Gene Smith
Freeborn County Administrator

Don Streufert, Ph.D.
Blandin Foundation

Mark Thompson
Court Administration, First Judicial District

The task force extends special thanks to:

- *David Erickson*, Minnesota Department of Corrections, who was given a special mobility assignment to provide the necessary staff support to the task force; and
- *Focus group participants*, over 35 corrections professionals who attended a day-long planning session to assist the task force in determining workload standards.

The task force would also like to recognize the individuals listed below for their assistance in completing the report and its recommendations:

Gary Karger, Fiscal Analyst
Minnesota House of Representatives

Richard T. Mulcrone
Minnesota Department of Corrections

Wayne Kobbervig
Research and Planning Office
Minnesota Supreme Court

Gene Larimore
Minnesota Department of Corrections

BACKGROUND MATERIAL USED

The Probation Standards Task Force relied on previous committees and task forces which provided guiding principles and much of the data and background information used in this report. In fact, the Probation Standards Task Force could not have made as much progress in the short time frame had it not been for the extensive work completed by dozens of professionals over the past few years that led up to the current report. Some of the previous reports and excerpts on the state of affairs in Minnesota probation included:

- ✓ *Corrections Crowding in Minnesota*, September, 1993. **"...funding has not kept pace with the demand that has been placed upon correctional facilities and it is grossly inadequate for probation supervision."**
- ✓ *Metropolitan Corrections Crowding*, Seven Metropolitan Counties, January, 1992. **"For those offenders on traditional probation supervision, contact standards have been compromised to the point that public safety is at risk."**
- ✓ *Joint Legislative Conference of Chief Judges Correctional Delivery System Study*, March, 1994.
- ✓ *Minnesota Probation: A System in Crisis*, Probation Standards Task Force, February, 1993. **"...probation 'capacity' in many counties has been exceeded far beyond meaningful supervision. Policymakers must rectify current delivery system defects and provide adequate funding to enhance public safety and offender accountability if Minnesota is to remain a leader in the arena of corrections."**
- ✓ *Twin Cities Metropolitan Area Salary Survey*, Stanton Group, 1994.
- ✓ *Minnesota Drug Strategy*, Office of Drug Policy, Minnesota Department of Public Safety, January, 1991. **"There are some bad actors on probation in Minnesota who receive little or no supervision...To allow the current system to continue perpetuates a fraud upon the public in terms of providing justice and public safety."**

- ✓ *Minnesota Weighted Caseload 1992*, Wayne Kobbervig, October, 1993.
- ✓ *Sentencing and Correctional Policies*, Legislative Auditor, June, 1991. **"The number of people under correctional control in Minnesota has doubled in the past six years."**
- ✓ *1993 Probation Survey*, Minnesota Department of Corrections.

PROBATION EFFECTIVENESS

During the 1980s Minnesota, like other states across the country, experienced sharp changes in their probation and parole agencies corresponding with a dramatic increase in offender populations. Criminal justice agencies have been under more public scrutiny. There are more drunk drivers, sex offenders, and drug offenders under supervision, and the numbers continue to rise. Statewide, criminal justice agencies, the judiciary, and the public are calling for basic, equal, and effective correctional services. There is greater awareness of issues such as AIDS and liability, and a shift has occurred in agency orientation away from individual rehabilitation and toward surveillance.

There continues to be a significant alteration of the sanctioned goals of probation and supervision which now focus on punishment and surveillance as opposed to an earlier emphasis upon rehabilitation and treatment. Local standards for probation service have been implemented, but resources have not kept pace with the need.

For these and other reasons, policymakers are requesting information on the effectiveness of probation. With increasing frequency, decisionmakers are attempting to more carefully target certain offenders to the most effective intervention.

Difficulty arises, however, when asking the question, "Is probation effective?" Perhaps the best answer is, "Effective at what?" Should it be for public safety, to hold offenders accountable, to collect restitution, to restore the victim and/or the community, to rehabilitate, to reduce offender risk of re-offending, to provide opportunities for offender change, or to monitor court conditions?

Much of the difficulty lies in defining what the expectations are for probation. Different stakeholders have different opinions about expected outcomes. The public also has perceptions and be-

liefs that must be taken into account. Probation officer roles are often described as being that of a police officer, social worker, broker of services, investigator, enforcer, counselor, advocate, or as a "cost-effective alternative to incarceration." Most often, the probation officer is expected to be all of these, depending on the circumstances and the audience. In the 1986 report, *A Sentencing Postscript: Felony Probationers Under Supervision in the Community*, writer Mark Cuniff, adds: "While probation is widely used, it is a poorly understood sanction in the administration of criminal justice. The public's impression of probation is very much influenced by media coverage of isolated incidents and those incidents tend to deal with persons who have committed serious crimes, such as rape or homicide, while under probation supervision. Because statistical information on probation is sparse, it is difficult to put such isolated incidents into the context of a probation agency's overall workload."

Furthermore, this changing role of probation must be recognized. With the dramatic rise in caseloads and individual responsibilities attached to the position, the more appropriate question might be, "Can probation be effective?" And, if so, under what conditions and in what areas?

Perhaps the most commonly articulated expectation is that the probation officer will provide opportunities for an offender to lead a law-abiding life. This has implications both for the objectives of public safety and rehabilitation. While these might be laudable and reasonable expectations, it does not take into account equally important objectives such as assisting in the restoration of the crime victim to his/her pre-crime state, or in holding the offender accountable. Moreover, this expectation does not take into account the system crowding problems.

A group of probation officers participating in a focus group (described later in this report) identified a number of current activities which are either not done satisfactorily or are not done at all, due to high workloads. These activities included:

- field contacts;
- collateral contacts including family members;
- crisis intervention and follow-up;
- program development;
- case planning and follow through;
- prevention strategies;
- program monitoring;
- completing mandated presentence investigation;

- seeking victim input upon sentencing;
- victim/offender mediation referrals;
- criminal history investigation;
- information sharing and collaboration;
- community work service site development;
- outreach and public relations; and
- overall community involvement.

If the reader were to accept the fact that probation's primary objective should be the reduction of recidivism, there is a great deal of research that would indicate that probation services provide a vital link to reaching this goal. As the 1993 Probation Standards Task Force report indicated, "Contrary to the perception that 'nothing works,' there now exists a large body of research (based on over 500 studies) on the psychology of crime and what works and does not work in reducing recidivism. These studies indicate that criminal sanctions without treatment are not effective. Shock incarceration and intensive probation without treatment programming are not effective in reducing crime. And, contrary to many practices, the offenders most likely to benefit from treatment services are the high risk—not the low risk—clients....There are many examples of very effective correctional programs in the community that have proven successful in changing negative behavior. The key elements in each involve small caseloads, individualized attention, relationship building and concrete problem solving."

Probation's ability to be effective at reducing recidivism has significant cost benefits at both the local and state levels. Decreases in the incident rate as well as the severity of future crime results in lower costs to the criminal justice system, the insurance industry, and to social service agencies. To illustrate this, the South Carolina Department of Youth Services published a recidivism study in 1988 (Rivers and Trotti), and concluded that, "If the adult recidivism of juvenile probationers could be reduced from 29% to 25%, over a five year period, the savings to South Carolina would be equivalent to half of the total budget of DYS."

The ability of probation staff to provide case management services necessary to take advantage of these research findings, and assist in meeting the objective of reduced recidivism, is proportionate to the amount of time available. Increasingly, however, probation time is being devoted to address additional responsibilities required by recent legislative mandates. The 1993 Probation Standards Task Force illustrated this point by comparing pro-

bation responsibilities over a twelve-year period. A total of seven primary responsibilities were listed in 1980, and 32 were noted in 1992.

While most probation professionals would agree with the need for these activities, they are replacing nonmandated services. These nonmandated services include activities which are most important to provide if the objective is to reduce recidivism. Some of the activities that would be emphasized if time allowed would include (for example):

- providing comprehensive assessment services which better identify offenders in need of individualized services;
- delivering or coordinating cognitive restructuring and life-skill classes for offenders who need this intervention;
- isolating the highest risk offenders for enhanced surveillance and intervention strategies;
- providing a “hands-on” laboratory setting for offenders in need of basic living and employment skills;
- identifying offenders who possess attitudinal and thinking errors, and intervening with appropriate intervention;
- assisting more victims by providing information and referral sources, and improving restitution collection strategies;
- encouraging community-based initiatives ranging from crime protection, mentorship, mediation, and employment sponsorship;

- conducting evaluation and research which provides direction in program development and refinement; and
- increasing the number and type of cases referred to victim-offender mediation services.

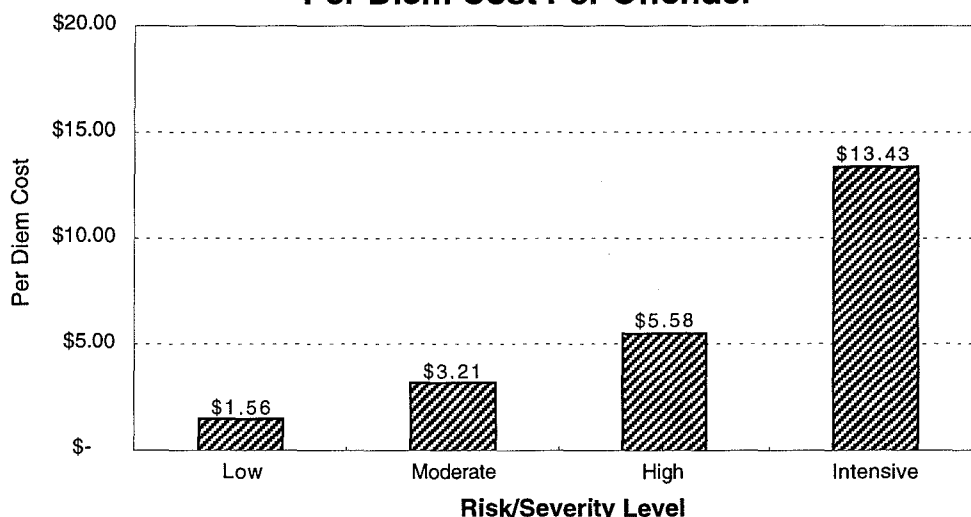
Apart from recidivism objectives, probation has traditionally been used as a cost-efficient alternative to incarceration. Probation’s role in this regard will likely increase due to space and cost constraints associated with rising prison and jail per diem rates. Figure 1 illustrates the relative low costs attributed to supervision services. These per diems are strikingly lower than the \$50 to \$100 per diem costs for incarceration, even when additional intermediate sanction costs are added to those of probation.

GUIDING PRINCIPLES

The task force used the following general guiding principles to direct its discussion and outcomes:

- *Relating funding to needs:* Both local and state government share responsibility for funding local correctional services. Funding needs to be provided at a level to ensure effective supervision services. It also requires that planning for long-range funding be undertaken to ensure that a future crisis in probation is prevented. An adequately funded probation system is essential to ensure that offenders placed on supervision

**Figure 1: Probation Supervision
Per Diem Cost Per Offender***



*Assumes full cost estimates of \$73,518 per probation officer and minimum standards as proposed by Probation Standards Task Force

receive the proper intervention whereby public policy objectives can be reached. State and local governments should financially support community-based corrections which develop and maintain cost-effective programs and services that are based on need.

- ❑ *A balanced and restorative approach:* The task force advocates the adoption of restorative justice principles. Under this justice model, crime is viewed not as a violation perpetrated upon the state but, rather, upon victims and the community. The focus is on repair of harm by offenders within the context of the community. Probation supervision is the primary method of providing for this reparation. The content and duration of probation must reflect the public's need for compensation and safety through sanctions and controls upon the offender; victim interests through direct involvement and restitution; and, finally, offender restoration through responsibility and accountability in the community.
- ❑ *Community-based corrections:* The least restrictive but effective sanctions and controls make correctional programs operating in the community setting an integral part of a comprehensive correctional delivery system. As fiscal costs associated with incarceration increase, community-based corrections is an appropriate and prudent public policy. As stated in the February, 1993, report, *Minnesota Probation, A System in Crisis*, "Minnesota's correctional system is recognized nationally as one of the most effective, progressive, and well-run in the country. Sound correctional policies, planning, legislation, including the Minnesota Sentencing Guidelines (1980) and the Community Corrections Act (1973), and a strong partnership between state and local correctional agencies have been major factors contributing to our acknowledged success." Probation is the backbone of Minnesota's community-based corrections system.
- ❑ *Minimum standards:* The number of offenders assigned to probation caseloads should be limited to levels consistent with recognized standards. This allows probation professionals, grounded in the understanding of the local com-

munity and the offender, sufficient time to evaluate the offender and the circumstances that gave rise to his or her involvement in the correctional system. Such understanding allows the probation officer to plan strategic controls and corrective interventions designed to prevent repetition of the offending behavior. This is best accomplished by means of an objective-based case classification system, followed by minimum supervision standards carried out through reasonable caseloads which afford time for individualized attention and sound case management techniques. Probation officer time is a key ingredient to success. Inadequate time (or "time crowding") due to excessive workload erodes the capacity to provide accountability, public safety, and restoration.

- ❑ *Primary correctional services:* The task force sought to distinguish between those probation services which are core to major correctional responsibilities and those which are not. In so doing, the recommendations on primary correctional services from the Joint Legislative Conference of Chief Judges were adopted. These activities are considered basic services which should be available throughout Minnesota no matter which delivery system is in place. The services reflect a broad spectrum of case management, assessment, and intermediate sanctions.
- ❑ *Local autonomy:* Local autonomy has perhaps been the most consistently applied factor in helping Minnesota create an exemplary correctional system. It requires that the expertise and experience of local corrections professionals, coupled with an informed local constituency, guide decisionmakers. Commitment to implementation is strongest when those responsible for carrying out policies work closely with local citizens and service providers. This requires that procedures and programs reflect local needs, values, and resources.

DATA COLLECTION

In evaluating available data on offenders under supervision, the task force examined several record-gathering systems currently in practice. Unfortunately, these systems were all designed for their own

specific purposes and do not appear to meet the overall needs of the probation portion of the criminal justice system. The task force sought reliable data which would identify the number of offenders assigned to community supervision, along with additional case-specific information. To determine varying risk levels for felony offenders it is, at a minimum, necessary to know the severity level of the offense committed and the offender's criminal history.

For juvenile and adult misdemeanor/gross misdemeanor data collection purposes, the task force needed to determine the number of offenders sentenced to probation as opposed to the number of convictions in an individual county. This would allow a more accurate count to be made of who is being placed under community supervision. Both the Trial Court Information System (TCIS) and the State Judicial Information System (SJIS) track a great deal of information, but they had limitations. TCIS archives their data after 45 days, and collects information at the gross misdemeanor and felony level using Minnesota offense codes rather than statutory numbers. It is also a case-based system, as opposed to an offender-based system, which would make it difficult to collapse multiple sentences to identify individual offenders for an unduplicated case count. The SJIS is also a case-based system which has similar limitations. It uses Minnesota offense codes and reports front-end system data as opposed to the kind of post-adjudication information needed by the task force. The Minnesota Sentencing Guidelines Commission has the capability of producing a wider range of information, but only on felony offenders.

Since none of the three mentioned systems, alone or in combination, would provide the particular data the task force required, it was determined that a new reporting system would be recommended that is "offender-based." This system would group offenders into severity-ranked offense categories. Prior criminal history data would be requested on felons which, combined with offense severity, would establish risk and corresponding weighted supervision workload. Information on the number of offenders in pretrial and diversion programs would also be included, as described later in this report. It should be noted that there is an ongoing Task Force on Criminal and Juvenile Justice that has been studying the issue of statewide information systems and is in the process of developing a data model that is applicable to all agencies of

the criminal justice system from law enforcement to the trial courts. That model should be available sometime during the 1995 legislative session.

After reviewing these existing sources of information, the task force concluded that the best current data available on the number and type of individuals under supervision is the 1993 Minnesota Department of Corrections probation survey. This survey, conducted on an annual basis, contains some definition and reporting omissions. Nonetheless, it appears to contain the most accurate statewide data available on offenders under supervision, and is widely accepted as such by local probation departments.

DIRECTIVE ONE

How many additional probation officers are needed?

RECOMMENDATION

- ☐ An additional 564 full-time equivalent (FTE) probation officers are needed statewide in order to meet minimum supervision standards.

RATIONALE

☐ **Setting Up the Process:** The previous legislative Probation Standards Task Force report in 1993 referred to a "System in Crisis." This was based on burgeoning numbers of offenders placed on community supervision and a lack of probation and support staff to effectively deal with this population. The 1993 task force recommended that the committee work be continued in order to determine minimum standards and staffing requirements.

In order to inform the legislature of the number of probation officers needed, the current task force had to obtain information on:

- ✓ The total number of supervised offenders in Minnesota on a given date.
- ✓ The total number of probation officers or full-time equivalencies who were appropriated to supervise those offenders on that given date.
- ✓ A "minimum standard workload size" for each reported offender category.
- ✓ The number of additional probation officers needed to provide supervision services to those offenders.

The task force learned that, despite the availability of several information systems that gather statistics on offenders in Minnesota, there is a lack of comprehensive and centralized data on corrections offenders. Each existing system focuses on its own process and objectives, and has certain limitations in terms of supplying all data necessary for this task force. The best data source for the legislative directive was the 1993 Minnesota Department of Corrections' year-end probation survey. This survey presented a snapshot view of offenders by offense category who were under supervi-

sion in the state in December of 1993. With minor exceptions, this data source did not report pretrial or diversion cases as well as the number of offenders who were receiving parole/supervised release supervision. The supervised release cases were added by the task force to the overall Department of Corrections' survey results from a separate source. It should be pointed out that these numbers were self-reported by various county agencies, some of which do not have the technology available to report numbers in an automated manner. Categories such as pretrial and diversion were omitted as mentioned above, and a lack of technical sophistication may have further restricted the flow of data. Given these limitations, 91,008 offenders were reported under supervision at year-end.

☐ **Determining the Number of Offenders in Need of Primary Correctional Supervision:**

According to Department of Corrections' 1993 survey data, a total of 91,008 individuals were on correctional supervision caseloads on December 31, 1993. These numbers include all post-adjudicated offenders (juvenile and adult) who were supervised in local communities. Again, with minor exceptions, the numbers do not include diversion, pretrial supervision, or incarcerated state inmates.

Of these 91,008 individuals, a total of 89,388 are considered to be offenders in need of "primary correctional supervision services." A total of 1,620 juvenile status "offenders," which were counted among the 91,008 offenders, were excluded from the primary correctional supervision service category, thereby leaving 89,388 remaining. The term "primary correctional services" is taken from the Joint Legislative Conference of Chief Judges' Correctional Delivery System Study. This committee was a combination of three different study groups which consolidated early in 1993 to study the statewide delivery of correctional services. The subgroups included: 1) the Conference of Chief Judges, who initially began studying organizational, funding, and authority issues of court services departments because of questions raised by the Association of Minnesota Counties; 2) a legislative study group prompted by legislation enacted in the 1993 session calling for the review of several delivery

system funding and program issues; and 3) a statewide corrections practitioners' group who had met in January, 1993, to address similar issues. The consolidated study committee sought to review and study the related questions and issues of each subgroup in the context of the need for fundamental probation services statewide, the need for adequate funding for those services, and the need for equity in the allocation of limited state resources. Primary correctional services were defined and proposed in response to the first need. It is common knowledge that, depending upon the type and geographic location of a delivery system, there may be considerable disparity in the availability of primary correctional services. In many areas, the local correctional authority has limited sentencing options, and a continuum of services related to sanctions is not available. These limitations are due to a combination of variables which may include the type and location of the delivery system.

In the correctional delivery system report, primary services were defined as those core services which should be provided to the court for imposition and monitoring of criminal/delinquent offenders by probation staff having correctional authority over an offender. Because they are primary, the services should be available in every court jurisdiction in the state.

Types of primary *supervision* services are:

Adult misdemeanor:

- Restitution services
- Supervision for personal crime
- Admin/monit. for nonpersonal crime
- Chemical dependency screening
- Investigative services for personal crimes
- Mental health screening

Adult gross misdemeanor:

- Restitution services
- Admin/monit. for nonpersonal crime
- Probation supervision
- Chemical dependency screening
- Investigative services for personal crimes
- Mental health screening
- Presentence investigations

Adult felony:

- Restitution services
- Admin/monit. for nonpersonal crime
- Probation supervision

- Supervised release supervision
- Chemical dependency screening
- Investigative services
- Mental health screening
- Presentence investigations
- Pretrial supervision for personal crime
- Intensive supervision (mandate)
- Random drug/alcohol checks
- Intra/interstate supervision

Juvenile:

- Predispositional reports
- Probation supervision
- Parole supervision
- Intra/interstate supervision
- Restitution services
- Chemical dependency screening
- Investigative services
- Mental health screening
- Interagency networking

This listing of primary services infers that probation departments cannot be all things to all people. It prioritizes the essential aspects of correctional services which should be available to the courts, offenders, victims, and the public. The task force narrowed the original listing of primary services in order to focus on "primary correctional *supervision* services," rather than expand its study to include programming and intermediate sanction categories. Within primary supervision services, several categories of offenders have been recommended for administrative supervision as opposed to traditional, one-to-one supervision. Other categories are not recommended for primary service by corrections, but local units of government may wish to pursue them.

□ **Defining Probation:** In discussions with task force members and field practitioners, the issue of the type of personnel needed to deliver primary supervision services was much debated. It was apparent that many CARDS adopted management and organizational techniques that allowed them to use differing staff classifications to meet their system needs. To determine both the number of existing probation officers and additional officers needed, a working definition of probation and probation officer was required. The task force adopted the following definitions which were used to guide task force work and gather survey information:

Probation is a court-ordered sanction imposed upon an offender for a period of supervision no greater than that set by statute. It is imposed either as an alternative to confinement or in conjunction with confinement and/or special conditions (intermediate sanctions). The imposed conditions are intended to manage offender risk and need through the supervision of a probation officer.

The objectives of probation are: deterring further criminal behavior, punishment by the state, reparation to crime victims and communities, and assisting in the offender's rehabilitation efforts for the purposes of enhancing public safety.

Probation is imposed as a means to achieve public safety, crime prevention, and rehabilitation to meet the goal of motivating the offender toward legal and more socially acceptable means of problem solving.

Probation officer is a state or county employee who has passed an approved civil service examination and is appointed to perform primary correctional services. Major areas of responsibility include: prevention and identification of crime and limited powers of arrest; conducting and providing investigative reports and dispositional recommendations for the court or other releasing authority; supervising offenders to ensure compliance with conditions of probation and conditional release; and recommending orders to show cause, subpoenas or warrants to be issued by the court.

Supervision services include providing the court with information and recommendations needed for making informed dispositions; providing for the custody and supervision of juvenile and adult offenders; and providing or brokering appropriate human services to court-referred clients, among others.

Probation officers are also responsible for furthering the objectives of the criminal justice system, such as deterring future criminal behavior (through the removal of barriers to achieving offender success, referral to community programs, and monitoring compliance with court-ordered sanctions), and by assisting offenders in a reparation process with crime victims and the community. This is accomplished through direct and collateral offender contact by probation professionals and through direct supervision of ancillary staff authorized to provide limited correctional services to offenders.

The goal of increased case management services envisions a safer community. The criminal justice system, human services, and the community need to work in partnership to promote positive social standards and conditions to hold individuals accountable for their behavior, and help promote and assist in the healing process for victims. These goals are consistent with the restorative justice ideals which are increasingly being embraced by corrections and public officials in many states, including Minnesota.

❑ ***Determining the Number of Probation Officers Needed—Focus Group and Weighted Caseloads:*** Not all offenders require the same intensity level of supervision. To distinguish between varying degrees of staff time and staff complement necessary to manage 89,388 offenders, the task force solicited professional input from over 35 probation officers throughout the state by sponsoring a day-long focus group. The focus group was made up of a wide range of probation officer staff comprising hundreds of years of collective experience. They represented all of the probation supervision service categories, each of the delivery systems, urban/metro/rural areas, and case management for juvenile and adult offenders.

Participants identified appropriate maximum caseload sizes based on the offender categories that were used to identify the state's total offender population. After accounting for varying caseloads, each offender category was given a relative weight so that a severe offense was given a higher weight than a less severe offense. This method was then used to determine the number of probation officers needed to provide minimum supervision standards for all offenders under supervision on December 31, 1993. Based on the method described above, the total number of probation officers needed to deliver minimum standards for all offenders under supervision for primary services equalled 1,368 FTE.

❑ ***Determining the Appropriate Staff Complement:*** The focus group helped the task force determine relative weights for each offense category, the minimum standard workload, and the number of probation staff needed to deliver primary supervision services. The final determination of additional probation officer needs statewide hinged on the number of existing probation officer positions.

Each delivery system area was examined to determine how many probation officers were allocated in 1993 to supervise the 89,388 offenders (see appendix seven). Survey results showed that a total of 804 FTEs was available to provide primary services to the established offender population.

The total FTEs needed to bring supervision standards to minimum levels is 564 (1,368 less 804).

The Probation Standards Task Force chose to identify all FTEs engaged in active supervision/management of offenders under supervision, as opposed to limiting its perspective to "probation officers" alone. The task force was aware that the use of nonprofessional workers (personnel not meeting minimum eligibility standards for probation officers as defined by the State of Minnesota and/or individual counties) has become common practice. Fiscal pressures and creative use of staff have resulted in the utilization of nontraditional workers and volunteers to help meet the many mandates and demands of the system.

DIRECTIVE TWO

DIRECTIVE TWO

How much funding is required to provide the necessary additional probation officers?

RECOMMENDATION

- A total of \$41,464,152 (or \$41 million) is needed to fund the additional 564 FTE probation officers.

RATIONALE

Salary and benefits are not the sole costs associated with the funding of an employee. In order to determine the actual cost of adding each probation officer, it is important to consider support services and related costs. Using salary ranges provided by the Department of Corrections, Community Correction Act (CCA) counties, and county probation office (CPO — probation services provided at the county level under MS 260.311) counties, and using the Department of Corrections' agent funding formula, the task force has determined that it costs approximately \$73,518 annually for each probation officer. The \$73,518 figure includes most expenses associated with a probation officer position including salary, fringe benefits, clerical support, equipment, travel, communications, and rent. This figure, multiplied by the 564 FTE number, results in the \$41 million appropriation request.

To arrive at the cost estimate, the task force surveyed the major metropolitan areas to determine the minimum and maximum salary range for staff in the "probation officer" category. The task force also utilized Minnesota Department of Corrections' data which itemizes the costs associated with new probation officer positions. The department uses a mid-range salary figure plus approximately 20 percent to cover the cost of the fringe benefits package. To that figure, they also add assessed costs for a part-time clerk typist, office rent, photocopying, repairs, communications, equipment, supplies, and travel. Although this figure of \$73,518 does not include costs related to evaluation and data collection, supervision, or training, the task force recommends later in this report that the CARDS should be allowed to use some of the allocation per proba-

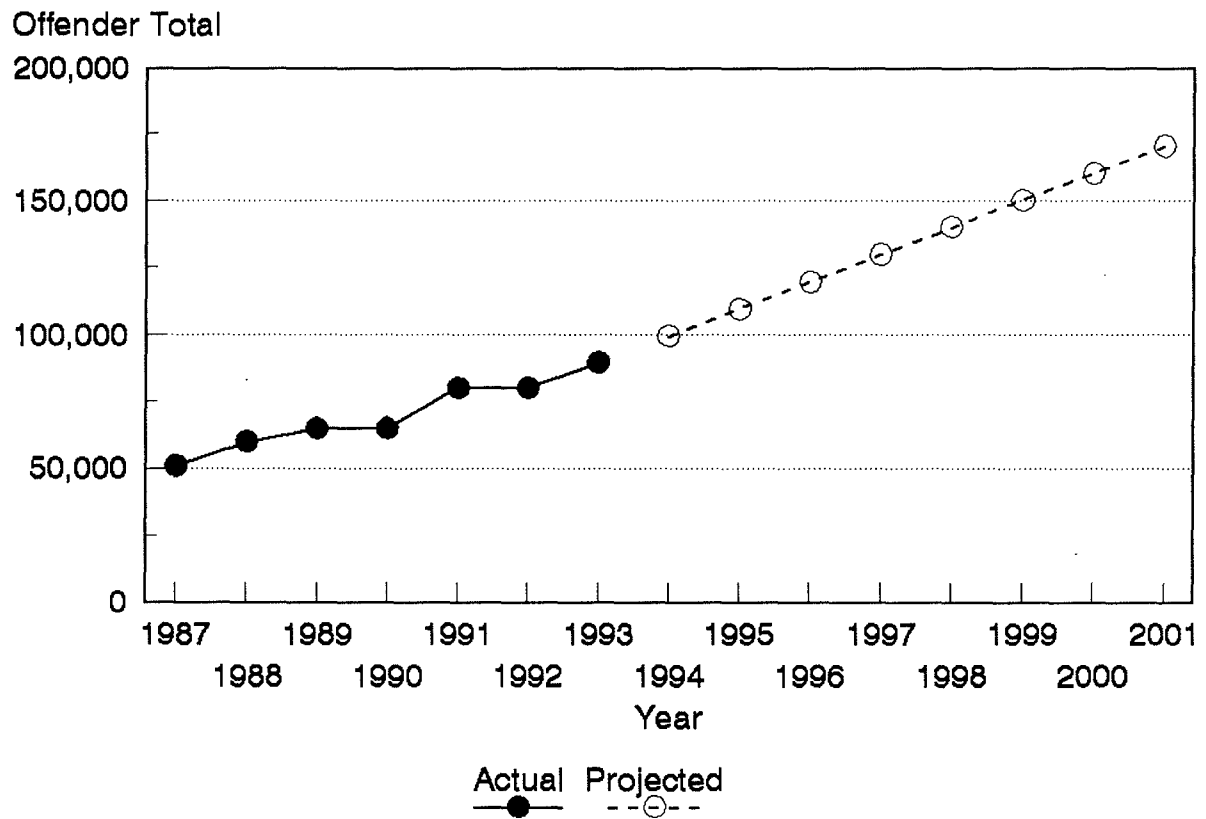
tion officer to provide evaluation staffing, supervision, and training.

The cost breakdown is:

Salary and benefits	\$40,678
Clerical support, salary & benefits	10,840
Rent	5,000
Travel	3,600
Communications	2,800
Duplicating	300
Repairs	300
Equipment/capital	8,000
Supplies	2,000
Evaluation support	N/I
Training	N/I
Supervision	N/I
Total	\$73,518

The task force recognizes that \$41 million is a significant infusion of new funds, and that it should be phased in over a few years. Of equal concern is the delay of adequate funding. According to the Minnesota State Planning Agency, probation caseloads are expected to increase dramatically in the next ten years. Figure 2 (page 16) illustrates that caseloads are projected to increase 90.6 percent between 1993 and 2001. Immediate attention is needed to avoid any further erosion of probation services.

**Figure 2: Minnesota Probation/Supervised Release
Offender Total: Actual-Projected**



Data source: Minnesota Planning

DIRECTIVE THREE

DIRECTIVE THREE

What funding method should be used for these new positions, including relative county and state obligations?

RECOMMENDATIONS

- ❑ The state should appropriate \$41 million in additional funds for the new 564 FTE probation officer positions.
- ❑ Beginning July 1, 1995, funding to the Correctional Authority Responsible for Delivering Services (or CARDS) should be based upon a single funding formula. Each CARDS will receive its share of the state appropriation based on its percentage of the state's total number of persons under its supervision as classified and weighted by the Probation Standards Task Force. Distribution of funds through a single source should be subject to the following conditions:
 - ✓ The state will provide a financial base whereby no CARDS will receive less state dollars than were allocated from the state for state fiscal year 1995, excluding all grants except the state felony caseload reduction grant.
 - ✓ For state fiscal years 1996 and 1997, the offender supervision data utilized to determine each correctional authority's share of appropriated money will be the most current year's data contained within the Department of Corrections' year-end probation survey. This data represents a snapshot of all offenders in Minnesota under supervision on December 31 of that year on a county by county, organization by organization basis.
 - ✓ For future fiscal years, the percentage share of appropriated monies will be computed on the basis of each correctional authority's offender weighted intake data as opposed to snapshot data. The offender categories will change slightly to better reflect offender risk, and therefore the amount of time needed to deliver primary correctional services. Pretrial and diversion supervision figures will be added to the intake data used.

- ✓ Each correctional authority must agree to maintain the local fiscal effort at the same level as existed in calendar year 1994, and to use funds that exceed the state base for additional probation staff and staff-related costs.
- ✓ Each correctional authority must agree to provide the Department of Corrections with specific data from that CARDS area, and must produce a written planning document outlining correctional services/programs in that local correctional authority.
- ✓ After two years of using the intake data to determine relative workload weight, and therefore funding, the most recent three years of intake weight will be used to determine the CARDS annual allocation.

RATIONALE

❑ The Probation Standards Task Force studied the report of the Correctional Delivery Systems Task Force submitted to the legislature in March, 1994. On page ten of that study group's report it was recommended that there be "a uniform standard for determining funding for corrections/probation services that is based on primary correctional services and weighted workload units." Members of the Probation Standards Task Force believed that the funding method proposed above could be the cornerstone of a single-funding formula which was recommended by that Correctional Delivery System report.

In fact, the Correctional Delivery System report in March, 1994, identified general principles that should be considered when a proposed funding formula is introduced. The majority of these objectives are met in the proposal recommended by the Probation Standards Task Force. Those principles were:

- a "hold harmless" clause should be included for a limited number of years;
- the funding formula should be independent of the type of system which will deliver the service;
- the goal should be to provide equal services, based on need and ability to pay;

- the funding formula should be simple and easily understood;
- incentives should be established to encourage innovative programs;
- probation departments should be required to report certain data to the legislature; and
- the local option for determining which correctional delivery system will be used in any jurisdiction should be retained.

The question of whether local or state government should fund probation is a difficult one, as are variations of it, such as using percentages or matches. This question is further complicated by the manner in which Minnesota currently funds and structures corrections with the three distinct delivery systems (Department of Corrections, CPO, and CCA). The amount and stated rationale for funding each of the systems is different. Consider:

- CPO counties are funded through the method of 50 percent reimbursement for probation officer salaries;
- the Department of Corrections receives its funding as an appropriation from the legislature. New positions are requested on the basis of a workload/point formula. The Department of Corrections may also provide county probation services to counties under M.S. 260 (CPO) by means of a contractual agreement with the county; and
- CCA counties are funded pursuant to M.S. 401 which contains the elements of a funding formula. All correctional services are provided at the county level, with services determined by the county board and authorized by the county's comprehensive plan.

The task force concluded that the state should be financially responsible for the \$41 million appropriation because, in part, the percentage of state funding for total correctional services has been decreasing over the years.

Task force members could find no authoritative foundation upon which a county/state split could be recommended. In fact, the State Legislative Auditor's report, *Sentencing and Correctional Policies*, (June, 1991), identified the state/local relationship regarding the financing of corrections as "in a state of flux" and reported that no arrangement for clarifying the state/local relationship yet existed or had been proposed. General discussions by task force members around potential responsibilities (e.g., felony/nonfelony, supervision services/programming services, etc.) proved inad-

equated because of policy and implementation obstacles.

It was more practical to analyze historical practices. Upon review, it soon became apparent that funding differentials in traditional field services over the past ten years have shifted and grown disparate, with local government becoming more responsible for corrections-related costs. This disparity was further exacerbated by the evidence of increased statutory mandates related to probation services, and insufficient funding allocated to support those mandated services.

As cited in the Legislative Auditor's report, *Sentencing and Correctional Policies*, (June, 1991), nationwide data on state correctional spending indicates that Minnesota's percentage of state-to-local spending is the lowest in the nation. The auditor's report refers to a 1989 publication, *State Aid to Local Government for Corrections Programs*, which said that Minnesota funded 45.2 percent of correctional costs. This percentage contrasts sharply with the other Midwest states:

<i>State</i>	<i>% of State Funding for Corrections</i>
Iowa	76.1
Wisconsin	65.8
North Dakota	71.0
South Dakota	79.2
Missouri	72.3
Kansas	82.7
Minnesota	45.2

More recent information suggests that the funding differential between state and local government may have grown. The Funding Subcommittee of the Correctional Delivery Systems Task Force indicated in January of 1994 that, "The total estimated cost of Traditional Field Services in Minnesota is \$63.4 million. It is estimated that the State, through subsidies and field services budget, contributes \$19.3 million or 30.4% and counties contribute \$44.1 million or 69.6%." These figures, however, do not include state correctional costs related to institutions and special grants.

The Legislative Auditor's report, *Sentencing and Correctional Policies*, also indicated that the state contribution toward overall correctional spending within CCA counties is decreasing. On page 27 of its report, it pointed out that "In 1979, the CCA subsidy represented 37% of county spending for

corrections, but by 1990, it accounted for only 25%.” The report goes on to say that the state may want to increase funding for corrections. “To the extent that increased county correction costs are a consequence of local decisions, it is reasonable that counties be responsible for determining how to pay for them. On the other hand, other actions have been initiated at the state level such as mandatory sentencing laws, sentencing guidelines, and legislative mandates affecting probation workloads, that have contributed to higher county correctional costs. In these cases, the state should make the effort to assess the financial impacts on counties of actions to be taken, and may want to appropriate funds accordingly to pay for the additional costs.”

Finally, the November, 1994, *Line Item* by the Minnesota State Planning Agency indicated that 72 percent of justice spending occurred at the local level in 1991. While it is difficult to determine how each of these financial study statistics compares to each other, it seems clear that the overall message is the same—local units of government are shouldering the majority of correctional expenses, and Minnesota’s experience is unlike other states in that regard.

The task force concluded that although no clear demarcation between state and county funding is evident, the issue is less critical once a minimum base for both units of government is established. Future delineations over funding responsibilities can be addressed in a new task force, as proposed later in this report.

□ In order for the new subsidy to be used for its intended purpose (the improvement of public safety through enhanced probation services), both state and county funding must not drop below current levels. The task force proposal requires an agreement by both the state and county to maintain current funding levels regardless of new subsidy formula determination. By doing so, it addresses four concerns with a single-funding method:

- it assures county commitment to its local correctional services;
- it maximizes local autonomy and ownership in establishing correctional policy and services;
- it provides some assurance to local units of government that they will not be negatively impacted by implementation of the new funding formula; and

— it assures the state that the new funds will be used to enhance public safety through improved probationary services and not used to supplant local levy dollars currently being used to fund corrections.

Beginning July 1, 1995, funding to CARDS would be based on the proposed single-funding formula. Each CARDS would receive the state base funding which constitutes the amount of state dollars which the correctional authority was allocated from the state in fiscal year 1995 (excluding all grants, except the state felony caseload reduction grant which would be combined into the single funding), or the new allocation amount based on the weighted caseload method, whichever is greater.

The weighted workload is determined by the number and type of offenders under supervision as defined and weighted by the focus groups. The data used to determine each CARDS proportion of the workload for the first biennium of funding will be the data contained in the most current Department of Corrections’ probation survey results (which is now 1993). This data represents a “snapshot” of all offenders in Minnesota under supervision on December 31, 1993.

The proposed new funding distribution will eliminate the need for separate CPO, CCA and Department of Corrections funding methods but will not require a new correctional delivery system. All state funding (excluding grants) can be redistributed to CARDS using one funding formula. This will equalize funding between the three delivery systems and base funding on need.

Distribution of the new subsidy funds must relate to some measurement of need. Numerous methods of determining need were considered. Each method had distinct advantages and disadvantages. No singular method was overwhelmingly better than others. The task force concluded, however, that the intake method of evaluating staff/funding need is the most objective and least influenced by internal correctional practices. Unfortunately, data on offender intake numbers is not immediately available. Therefore, the task force recommends that subsidy funds in the upcoming biennium be distributed using the actual number of offenders under supervision (i.e., snapshot process) in the most recent year (which is currently the 1993 Department of Corrections’ survey). These numbers distinguish “need” based on the total number of offenders on supervision in differing offense categories. The task force further recommends that the

intake process be used to determine weighted workload and funding distribution beginning with the following biennium (1998-1999).

In order to participate in this funding formula, each CARDS must agree to maintain the local funding appropriation base in calendar year 1994, and describe how the new state funds will be used to reduce workload and enhance probation services and objectives. To accomplish this uniformly, the task force is recommending that each CARDS prepare an annual correctional planning document that outlines the primary correctional services for the coming year and how the subsidy funds will be used to provide them.

In addition to the written plan, each CARDS must agree to provide data to the Minnesota Department of Corrections. This data will include:

- intake information that defines the number and type of offenders entering the CARDS area;
- “snapshot” information that identifies the number and type of offenders on supervision on a given day;
- information that helps determine weighted caseloads for purposes of funding; and
- data on outcome measurements.

In order to ensure that new funds are used to reduce probation officer workloads, each CARDS must use the funds only for staff and staff-related costs as itemized in the cost breakdown for the \$73,518 allocation amount. The recommended exception is that some of the allocation be approved to be used to add evaluation staff to report on outcome measures, training, and supervision services.

Beginning with state fiscal year 1998, the weighted intake method should be used. The use of weighted intake case data discourages the possibility of unnecessary retention of some offenders within the probation system. In addition, pretrial and diversion supervision numbers for some of the offense categories will be added to the funding method. Diversion and pretrial are considered primary correctional services when they fall within the higher severity crime categories. They were not added to the proposed new subsidy distribution in the upcoming biennium (1996-1997) because the information is not currently collected statewide.

The intake numbers will be similarly weighted as used in the snapshot process, but the proposed categories are altered slightly to better account for offender risk. For example, the offender's prior criminal history is one of a number of validated

indicators of future criminal behavior. As a result, the task force is recommending that adult felons be classified based on both the current offense and prior record, and that the weights be reflected accordingly (see appendix six for weighting and categories). In addition, the task force allowed for differing weights for individuals on supervised release, intensive community supervision, public risk monitoring, extended juvenile jurisdiction, diversion, and pretrial conditional release.

To reduce wide fluctuations in funding, it is recommended that the last two years of state funding be combined with the current year to determine the subsidy amount. The average of the three years would be used.

Finally, the task force recommends that the funding methodology and results be reviewed in three years and periodically thereafter. It is the purpose of the single-funding formula to direct state funding for corrections to those CARDS which produce data reflecting need. State funds should be proportionately distributed to those areas which have higher intake numbers. If, for example, a CARDS area has a significant decrease in offender population, the condition of its state base should be reexamined. If expenditures for staff and staff-related costs are higher or lower than actual, it should be reviewed for possible refinement. If legislative or other policy shifts occur which change the weights of the offender categories, a new weighting process should be initiated. The review should focus on the strengths and weaknesses of the formula.

DIRECTIVE FOUR

DIRECTIVE FOUR

What are appropriate standardized case definitions and reporting procedures to facilitate uniform reporting of the number and type of cases and offenders?

RECOMMENDATIONS

- ☐ Each CARDS area which participates in this probation subsidy program will be required to submit the information needed to determine a) funding, and b) disparity between actual and minimum standard caseload size.
- ☐ Local jurisdictions should continue their locally determined method of offender accountability standards.
- ☐ Beginning in calendar year 1996, each CARDS will report specific outcome results to the Department of Corrections that identify:
 - ✓ amount of restitution collected at the time of offender discharge;
 - ✓ percent of offenders who complete supervision without a new criminal conviction;
 - ✓ percent of offenders who complete conditions of supervision without court revocation;
 - ✓ number of community work service and supervised work crew hours provided;
 - ✓ number and percent of adult felons who are sentenced locally, under a sentencing guideline departure;
 - ✓ number and percent of juvenile felons who are supervised locally instead of being committed to the state; and
 - ✓ number of juveniles placed out of the home as a result of a delinquency procedure, and placement type.

This data is to be collected for purposes of subsequent analysis in order to develop specific performance indicators for correctional outcome evaluation. The Department of Corrections should form a joint state/county evaluation committee that will define data requirements and analyze the data submitted.

RATIONALE

☐ The proposal for funding based on need requires the collection of specific information. It is similar to the judicial weighted caseload method whereby information is provided annually which identifies how close the state is to ensuring that minimum standards are met. Information on both the number and type of offenders on supervision, and the number and type entering the system, is needed for funding and to monitor how close the CARDS areas are to meeting minimum standards.

☐ The task force contacted numerous other states to determine how probation services were delivered and how they were funded. Many states had contact standards and many did not. An increasing number of states who once had contact standards are now discarding them. Contact standards which describe, for example, the number of times a probation officer must meet with a probationer, or make collateral phone contacts, alone do not ensure that quality services are provided. A probation officer with a caseload of 200, for example, could meet contact standards as easily as a probation officer with a caseload of 100 by decreasing the time spent with a probationer in half. Recently developed group supervision techniques and probation service centers serve as examples of this. The task force recognized that monitoring and supervision activities require a variety of responses such as urinalysis testing, use of volunteers, community mentors, spot checks, use of education and treatment interventions, etc.

☐ Minnesota's emphasis on community-based corrections and local decision-making has served the state well. Minnesota is often looked to as an innovative hub for correctional practice. The Minnesota Department of Corrections encourages the use of intermediate sanctions to limit the reliance on state institutions. And the state's Sentencing Guidelines Commission provide a comprehensive policy framework to guide sentencing and funding practices. Perhaps this strength also reflects a weak-

ness. It is difficult to get statistics that address the effectiveness of the entire criminal justice system. Local correctional agencies monitor effectiveness in different ways, and some not at all. It seems reasonable that an investment in corrections that totals millions of dollars should be evaluated to determine if the objectives are being reached.

The task force is proposing that core outcome measures be reported by each CARDS to the Department of Corrections on an annual basis. These measures are core in the sense that they answer to what degree correctional services are meeting the broad objectives of public safety, offender change, accountability, and victim restoration. In its October, 1993, report, *Performance Measures for the Criminal Justice System*, the U.S. Department of Justice, Bureau of Justice Statistics, proposes specific performance indicators to measure the following goals:

- assess offender's suitability for placement;
- enforce court-ordered sanctions;
- protect the community;
- assist offenders to change; and
- restore crime victims.

The report identifies 22 specific performance indicators to determine to what degree the above goals were reached. Similar goals and indicators could be developed for pretrial and diversion supervision.

The task force is recommending that each CARDS be required to report statistics on the seven major outcomes listed in the recommendation as a place to start. Determining valid performance measures, however, is complicated. Each correctional jurisdiction has differing influence over sentencing outcomes. The practices of other human service agencies can have a profound impact on, for example, child placements. The data itself cannot be viewed as positive or negative without careful analysis of the factors resulting in the outcomes reported. In light of this, the task force is recommending that the Department of Corrections form an evaluation committee that defines the data to be collected, finalizes the specific performance measures sought, determines the data collection process, and analyzes the data once received.

DIRECTIVE FIVE

DIRECTIVE FIVE

What legislative changes are needed to implement objectively defined case classification systems?

RECOMMENDATION

- ☐ The legislature should require that each CARDS participating in this proposed funding mechanism develop a case classification system to target the use of resources devoted to offender supervision, and include the system in its correctional plan submitted to the Minnesota Department of Corrections.

RATIONALE

Case classification can be an effective tool to determine the level of supervision and resources to be expended on targeted offenders. Many risk tools, for example, are validated to identify risk of re-offending with a 70 percent or better accuracy. Similar need-based tools can identify areas of social, personal, and life skills which are most in need of addressing. Yet other jurisdictions have found that, for their local area, offense categories by themselves are reasonably accurate in isolating both risk and need factors.

The task force concluded that case classifications are useful and should be implemented in each CARDS area. Having a singular case classification method, however, does not take into account unique local differences, nor support the dynamic state of affairs in classification techniques. Local correctional authorities need maximum flexibility to seek new, improved methods of validating risk and classification systems. Having one for the entire state discourages locally initiated efforts in this area. The task force, however, recommends that each CARDS area should evaluate its local needs, validate the usefulness of any proposed risk and classification tool, and include it in their annual corrections planning document.

DIRECTIVE SIX

DIRECTIVE SIX

What other general recommendations are proposed to improve the quality and administration of probation services in the state?

RECOMMENDATION

- ❑ The legislature should establish a task force to review and make recommended changes related to the new correctional funding method as follows:
 - ✓ effectiveness of the new funding formula at achieving minimum workload standards;
 - ✓ opportunity to fund special initiatives to reduce reliance on state institutions; and
 - ✓ evaluation of the new intake-based offender reporting system.

RATIONALE

The Community Corrections Act (CCA) was a major public policy change for Minnesota in 1973. The act provided state subsidies to local government to, in part, encourage the development of local programming in order to avoid the use of state institutions. The recommendations in this report do not address the continued promotion of community-based corrections. Rather, they propose changes to establish and implement minimum case management supervision standards. Regardless of whether these report recommendations are legislated, attention is needed by the state to continue the promotion of community-based corrections related objectives. These objectives should be important statewide and not exclusively targeted for CCA areas.

The proposed single-funding formula will not alter the manner in which corrections is delivered in Minnesota. While it accomplishes most of the objectives sought by the task force, it could result in unintended consequences, or not accomplish other important public policy objectives. For example, the formula does not provide incentives for intermediate sanctions that could reduce the use of state facilities. It does not encourage or discourage changes in the structure of delivery systems. It

is neutral on improving a working relationship between juvenile corrections and local human service agencies. A task force to study these issues would help steer future funding and other recommendations in order to meet policy objectives for public benefit.

APPENDIX ONE

GLOSSARY

CARDS

Correctional Authority Responsible for Delivery of Services.

Focus Group

A group of practitioners who assisted the Probation Standards Task Force in determining weighted workload by participating in a day-long planning session.

FTE

Full-time equivalency.

Intake Offender Data

Number of offenders placed on supervision in a local jurisdiction during a calendar year, categorized by offense type.

Primary Correctional Services

Correctional services that are primary and should be available in all court jurisdictions, as defined by the *Legislative Conference of Chief Judges Correctional Delivery System Study*, March, 1994.

SJIS

State Judicial Information System.

Snapshot Offender Data

Number of offenders under local corrections supervision in the state of Minnesota at a given point in time, categorized by offense type.

TCIS

Trial Court Information System.

Weighted Workload

A way of establishing offender risk management categories and determining how many offenders of different classification levels a probation officer can effectively supervise.

MINNESOTA PROBATION: A SYSTEM IN CRISIS

Executive Summary

There are an estimated 80,000 offenders currently under court-ordered supervision in Minnesota communities² -- and far too few probation officers to provide adequate supervision and services. Caseloads across the state range from 55 to 400 clients per probation officer; group supervision caseloads have ratios of up to one agent per 1,200 offenders! While caseloads have more than doubled in the past nine years, there has been no accompanying increase in probation staff or resources. An estimated 12% of these offenders are serious public risk cases. They are more violent and dangerous than ever before. Drugs, gang activity and the growing tendency to use weapons contribute to the serious impact of these numbers.

UNDERFUNDED AND OVERBURDENED EQUAL INEFFECTIVE

The public, courts, victims and policymakers expect that offenders under supervision are getting the necessary level of attention, but, in reality, that is impossible with current resources.

This Task Force heard compelling testimony from probation officers, victims, and other criminal justice professionals that reflected an overwhelming level of anger, fear for our communities, and frustration at what they consider eroding levels of effective probation services across the state. They describe the feeling of "warehousing offenders on the street."

There is a high level of concern among probation officers for personal and public safety as more violent and dangerous offenders are added to high caseloads. There is also a growing anxiety related to liability issues primarily for failure to supervise appropriately.

It is widely believed by probation officers and their administrators (especially in Community Corrections Act counties) that probation services in many areas are so underfunded and overburdened that they are becoming ineffective. It is their belief that:

- Safety is being compromised;
- Expectations of probation are unrealistic;
- Victims are not receiving justice;
- The level of service to the courts is eroding; and
- Offenders, who could change criminal behavior patterns with probation officer intervention and programming opportunities, are not being afforded the opportunity.

² *Court Resource Management Plan Survey* data collected from all Minnesota counties in 1992 showed that 90,445 cases were being supervised throughout the state. The actual number of offenders had to be estimated because of a lack of standardized reporting methods. Individual offenders can have multiple cases. Some counties report cases and others report individuals on supervision.

**CONTRIBUTING
FACTORS TO
PROBATION
CROWDING
CRISIS**

Elected officials, the court and other criminal justice professionals have responded to the public's demand for a tougher stance on crime with increased penalties, new crime categories, mandatory jail time, longer periods of supervision and multiple conditions of probation, etc. Thousands of offenders have been added to supervision caseloads statewide as a result of changes in the way we deal with DWI, domestic abuse, and drug cases. Additionally, session after session, the legislature has added more mandated requirements to probation staff in the areas of pre-sentence investigations and supervision responsibilities. Policy decisions and legislative solutions to one criminal justice problem have unintentionally compounded serious problems within the probation system.

Few corrections professionals would deny that the new requirements represent good correctional policy. But without increased resources, it is not possible to indefinitely add new responsibilities to *so many more* cases and still provide meaningful supervision.

**STATE SYSTEM
SUCCESS
STRESSES
LOCAL
PROBATION
SERVICES**

Minnesota's correctional system is recognized nationally as one of the most effective, progressive, and well-run in the country. Sound correctional policies, planning, legislation including the *Minnesota Sentencing Guidelines* (1980) and the *Community Corrections Act* (1973), and a strong partnership between the state and local corrections agencies have been major factors contributing to our acknowledged success.

Unlike forty-one other states, Minnesota is not experiencing federal court order or consent decrees to limit prison populations due to chronic crowding and the personal violence and property destruction associated with it. The state has avoided the high cost of litigation and massive prison construction projects by relying on local community-based correctional services for the vast majority of offenders.

**MOST OFFENDERS
IN MINNESOTA
DO NOT GO TO
PRISON**

In Minnesota, all misdemeanor and gross misdemeanor offenders and over 80% of all felons are sanctioned at the local level in jails and on probation officer caseloads. Comparatively few go to prison (2,230 new commits in 1992³). The majority of those that are committed to prison are released to local corrections agencies for supervision after serving their time. To put this in perspective, in June of 1992, there were 3,647 adult inmates in Minnesota prisons compared to an estimated 80,000 offenders under court-ordered supervision in the community.

³ Minnesota Department of Corrections, *1992 New Commitments By County and Months to Serve*.

**COUNTIES ARE
PAYING A
DISPROPORTIONATE
SHARE OF THE
INCREASE IN
CORRECTIONAL
EXPENDITURES**

The partnership between the state and many local corrections agencies is becoming a competition for resources. Legitimate concern has been focused on prison crowding and maintaining appropriate capacity. As a result, funding has consistently increased for state institutions, and, to a lesser extent, for the Department of Corrections field operations. However, financial support to local corrections agencies, especially in Community Corrections areas, has not kept pace with increases in offender growth and the overwhelming mandated responsibilities.

In fact, in Community Corrections areas, State funding of CCA costs have *decreased* from 37% of the total in 1979 to 20% in 1991, thus increasing the burden on local property taxes.

**LEGISLATIVE
DIRECTIVES**

The Task Force found it impossible to provide complete and totally accurate responses to the questions asked by the legislature with regard to minimum caseload goals and the exact number of probation officers needed statewide for the following reasons:

- There is no central source in the state for information on offenders and probation resources;
- There are no standardized case definitions or standardized reporting procedures so that the number and types of cases can be reported uniformly statewide;
- Not all probation agencies have classification systems to assess workload for statewide comparisons;
- Jurisdictions, responding to the crowding crisis, are making difficult decisions about which offenders will get what kind of services. There are many different options being explored. For example, some areas supervise offenders in large groups; others keep assigning offenders to caseloads without regard to classification.
- Some areas are doing the same things but calling the management strategy by a different name so that comparisons between jurisdictions are difficult.

Within the timeframe available, it was not possible to complete such a task. It is recommended that a new Probation Task Force be established to specifically address these correction system issues so that meaningful statewide comparisons can be made.

**INTERIM
RELIEF OF
PROBATION
CROWDING**

The Task Force concluded that there is an overwhelming need for more probation officers and an urgency to define and limit the capacity of probation supervision if supervision and services are to be meaningful. A strong recommendation is made that funding for interim relief of probation crowding be allocated this biennium. The nine and one-half million dollars in the Governor's proposed budget for Community Corrections Act counties should be provided to CCA areas without the requirement that they compound their existing problems by assuming responsibility for certain short term prison commitments. Additionally, the requests for probation staff made by the DOC should be granted and special funding be made available to County Probation Officer counties (CPO) for similar relief.

**DIFFICULT
CHOICES**

Minnesota policy makers are at a crossroads. We cannot stay the course, allowing further restrictive policies and limited service to continue.

The choices are:

- . Allow major service cutbacks to certain categories of offenders in order to maintain minimum standards of probation services for more serious cases; or
- . Add resources to probation in order to regain the quality of services and level of safety which have diminished in the past decade.

**SUMMARY
OF
RECOMMENDATIONS**

1. Establish a *Probation Task Force* to
 - a. Develop a funding request to the 1995 Legislature to include
 - .. The number of additional probation officers needed statewide;
 - .. The cost of these additional staff;
 - .. A recommended method of funding; and
 - .. Recommendations about the role of county versus state obligation to finance the costs.
 - b. Examine existing client information systems and develop standardized case definitions and reporting procedures so that the number and types of cases and offenders can be reported uniformly statewide.
 - c. Develop a framework for objectively defining case classification categories to facilitate statewide reporting.

2. Provide immediate funding this legislative session to allow interim relief until the *Probation Task Force* completes its work:
 - a. Appropriate the \$9.5 million currently in the Governor's budget for increasing Community Corrections Act funding without ties to shifting certain short-term prison commits to the counties;
 - b. Fund DOC's request for additional probation staff; and
 - c. Appropriate additional funding for County Probation Officer counties to reduce high caseloads.
3. Revise the annual *Probation Survey Report* to be compatible with recommendations of the *Probation Task Force*;
4. Develop case classification systems in each area that reflect local needs, values, and resources and are based on factors including type of offense, past pattern of criminal activity, risk behaviors, and need for services.
5. Provide funds through existing funding streams for field service agencies to develop and operate additional or enhanced innovative programs aimed at improving supervision of adult and juvenile violent and high risk offenders.
6. Examine all legislative probation mandates for possible elimination if they cannot be funded.
7. Consider reducing or eliminating services to less serious offenders if resources are not increased.
8. Provide funds to encourage creative ways to increase productivity through the use of technology.
9. Require and fund uniform education and training in the areas of victimology and victim services for all criminal justice agencies.
10. Encourage the *Minnesota Office of Volunteer Services* to provide technical expertise to counties to develop and expand volunteer participation in local corrections agencies.
11. Support efforts to improve the BCA criminal history information system.

APPENDIX THREE

STATUTE AUTHORIZING TASK FORCE

Laws of Minnesota for 1993 Chapter 326, Article 10

Section 16. Probation Task Force.

Subdivision 1. Continuation of task force. The probation standards task force appointed under Laws 1992, chapter 571, article 11, section 15, shall file the report required by this section.

Subdivision 2. Staff. The commissioner of corrections shall make available staff as appropriate to support the work of the task force.

Subdivision 3. Report. The task force shall report to the legislature by October 1, 1994, concerning:

(1) the number of additional probation officers needed;

(2) the funding required to provide the necessary additional probation officers;

(3) a recommended method of funding these new positions, including a recommendation concerning the relative county and state obligations;

(4) recommendations as to appropriate standardized case definitions and reporting procedures to facilitate uniform reporting of the number and type of cases and offenders;

(5) legislative changes needed to implement objectively defined case classification systems; and

(6) any other general recommendations to improve the quality and administration of probation services in the state.

APPENDIX FOUR

FOCUS GROUP QUESTIONS

☐ **What probation services are you doing now that you believe you should not be doing, or another agency should be doing?**

☐ **Which services and activities are not provided, or are done at unsatisfactory levels due to workloads above the appropriate level?**

When answering this question, consider:

- services/activities (such as quality of client contact, collaterals, court reports, case plans, victim communication, information/referral services, coverage of court, mandates, information systems expectations, etc.);
- customer/stakeholder expectations (such as those from judges, county commissioners, the public, victims, offenders, department employees, attorneys, social services, vendors, media, legislators, etc.).

☐ **What *should* be the goal(s) of probation? Based on your answer, is probation meeting this goal(s)?**

☐ **Based on the 1993 Department of Corrections' survey categories, estimate the number of probationers within each category type which would constitute a professionally appropriate caseload size.**

Since offender types, risks, and needs can vary considerably, participants should answer the questions based on the average. When answering this question, participants should consider all the non-direct time demands on one's forty-hour work week (such as sick/vacation time, meetings, court hearings, paperwork, etc.). For purposes of this question, it also assumes that any investigative/assessment work would be included as an expectation of this caseload (such as chemical dependency screenings, presentence investigations, etc.).

☐ **Based on a proposed probation workload measuring system, estimate the number of probationers in each category type which would constitute a professionally appropriate caseload size.**

Since offender types, risks, and needs can vary considerably, participants should answer the question based on the average. When answering this question, participants should consider all the non-direct time demands on one's forty hour workweek (such as sick/vacation time, meetings, court hearings, paperwork, etc.). For purposes of this question, it is also assumed that any investigative/assessment work would be included as an expectation of this caseload (such as chemical dependency screenings, presentence investigations, etc.).

WEIGHTED CASELOAD: SNAPSHOT DATA**APPENDIX FIVE****STANDARDS AND WEIGHTS FOR PROPOSED CY 1995 AND 1996 REPORTING SYSTEM AND
DETERMINATION OF PROBATION OFFICER NEED (using Dec. 31, 1993 data)**

PROBATION	# OFFENDERS STATEWIDE	MIN. STANDARD CASELOAD SIZE	# PROBATION OFFICERS NEEDED STATEWIDE
Felony Person	5,669	35	162
Felony Property	11,745	60	196
Felony Drug	5,729	55	104
Felony Traffic	282	60	4.33
Felony Other	1,204	65	19
Gross Misd. Person	1,120	45	25
Gross Misd. Prop.	1,986	300	6.62
Gross Misd. Drug	53	NA	NA
Gross Misd. DUI	11,874	55	216
Gross Misd. Traffic	419	300	1.4
Gross Misd. Other	1,813	110	16.5
Misd. Person	4,541	65	70
Misd. Property	3,034	300	10.1
Misd. Drug	220	300	.73
Misd. D.U.I.	16,203	300	54.01
Misd. Traffic	4,072	300	13.57
Misd. Other	4,151	300	13.84
Juvenile Person	2,698	25	108
Juvenile Prop.	7,632	39	196
Juvenile Drug	329	35	9.4
Juvenile D.U.I.	161	58	3
Juvenile Traffic	450	105	4.3
Juvenile Other	1,932	38	51
Non-Ranked	71		
Supervised Release			
Felony Person	720	30	24
Felony Property	460	30	15.3
Felony Drug	220	30	7.3
Felony Other	100	30	3.3
Intensive (PRM/ISR)	500	15	33.3
Total for Primary Supervision	89,388		1,368

The following category is recommended for removal from inclusion in the standards, recommended by "Primary Correctional Services".

PROBATION	# OFFENDERS STATEWIDE	MIN. STANDARD CASELOAD SIZE	# PROBATION OFFICERS NEEDED STATEWIDE
Juvenile Status	1,620	24	67.5

STANDARDS AND WEIGHTS FOR PROPOSED REPORTING SYSTEM AFTER 1996

Adult Felony Levels	Min. Standard Caseload Size	Workload Weights
#1 Guideline Level	60	3.3
#2 Guideline Level	45	4.4
#3 Guideline Level	35	5.7
Supervised Release	30	6.7
ICS/ISR	15	13.3
PRM	15	13.3

Adult Misdemeanor/Gross Misd. Level	Min. Standard Caseload Size	Workload Weights
Person	45	4.4
DWI	60	3.3
Property - (GM only) to include:	300	.66
1) Crim Damage (3rd)		
2) GM Theft \$200 & \$400		
3) Poss. of Stolen Prop.		
Other	300	.66
Diversion	70	2.9
Pre-Trial	60	3.3

Juvenile Felony Levels	Min. Standard Caseload Size	Workload Weights
#1 Guideline Level	35	5.7
#2 Guideline Level	26	7.7
#3 Guideline Level	19	10.5
Parole	25	8.0
E.J.J.	15	13.3

Juvenile Misdemeanor/Gross Misd. Level	Min. Standard Caseload Size	Workload Weights
Person - to include:	25	8.0
1) Assault		
2) Crim. Sex. Conduct		
DWI	60	3.3
Property - to include:	33	6.1
1) Crim. Dam.		
2) Theft		
3) Poss. Stolen Prop.		

Juvenile Diversion	Min. Standard Caseload Size	Workload Weights
	70	2.9

IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure. Offenders with nonimprisonment felony sentences are subject to jail time according to law.

SEVERITY LEVEL OF CONVICTION OFFENSE (Common offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Sale of Simulated Controlled Substance</i>	I	LEVEL I						
<i>Theft Related Crimes (\$2500 or less) Check Forgery (\$200-\$2500)</i>	II							
<i>Theft Crimes (\$2500 or less)</i>	III							
<i>Nonresidential Burglary Theft Crimes (Over \$2500)</i>	IV	LEVEL II						
<i>Residential Burglary Simple Robbery</i>	V							
<i>Criminal Sexual Conduct, 2nd Degree (a) & (b)</i>	VI							
<i>Aggravated Robbery</i>	VII	LEVEL III						
<i>Criminal Sexual Conduct, 1st Degree Assault, 1st Degree</i>	VIII							
<i>Murder, 3rd Degree Murder, 2nd Degree (felony Murder)</i>	IX							
<i>Murder, 2nd Degree (with intent)</i>	X							

APPENDIX SEVEN

COUNTY SURVEY OF PROBATION STAFF

The Probation Standards Task Force conducted a survey of probation staff. Following is the text of the letter sent to those surveyed, the survey form, and survey results.

The Probation Standards Task Force, created by the Minnesota Legislature, has been asked to determine, in part, the number of additional probation officers needed statewide. This study is part of an overall effort to define minimum probation service standards and to determine how to bring the probation field up to those standards.

To accomplish this, the task force will need to determine the number of probationers statewide, the number of probation officers employed, and the definition of an appropriate workload size. The task force has collected statistics on the number of probationers using the Department of Corrections' probation survey and is determining appropriate workload levels through a recent probation agent focus group. The missing key to this puzzle is the number of staff performing probation duties at year-end

in 1993. This survey is designed to answer that question. Your cooperation is essential in order for the legislature to be accurately informed of our overcrowding. We greatly appreciate your effort toward ensuring a 100 percent return rate.

We will ask that you count staff for juvenile and adult work (probation/parole and supervised release). Because a limited number of areas use full-time equivalents (F.T.E.) positions other than "probation officers" to perform primary correctional duties, we need to distinguish between these employment categories, yet include them in some way, in our overall computation. Please attach a job description (which includes duties, job title, and education/training requirements) for each job category outside of the "probation officer" classification, if that class performs primary correctional duties.

Any F.T.E.'s performed in your county by the Department of Corrections; i.e., ICS/ISR, will be gathered from the Department of Corrections.

RETURN THIS PAGE

County Name _____

County Number _____

How many adult and juvenile full-time equivalent (F.T.E.) staff, i.e., approved and budgeted, vacant and filled positions, performed probationary duties as of December 31, 1993. Probationary duties include: direct supervision of offenders; administrative/monitoring of low risk offenders (can be non-contact); investigative reporting (i.e., predispositional reports/PSIs); screenings (psychological/chemical dependency/gambling/UAs/drug and alcohol); services (sex offender/assault/restitution).

Number of F.T.E. 's by category
i.e., Probation Officer, Case Aide, etc.
(juvenile and adult probation/parole/SR)

Employment classification
(if different than "Probation
Officer" please specify)
* Note if contracted*

Pretrial

Diversion

Please return, with applicable job descriptions, by 10/1/94 for dissemination to the task force to:

David Erickson
Department of Corrections
Box 627
Albert Lea, MN 56007

Phone: (507) 377-3730

Fax: (507) 377-8277

1993 Current Probation Officer Staffing Levels: Survey Results

County	Probation Officer	Other Classif.	Pre Trial	Diversion	Contracted Services
Anoka	59.5	13	2	2	
Blue Earth	11	1.5		1	
Central Mn. (Aitkin, Crow Wing, Morrison)	14				
Dakota	34.25	5	.75		.5
Dodge/Fillmore/Olmsted	19		.25	1	1
Hennepin	175.50	6	21	3	4 (ISR) (25 Family Serv.)
Kandiyohi	10				
Ramsey	99	4			2 (ISR)
Red Lake/Polk/Norman	6.6	2			
Reg. 3 (St. Louis, Cook, Lake, Koochiching, Carlton)	49.5			1.5	
Reg. 6W (Swift, LacQui, Parle, Yellow Medicine, Chippewa)	5.1	.8			
Rice	8	1.5			
Rock/Nobles	5				
Todd/Wadena	5			2.0	
Washington	21.5	8			
Becker	3	1.0			(Shared with Manomen Co)
Beltrami	3	2.5			
Benton	4	2.5			
Big Stone	.17				(Shared with Stevens, Grant, Wilkins, & Traverse)
Brown	4	.5			
Carver	6	2.75			
Cass	2	1.5			
Chisago	4	2.33			
Clay	5	2			
Clearwater	1	.5			
Cottonwood	1	.25			
Douglas	3	1			
Faribault	2	.5			
Freeborn	4	1.6			
Goodhue	5	2.0	1.0		

1993 Current Probation Officer Staffing Levels: Survey Results

County	Probation Officer	Other Classif.	Pre Trial	Diversion	Contracted Services
Grant	.17	(Shared W/Stevens, Wilkins, Big Stone, & Traverse)			
Houston	2	.4			
Hubbard	.5	.1			
Isanti	4	2.67			
Itasca	5	2.0			
Jackson	1	.25	1.0		
Kanabec	6.5	1.0	(Shared w/Sherburne & Mille Lacs)		
Kittson	.1	.4	(Shared w/Roseau & Lake of the Woods)		
Lake of the Woods	.4	.1	(Shared w/Kittson)		
LeSueur	3	.6			
Lincoln		.5	(Shared w/Lyon)		
Lyon	3	.5	(Shared w/Lincoln)		
McLeod	3	1.0			
Manomen		.67	(Shared w/Becker)		
Marshall	.2	.1	(Shared w/ Pennington)		
Martin	3	1.5			
Meeker	2	.5			
Mille Lacs	1	2.0	(Shared w/Kanabec & Sherburne)		
Mower	4	1.4			
Murray	1	.25	(Shared w/Pipestone)		
Nicollet	4	.5			
Ottertail	4	2.33			
Pennington	.7	1.0	(Shared w/Marshall)		
Pine	3	1.0			
Pipestone		.25	(Shared w/Murray)		
Pope	2	.17			
Redwood	2	1.0			
Renville	1	.5			
Roseau	.5	.5	(Shared w/Kittson & Lake of the Woods)		
Scott	9	2.65			
Sherburne		1.5	(Shared w/Mille Lacs & Kanabec)		
Sibley	1.5	.5			
Stearns	12.5	5.0	1		

1993 Current Probation Officer Staffing Levels: Survey Results

County	Probation Officer	Other Classif.	Pre Trial	Diversion	Contracted Services
Steele	3	1.6			
Stevens		.16	(Shared w/Wilkins, Big Stone, Grant & Traverse)		
Traverse	2	.16	(Shared w/Wilkins, Stevens, Grant & Big Stone)		
Wabasha	2	1.0			
Waseca	3	.4			
Watsonwan	1	1.0			
Wilkin		.17	(Shared W/Stevens, Big Stone, Grant & Traverse)		
Winona	5	1.6			
Wright	9	3.0			

Staff Subtotals	738.05	44.8			7.5
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Dept. of Corrections Contract Investigative Services					13.2
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Staff Total

Probation Officers	738.05
Other Classification	44.8
County Contracted Services	7.5
DOC Contracted Services	13.2
Total Staff Available	803.55

*Any reference to "shared counties" refers to juvenile and adult misdemeanor complements.

