

MN

PLANNING

Distribution

FORMULA

**Probation Caseload
Reduction Funding**

February 1997

MINNESOTA PLANNING is charged with developing a long-range plan for the state, stimulating public participation in Minnesota's future and coordinating activities with state agencies, the Legislature and other units of government.

The **Criminal Justice Center** at Minnesota Planning provides criminal and juvenile justice information, conducts research and maintains databases for policy development.

Distribution Formula: Probation Caseload Reduction Funding was prepared by members of the Criminal Justice Team at Minnesota Planning: LaLonnie Erickson, Carol Mickolichek Weber, Susan Roth and Ray Lewis.

Acknowledgments

The Weighted Probation Workload Study Advisory Committee made valuable contributions to this project. Additional assistance was provided by Angela McGovern, other staff at Minnesota Planning and Daniel Storkamp, former director of the Criminal Justice Center.

Upon request, *Distribution Formula* will be made available in alternate format, such as Braille, large print or audio tape. For TDD, contact Minnesota Relay Service at (800) 627-3529 and ask for Minnesota Planning.

For additional information or copies of *Distribution Formula* contact:



Criminal Justice Center
658 Cedar St.
St. Paul, MN 55155
(612) 296-4852

An electronic copy of *Distribution Formula* is available on the Minnesota Planning World Wide Web site: www.mnplan.state.mn.us

February 1997

The cost to complete the study and publish this report was \$75,000.

Glossary

Below are generally accepted definitions for terms used in this report.

Adult: a person age 18 or older. This includes juvenile offenders who have been certified by the court as adults.

Caseload: the total number of offenders registered with a probation or parole department or officer at a specified point in time.

Community Corrections Act: Minnesota Statute 401, under which counties may choose to provide all correctional services, as determined by the county advisory board, authorized by the county's comprehensive plan and reviewed by the Minnesota Department of Corrections.

Contact standards: predetermined guidelines relating to the type and frequency of contact a probation officer should have with an offender.

Department of Corrections: the Minnesota Department of Corrections provides adult felony probation services in all counties except those whose services are organized under the Community Corrections Act. Under Minnesota Statute 260, the department also may enter into a contract with a county to provide all probation services for it, including for juveniles and adult misdemeanants; in such a case, all probation office personnel are Corrections employees.

Diversions: the referral of individuals to a program with the condition that the charges against them will be dismissed or not filed if the program is successfully completed.

Diversions proxy measure: a component in Minnesota Planning's distribution formula which accounts for individuals who are not processed through the court system and put on probation.

Factor: describes cases and offenders on probation. Factors are used in Minnesota Planning's formula to calculate each county's proportion of probation case-load reduction funds.

Felony: a crime for which a sentence of imprisonment for more than one year may be imposed.

Field contacts: scheduled meetings outside of the probation or parole agency between the probation or parole officer and the offender.

Gross misdemeanor: any crime for which the penalty exceeds 90 days imprisonment up to one year, with a maximum fine of \$3,000.

Intake probation data: provides a count of the number of new cases entering probation. In this report, adult felony data is broken down into the three levels recommended by the Probation Standards Task Force and is based upon the Minnesota Sentencing Guidelines Grid. This data includes juveniles certified as adults.

Intensive community supervision: a community-based program which involves frequent face-to-face meetings between the probation officer and the inmate. Other conditions of release may involve unannounced searches or restitution payments. Certain convicted felons who are released from prison before their scheduled release date or for convicted sex offenders upon their release from prison are eligible for this type of programming.

Intensive supervised release: a community-based program which involves frequent face-to-face meetings between the probation officer and the inmate. Offenders under this type of supervision may be subject to unannounced searches, random drug testing, curfews, electronic surveillance or treatment. Convicted felons who are released from prison upon completion of their sentence

and who meet certain conditions set by the commissioner of Corrections are eligible for this type of programming.

Interstate transfer: transferring of the supervision of a probationer or parolee from one state to another.

Juvenile supervised release: supervision by probation officers in the community of juveniles released by the commissioner of Corrections from state juvenile correctional facilities.

Juvenile: a person age 17 or younger.

Level of individual risk: the likelihood that an offender will commit a new offense. The level is determined through use of a risk assessment instrument.

Misdemeanor: a crime for which a sentence of not more than 90 days in jail and a maximum fine of \$700 may be imposed.

Needs assessment: technique used to identify an offender's personal and social skills, health, emotional stability, mental ability, education level and vocational strengths and weaknesses, alcohol and drug dependency, and other relevant factors to determine what services could or should be provided.

Parole: refers to offenders sentenced to prison on or before May 1, 1980, who have been released into the community under the supervision of a probation officer. This term also includes interstate parole cases transferred to Minnesota from other regions and juveniles released from state correctional facilities.

Population estimate: data obtained from the U.S. Census Bureau which measures the approximate number of residents in a given area. Population estimates are calculated each year and are based on a variety of methods and sources including the number of deaths, births, Medicare data and income tax returns.

Presentence investigations: an investigation undertaken by a probation agency at the request of the court, which looks at the past behavior, family circumstances and personality of an adult or juvenile who has been convicted of a crime. It is done to assist the court in determining the most appropriate sentence.

Probation: refers both to a juvenile court disposition that places the adjudicated delinquent in the community under the supervision of a probation officer and to a court-ordered sanction allowing an adult convicted of a crime to remain in the community under the supervision of a probation officer with certain conditions, which may include serving some time in a local jail or workhouse.

Shared services counties: services in these counties are organized under Minnesota Statute 260 and are delivered by both county and state probation officers. The Minnesota Department of Corrections provides probation services for felony offenders and gross

misdemeanants in these counties, while the county probation office serves juveniles and adult misdemeanants. In some of these counties, the county probation office also handles gross misdemeanor offenders.

Snapshot probation data: provides a count of the number of probationers under supervision on a given day. The Minnesota Department of Corrections annual probation survey report provides snapshot data, which reflects a one-day total of all offenders on probation as of December 31 in a given year. It is the most readily available method of measuring gross misdemeanor, misdemeanor, juvenile and intensive probation supervision cases.

Supervised release: previously called *parole*, the term refers to the status of convicted felons who have been released from prison and meet certain conditions set by the Department of Corrections to stay in the community. This type of supervision is similar to intensive supervised release, but the offender is not as closely monitored.

Weight: mathematical calculation of the time and attention certain offenders should receive by probation officers. For the purposes of this report, weights are based upon the recommended maximum caseload sizes established by the Probation Standards Task Force. Maximum caseload size refers to the greatest number of various types of offenders that should be supervised by one probation officer. Recognizing that different offenders require varying degrees of supervision, services and time, the Task Force developed weights for each maximum caseload size. Minnesota Planning staff duplicated the method used in the Legislative Auditor's report for calculating each factor's weight and divided an arbitrary number of 200 by the maximum caseload size for each factor. For example, to arrive at the weight for juvenile person offenders divide 200 by 25.

Workload: the amount of time and work required for a probation officer to supervise and provide services to various categories of offenders.

Distribution Formula

Summary	1
Measuring Workload and Risk	2
Definitions and Standards Are Nonexistent	
Minnesota Statutes Lack Clarification	
Workloads Differ from Caseloads	
Mandates Create System Constraints	
Offenders Are a Key Component	
No Classification Standard Exists	
Standards Remain Elusive	
Reliable Data Is Lacking	
Building a Formula	6
Use of Intake Data	
Snapshot Method	
Diversion Proxy	
Weighting Components	
Committee Recommendations	
Calculating Distribution	10
Minnesota Planning's Formula	
A Picture of Funding	
Appendix.....	14
Weighted Probation Workload Study Advisory Committee	
Summaries of the Advisory Committee Meeting Minutes	
Summary of Responses Received from Community Corrections Professionals	
References	

Summary

The 1996 Minnesota Legislature required the Criminal Justice Center at Minnesota Planning to develop a weighted workload formula to be used for distributing funding aimed at reducing probation officer caseloads. The formula was to be applied across the state's three probation systems. Key elements are uniform workload standards and the likelihood that offenders will reoffend as gauged by risk assessments.

As part of the legislation, Minnesota Planning was directed to consult with an advisory committee appointed by the commissioner of the Department of Corrections. The agency also was required to write a report outlining the findings of the weighted workload study including input from community corrections professionals. *Distribution Formula: Probation Caseload Reduction Funding* is the agency's report on this project.

From background research, and interviews with probation professionals and advisory committee members, a number of factors were identified which indicate that the distribution of caseload reduction funds cannot be based on uniform workload standards and level of risk of individual offenders:

■ Unlike states that have a centralized delivery system in which state employees provide services for all offenders, Minnesota has a three-part probation system composed of county and state probation workers.

■ Minnesota statutes do not define probation, set statewide goals for probation services or establish workload standards and methods for determining the level of risk of individual offenders.

■ Variation in the scope and nature of probation services prevail throughout the state. The frequency with which providers meet with offenders; the nature of contacts with and services provided to offenders; the number of presentence investigations ordered by the courts and the time devoted to each; and responsibilities of probation officers all differ among regions.

■ Caseload size varies across the state and can be influenced by several factors, including use of diversion and judicial discretion. The number and type of offenders in a caseload can significantly affect the amount of work required.

■ Certain types of offenders require different services and degrees of a probation officer's time. High-risk offenders typically receive more specialized services and take more time to supervise.

Since the delivery of service is not always uniform, offenders in the same risk category may receive different levels of supervision.

■ The type and extent of supervision given to an offender depends to a large degree on the classification approach used by the service provider. Most probation service providers use risk assessment instruments to classify offenders on probation. No validated uniform assessment tool exists, however, and some service providers use alternative classification methods not included for study under the legislative mandate.

■ Most probation agencies have never measured or reported outcomes to track their effectiveness. Minnesota has no formal definitions of specific outcomes to measure and no standardized system for collecting or analyzing outcome data.

Because of the lack of any clear and consistent standards for defining workload and whether offenders will reoffend (level of offender risk), indirect measures are incorporated into the formula developed by Minnesota Planning using the best method and readily available data.

Before a true weighted workload study can be conducted, a number of issues regarding probation need to be resolved. The advisory committee identified issues that preclude such a study and relate to the probation system overall. Foremost, goals and objectives for probation should be established, definitions should be created for probation and workload standards, and uniform assessment instruments should be developed that take into account not only offender risk, but also need. Additional areas targeted by committee members include examining probation funding, formulating statewide outcome measures for probation, and creating a process for collecting probation system data.

Minnesota Planning's Distribution Formula

$$\frac{\text{County average weight}}{\text{State total of county average weights}} = \text{County percentage}$$

$$\text{County percentage} \times \text{Probation caseload reduction funds} = \text{County allocation}$$

Minnesota Planning staff worked directly with the advisory committee appointed to the project in creating the probation caseload reduction funding formula.

Source: Minnesota Planning

Measuring Workload and Risk

Minnesota Planning was instructed by the 1996 Legislature to create a formula for distributing fiscal year 1998 probation officer caseload reduction funds across all three probation delivery systems. Additional requirements instructed that the formula be based on uniform workload standards and level of risk of individual offenders. Minnesota Planning was appropriated \$75,000 to fulfill the requirements of the mandate.

The mandate also instructed the agency to consult with an advisory committee. The commissioner of the Department of Corrections appointed a committee of 13 representatives including county commissioners, county corrections professionals and staff members from the Minnesota Department of Corrections. In addition, Minnesota Planning staff interviewed more than 30 probation professionals around the state, and reviewed state and national research.

The Office of the Legislative Auditor was given a similar mandate by the 1995 Legislature to conduct a workload study and recommend a method of probation funding that could be implemented in fiscal year 1997. Both the Legislative Auditor and Minnesota Planning were asked to develop a funding formula based on uniform workload standards and level of risk that individual offenders will reoffend. The only difference between the two mandates was the directive requiring Minnesota Planning to consult with an advisory committee.

Distribution Formula considers the issues surrounding measuring workload and risk, identifies the components of the formula and outlines its calculation, examines the formula in practice and presents the advisory committee's recommendations regarding the system of probation.

Definitions and Standards Are Nonexistent

A probation funding formula based on uniform workload standards and level of individual offender risk cannot be developed. Major difficulties lie in formulating clear and consistent definitions for workload standards and offender risk. In addition, lack of probation system standards adds to this difficulty.

Probation agencies provide a number of services which can vary across counties depending upon internal forces such as individual agency goals, probation officer practices, offender classification methods and resources. External forces also influence probation services including law enforcement activities, local preference, judicial practice, mandated requirements and county variation in the type of offenders entering the system.

Complicating this situation even further is the structure of the probation system. Unlike states that have a centralized delivery system in which state employees provide services for all offenders, Minnesota has a three-part probation system made up of counties that:

- Provide all probation services to adult and juvenile offenders under the Community Corrections Act; these are referred to as CCA counties.
- Contract with the Minnesota Department of Corrections to provide services; these are known as DOC counties.

■ Split the delivery of probation services between county and state employees; these are referred to as shared services counties. Half the probation officer salaries in these counties are reimbursed by the state.

Minnesota Statutes Lack Clarification

Minnesota statutes are void of any formal definition of probation or its goals, although they convey the general purpose of probation. Statutes dictate that probation protect public safety by preventing crime through the deterring effect of sentences, rehabilitation of offenders and confinement. Other statutes outline specific duties and services of probation officers. None aids in understanding the meaning of *workload* or *risk*.

Most probation agencies have their own mission statements and goals, and the Probation Standards Task Force established by the state legislature developed a definition of probation as well as a statement of objectives. The result is a number of competing probation goals and objectives. Without institutionalized directives for probation overall, formulating definitions for *workload* and *risk* is additionally complex.

Workloads Differ from Caseloads

A basic understanding of workload includes the recognition that it is not the same as caseload. Probation system workloads encompass a variety of factors and measure the actual work that probation officers do, including services to the court and offenders, as well as the amount of time it takes to provide these services. Caseload refers to the number of offenders that each probation officer supervises and is one of many factors determining workloads.

Minnesota's approach historically has been to avoid unnecessary use of prisons. Only 12 other states in the nation exert more control over offenders than Minnesota through the use of local incarceration, probation, restitution, community service, treatment and other alternatives provided at the community level.

Changes in Minnesota's criminal code since 1975 also have influenced probation. New felonies have been added, the

number of crimes considered to be gross misdemeanors doubled, and tougher sanctions set for driving while intoxicated, domestic abuse and drug-related crimes. The length of probation has increased and conditions have been added to provide maximum control over offenders.

The types of probation services range from presentence investigations for the court, installing electronic monitoring equipment, face-to-face contacts with

offenders, chemical dependency and psychological assessments, drug testing, counseling, victim-offender mediation to administrative tasks such as filling out paperwork or collecting fines.

A great deal of diversity exists in the activities of the agencies that administer probation in Minnesota. Not all agencies offer the same services for offenders or follow the same procedure to accomplish comparable ends. A property offender in one county may receive different services than in another county. Also, programs and procedures that work in one area may not work in another.

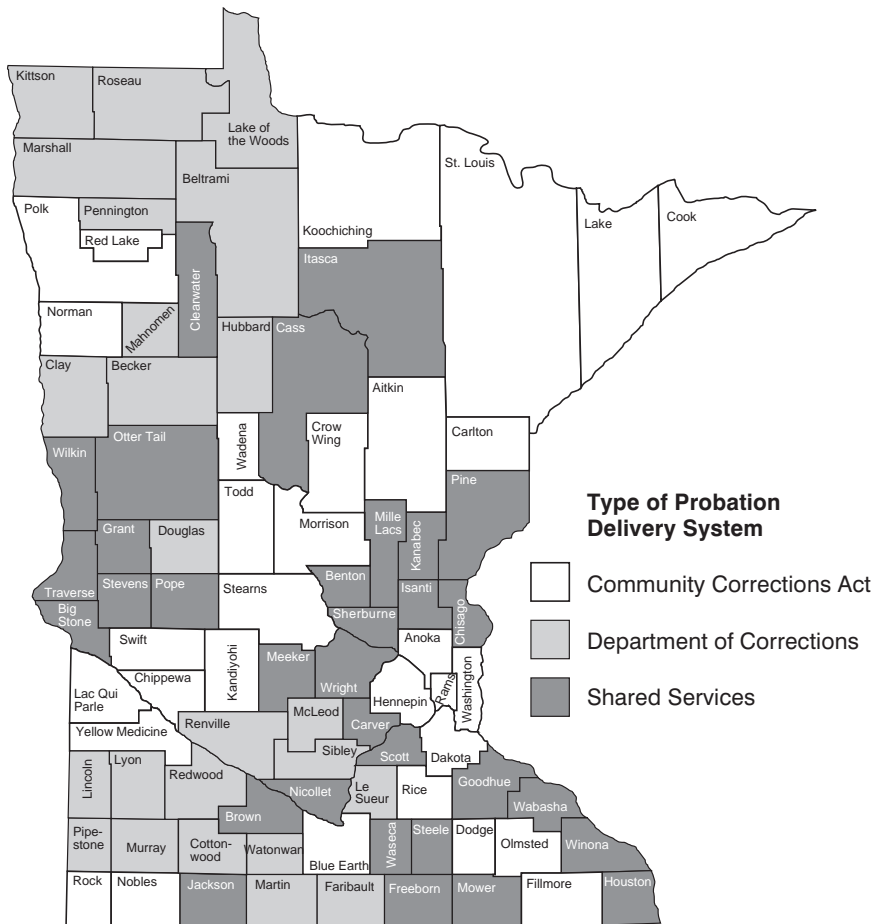
The activities performed by probation officers in one county may be performed by other staff, volunteers or private vendors in another. Some offenders who need counseling receive this service directly from the probation agency, while others are referred to county social services or private programs.

How probation agencies operate is in part a reflection of law enforcement priorities, plea bargaining, judicial discretion and local preferences. Just as probation agencies have considerable latitude in determining the type and delivery of services, the courts can influence these services by the sanctions they impose on offenders and their expectations of the probation agencies. Some judges are more willing to place people on probation, while others may choose other options, such as imposing restitution.

The size of probation officers' caseloads can affect their workload by increasing or decreasing the amount of work that has to be done. Large caseloads can significantly reduce the time that probation officers have to spend with offenders, as well as affect the services provided, ultimately influencing the effectiveness of probation.

According to one recent study, caseloads in Minnesota range from 55 to 400 adults and from 12 to 100 juveniles per

Three-Part System Adds to Lack of Standards



Community Corrections Act counties provide all correctional services under Minnesota Statute 401. Other counties that are not part of the Community Corrections Act contract with the Department of Corrections to provide adult felony services. Some counties share correctional services as organized under Statute 260 and deliver services through the DOC for felons and gross misdemeanants, while county employees serve juveniles and adult misdemeanants.

Source: Minnesota Department of Corrections

probation officer. The statewide average caseload of adults was 136 and 48 of juveniles. Recognizing that certain types of offenders, such as those under intensive supervision, may require smaller caseloads, focus group participants recommended to the Probation Standards Task Force in 1994 that caseloads should be between 65 to 75 adults and 40 to 45 juveniles to allow for reasonable contact standards.

Mandates Create System Constraints

Coupled with increases in caseloads, responsibilities have been placed on probation agencies that have created additional time and resource constraints. Over the past 15 years, the Legislature has added more mandated requirements to probation staff with very limited increases in funding. Although these policy decisions are considered sound by many probation professionals, they unintentionally compounded serious problems within the probation system.

In some parts of the state, the ability to perform probation activities such as field contacts, program development, presence investigations and seeking victim input for sentencing have been compromised because of overburdened staff and lack of funding. Agents in rural areas individually provide a wide range of probation services that in metropolitan agencies, for example, would be handled by a number of people.

Offenders Are a Key Component

The offender is a key component in determining probation workloads. Caseloads, services and the time needed to provide them, mandated requirements and funding for services and probation officers are all somewhat influenced by the offenders that enter the probation system. The type of offender that probation agencies encounter is partially influenced by local law enforcement

activities, plea bargaining and judicial discretion. Law enforcement officials may target certain types of offenders, sentences may be plea bargained down and judges make decisions about the type and length of sentence to impose, which can all vary by region.

Offenders require different services and varying degrees of a probation officer's time, depending on the offense they committed, their risk of reoffending and their own specific needs. Probation agencies use the level of risk of reoffending as an administrative tool for targeting their resources. High-risk offenders typically require more specialized services and take up more of a probation officer's time. The delivery of service is not always uniform, however, and offenders in the same risk category may receive different degrees of supervision.

No Classification Standard Exists

A majority of the probation service providers in Minnesota use risk assessment instruments to classify offenders. These assessments are done most often for adult felons and not as frequently for adult misdemeanants and juveniles. Risk assessment instruments do not predict whether a particular individual will become involved again in crime; rather, they identify types of offenders who are likely to reoffend.

No uniform risk assessment tool exists for the whole state. The Department of Corrections, as well as many local agencies, uses a classification system based on a model developed by the National Institute of Corrections. Most probation agencies in Minnesota use assessment instruments that have been developed and validated in other states.

Validated assessment tools have been tested to ensure that they accurately identify groups of offenders who have distinct rates of reoffending. Assessment devices borrowed from other regions are

not always or even usually transportable to other areas and should be validated to conform to the new region and revalidated every five years. Very few probation offices in Minnesota have conducted initial or follow-up validations of their classification instruments.

Although most probation agencies allocate resources based on offender level of risk, some jurisdictions use other methods. These counties have found that categorizing offenders on the basis of their most recent conviction offense and criminal history is sufficient, while others conduct supplemental assessments of offenders' needs.


Needs assessments identify areas of social, personal and life skills that offenders may require help with to keep them from reoffending. Even though offenders may score relatively low on a risk assessment, they may be identified as having critical needs. Needs assessments may increase workloads by detecting additional supervision requirements beyond those normally provided to certain categories of offenders.

The type and extent of supervision given to an offender are largely determined by the classification approach. Each approach affects workload differently, and no standards have been set requiring the use of one approach over another. This situation not only adds to the difficulty in defining uniform workloads, but also complicates basing a funding formula on level of individual offender risk.

Standards Remain Elusive

Concern exists that adopting statewide standards governing various aspects of probation may limit local autonomy and prevent the use of effective correctional practices. Probation professionals believe that local autonomy has allowed for innovative and creative solutions to local corrections issues.

While recommendations have been made to set a standard for the minimum



services to be provided, probation professionals do not agree on what the standard should be. What works in one place may not work in another, in part because of differences in offenders. They have agreed that validated assessment tools should be used but caution that a single classification method cannot take into account local differences. Because probation is a pluralistic and highly decentralized system, it is hard to identify standard practices that would be suitable or acceptable throughout the entire system.

Reliable Data Is Lacking

Even if statewide standards for workload and offender risk assessments could be agreed upon and adopted, the need still exists to identify ways of measuring workload and establishing a validation process for assessment tools. It would take at least 18 to 24 months to develop a valid classification tool, train probation officers in its use and measure the average time that it takes agents to provide services to different categories of offenders. No study of this breadth has been done in Minnesota.

Much of the data required to complete such a study is not collected and the data that is available is limited. Most service providers across the state collect information on their own probationers, but the type of data collected varies. Each agency has designed its data collection process for a specific purpose, and no centralized repository exists of this data.

Establishing a process for collecting uniform data on probationers would take significant time and money, and even more resources would be needed to regularly record and compile the data.

Building a Formula

Valid measures for uniform workload standards and level of offender risk do not exist on a statewide level. Therefore, a formula based on the requirements of the legislative mandate could not be devised. Instead, a “hybrid” formula for distributing probation caseload reduction funds is suggested. The formula uses the best method and readily available data to incorporate measures for workload and risk. It does not directly measure these components, since a number of issues must be resolved before such a formula can be developed. The formula is called a “hybrid” because it uses both intake and snapshot probation data, based on recommendations of the Probation Standards Task Force and the work of the Legislative Auditor.

Minnesota Planning’s distribution formula is based on six components:

- Adult felons on probation
- Intensive probation supervision cases
- Adult gross misdemeanor cases
- Adult misdemeanor cases
- Juvenile cases
- Diversion proxy measure of estimated 10- to 24-year-old population

Advisory committee members agreed that any probation funding formula should:

- Incorporate information learned from recent studies and recommendations of the Probation Standards Task Force
- Be relatively simple to understand and implement, and based on equity
- Achieve consensus, rather than unanimous, acceptance by probation professionals
- Recognize all offenders under supervision including adults and juveniles, felons and misdemeanants, as well as those under supervised release, diversion and interstate compacts

- Use intake data for all levels of offenders so as not to provide incentives for keeping offenders on probation longer than necessary
- Include data from the Department of Corrections annual year-end probation survey and refine felony information by dividing the cases into three categories
- Use existing, readily accessible probation data averaged over a certain period of time, such as three years, to account for yearly caseload fluctuations
- Develop weights based on current offense and prior criminal history and give more weight to serious offenders

Use of Intake Data

Intake data is taken from the Minnesota Sentencing Guidelines Commission database and measures a cumulative count of adult felons entering probation over the past three years. The Probation Standards Task Force preferred using intake data as opposed to snapshot data which counts the number of individuals on probation on December 31 each year. Intake data does not provide an incentive for keeping offenders on probation longer than necessary. Unlike most other

types of offenders, felony probationers are typically on probation for more than one year. With this in mind, a sum rather than an average is used to provide a more accurate picture of felons on active probation and does not undercount them.

The Sentencing Guidelines Commission ranks felony offenders using a grid based on the severity level for various offenses and criminal history points. An offender’s criminal history points are determined by a weighted measure of prior felony sentences, a limited measure of prior gross misdemeanor and misdemeanor sentences, selected juvenile offenses and whether the offender was on probation or parole when the current offense was committed.

The Probation Standards Task Force combined the sentencing guidelines severity levels and criminal history points into three levels. The first level of the grid includes offenders convicted of less serious offenses and having few criminal history points; the second level relates to offenders with numerous prior offenses who were later convicted of a less serious offense and offenders convicted of more serious offenses but having few criminal history points; and the third encompasses the most serious offenders based on either the seriousness of offense when convicted or the number of criminal history points accumulated.

Snapshot Method

Although using intake data for all levels of offenders would have been preferred, snapshot data is the most readily available method of measuring gross misdemeanant, misdemeanor, juvenile offender and intensive supervision probation cases. This data is taken from the Department of Corrections annual probation survey report and reflects a one-day total of all offenders on probation as of December 31 in a given year. Despite concerns about possible misrepresentations in the self-reported nature

of the probation survey and the lack of data on diversion cases, the advisory committee agreed that this survey contains the best and most comprehensive probationer information available.

Multiyear averages were used for the snapshot data to compensate for fluctuations that occur in caseload sizes from year to year. A three-year average was used for all nonfelony offenders, which includes gross misdemeanor, misdemeanor and juvenile cases. Information that may not have been categorized properly when recorded or reported is labeled as “unknown.” Since the “unknown” category data for nonfelony cases was only available for two years, a two year average was applied.

Diversion Proxy

Diversion is a process in which individuals are referred to a program with the condition that the charges against them will be dismissed or not filed if they successfully complete the program. For example, a county court services division may divert an individual arrested for shoplifting to a program that must be successfully completed within a certain time. If the program is not successfully completed, that individual would be referred back to the county court services division and processed formally through the court.

The advisory committee recommended incorporating into the formula cases diverted from the court system, even though it recognized inherent problems in retrieving and measuring diversion data. Adult and juvenile diversion now accounts for 20 percent of all new cases coming into some counties. Adult diversion programs are mandated for CCA counties and juvenile diversion is required for all counties. Data relating to diversion is incomplete, however, and the information that is being collected by county attorneys covers only a single year. The Department of Corrections annual probation survey report did measure pretrial diversion cases of adults and juveniles for one year, but using this

data would not account for yearly caseload fluctuations. In addition, this data does not include cases that are diverted by law enforcement or schools.

To incorporate some measure of adult and juvenile offenders who are diverted, Minnesota Planning used the 1994 estimated population of 10-to 24-year-olds as a proxy, since this age group is the most likely to become involved in the justice system.

Weighting Components

The weights used in Minnesota Planning’s formula are calculated using two numbers: maximum caseload size and an arbitrary number. Caseload sizes were divided into the arbitrary number

to arrive at a weight for each factor in Minnesota Planning’s formula.

In 1994, the Probation Standards Task Force worked with a focus group comprised of probation professionals from around the state to recommend the maximum number of various types of offenders that should be supervised by one probation officer. In making their recommendations, focus group participants based their decisions more on intuition than a scientific method and did not study the actual amount of time that probation officers spend with various types of offenders. According to a survey by the Legislative Auditor, a majority of Minnesota’s 50 state and county probation agencies agreed that the standards developed by the task force were appropriate.

Adult Felon Formula Factors — Probation Standards Task Force Felony Levels 1, 2, 3

Severity Level of Conviction Offense (Common offenses listed)	Criminal History Score						
	0	1	2	3	4	5	6 or more
I Sale of Simulated Controlled Substance							
II Theft Related Crimes (\$2,500 or less) and Check Forgery (\$200-\$2,500)							
III Theft Crimes (\$2,500 or less)							
IV Nonresidential Burglary and Theft Crimes (over \$2,500)							
V Residential Burglary and Simple Robbery							
VI Criminal Sexual Conduct, 2 nd Degree (a) and (b)							
VII Aggravated Robbery							
VIII Criminal Sexual Conduct, 1 st Degree and Assault, 1 st Degree							
IX Murder, 2 nd and 3 rd Degree (felony murder)							
X Murder, 2 nd Degree (with intent)							

Adult felony data used in Minnesota Planning’s distribution formula was broken down into three levels by the Probation Standards Task Force and is based upon the Minnesota Sentencing Guidelines Grid. The Task Force combined the sentencing guidelines severity levels for various offenses and criminal history points to create each level.

Note: The sale of simulated controlled substances under severity Level I refers to the “representation” of the substance. For example, it is illegal to expressly represent that a noncontrolled substance is a narcotic. Level 1 of the grid includes offenders convicted of less serious offenses and having few criminal history points; Level 2 relates to offenders with numerous prior offenses who were later convicted of a less serious offense and offenders convicted of more serious offenses but having few criminal history points; and Level 3 encompasses the most serious offenders based on either the seriousness of offense when convicted or the number of criminal history points accumulated.

Source: *Probation in Minnesota: Putting the Pieces Together*, Probation Standards Task Force, December 1994

Adult Felony and Juvenile Cases Account for Over Half of State Weight

	Weight	State Total of County Average Weights	Percentage of State Total
Component: Adult Felony Cases			
Level 1 felony offenders	200/60	37,353	13.2%
Level 2 felony offenders	200/45	40,240	14.3
Level 3 felony offenders	200/35	8,880	3.1
Total adult felony		86,473	30.7
Component: Intensive Supervision Cases			
Adult parole cases	200/30	1,993	0.7%
Juvenile parole cases	200/25	2,236	0.8
Intensive supervised release cases	200/30	8,463	3.0
Intensive community supervision cases	200/15	2,293	0.8
Total intensive supervision		14,986	5.3
Component: Adult Gross Misdemeanor Cases			
Person offenders	200/45	5,837	2.1%
Property offenders	200/300	1,395	0.5
Drug offenders	200/300	56	0.0
DWI offenders	200/55	43,127	15.3
Other offenders	200/300	1,316	0.5
Unknown	200/300	652	0.2
Total adult gross misdemeanor		52,384	18.6
Component: Adult Misdemeanor Cases			
Person offenders	200/65	15,288	5.4%
Property offenders	200/300	2,093	0.7
Drug offenders	200/300	162	0.1
DWI offenders	200/300	10,617	3.8
Other offenders	200/300	2,828	1.0
Unknown	200/300	1,811	0.6
Total adult misdemeanor		32,799	11.6
Component: Juvenile Cases			
Person offenders	200/25	23,123	8.2%
Property offenders	200/39	37,937	13.4
Drug offenders	200/35	2,752	1.0
DWI offenders	200/58	514	0.2
Other offenders	200/38	11,219	4.0
Unknown	200/38	303	0.1
Total juvenile		75,848	26.9
Component: Diversion Proxy Measure			
10- to 24-year-old 1994 est. population	200/10,000	19,587	6.9%

The smallest component of the state total of county average weights — 5.3 percent — is the intensive supervision cases. Slightly more than 5 percent of any probation caseload reduction funds allocated would be used to provide probation services for these types of offenders across Minnesota.

Notes: Each of the components listed are part of the formula created by Minnesota Planning for distributing probation caseload reduction funding. County average weights were calculated using Minnesota Planning's formula and added to arrive at a state total of county average weights. The county average weights are used to determine each county's proportion of any probation caseload reduction funds allocated by the Minnesota Legislature. This table shows an overall state distribution of reduction funding by formula factor and component. Weights were not formulated for the totals under each component and are based upon the recommended maximum caseload sizes established by the Probation Standards Task Force. Maximum caseload size refers to the greatest number of various types of offenders that should be supervised by one probation officer. Recognizing that different offenders require varying degrees of supervision, services and time, the Task Force developed weights for each maximum caseload size. Minnesota Planning staff duplicated the method used in the Legislative Auditor's report for calculating each factor's weight and divided an arbitrary number of 200 by the maximum caseload size. Totals may not add due to rounding.

Source: Minnesota Planning

Recognizing that different offenders require varying degrees of supervision, services and time, the Task Force developed weights for each maximum caseload size. These weights could be used to compare probation work conducted across delivery systems and counties. The Legislative Auditor's report divided each of the task force's maximum caseload size into an arbitrary number of 200 to arrive at their weights for each category. Minnesota Planning used the same arbitrary number for calculating weights. For example, the Task Force estimated that one probation officer could supervise as many as 45 adult gross misdemeanor person offenders. The weight for this category would be figured by dividing 200 by 45 and is not rounded, or carried out to a specific decimal place.

Minnesota Planning also adopted the weights included in the Legislative Auditor's report for misdemeanor traffic offenses, other than driving while intoxicated. The Auditor's report adjusted these weights from the Probation Standards Task Force recommendations because the number of such offenders on probation varied widely between counties and most counties provide a low level of supervision for these offenders.

With input from the advisory committee, Minnesota Planning made the following revisions to the weights established by the Probation Standards Task Force and the Legislative Auditor for incorporation into the hybrid formula:

- Traffic cases other than DWI are weighted to zero because of the large variation in the percentage of individuals on probation for traffic offenses and the low level of supervision they usually receive.

- Juvenile status offenses are weighted to zero, using the same philosophy as that for traffic offenses. Children in need of protective services can be given either a disposition to county corrections or social services.

■ Since the advisory committee commented that the diversion proxy component should receive between 5 and 10 percent of any probation case-load reduction funding allocation, Minnesota Planning adjusted this measure to 6.9 percent. Staff divided 200 by an arbitrary number of 10,000 to arrive at the weight for this component. The arbitrary number of 10,000 was used to simplify calculation.

Committee Recommendations

The hybrid formula developed by Minnesota Planning indirectly assesses workload and risk because the necessary data to do otherwise was unavailable. The lack of standardized definitions of workload and risk means that the method used to classify probationers varies across counties and systems; this disparity is not taken into account in the formula. To address these issues and others, the advisory committee has made several recommendations.

Most of these suggestions are more reflective of philosophical ideals relating to funding than actual measurable components that could be included in a formula at this time. If efforts are undertaken in the future to create a more

uniform system of allocating probation dollars, these precepts could be incorporated.

The advisory committee advised that steps should be taken to:

- Define probation and establish goals and objectives for the probation system
- Define workload standards and develop standards to guide the delivery of probation services
- Develop uniform assessment instruments that will provide standard definitions, including definitions for risk and need, and validate accuracy with local populations
- Examine existing categorical probation funding streams, identify opportunities for integrated funding and allow for more flexibility in how funds can be used
- Develop an equitable, standardized probation funding formula based on intake for all probation cases that takes into account diversion, judicial discretion and transfers across regions
- Establish links between prevention, diversion, restorative justice and proba-

tion activities in program and funding decisions

- Formulate statewide correctional supervision measures and outcomes, as well as procedures for collecting offender and program outcome data; outcomes should incorporate additional performance measures besides reoffense rates
- Create a shared set of policies, standards and guidelines for managing data collection and information resources on probation workloads and offender risk
- Define diversion and create a process for collecting data on this practice for inclusion in future revisions of the funding formula
- Engage national experts in conducting a long-term probation study
- Organize a focus group to review and update results of using a formula that is based on the Probation Standards Task Force findings
- Acknowledge that although state funding cannot meet the entire cost of probation, it should support state-mandated activities

Calculating Distribution

The hybrid formula developed by Minnesota Planning is intended for the distribution of fiscal year 1998 probation officer caseload reduction funds appropriated by the Minnesota Legislature. It is based upon 26 factors which measure different types of probationers and a proxy for diversion cases. Each county's average weight is calculated by adding the weights for 26 factors and dividing by the state total of county average weights. That percentage is used to determine the county's allocation of caseload reduction funds.

Minnesota Planning's Formula

To calculate each county's probation caseload reduction funding allocation involves five steps. For calculation purposes, weights are entered into the formula as an equation. For example, the Level 1 felony weight is entered as 200/60. Weights are not rounded or carried out to a specific decimal place.

1 Determine each county's average weight by calculating the 26 factors that comprise the six main formula components (for example, one factor in the intensive supervision component is "juvenile parole").

COMPONENT: County average weight for adult felons on probation

Factor	Weight
Level 1 felony offenders	200/60
Level 2 felony offenders	200/45
Level 3 felony offenders	200/35

METHOD. Using intake data, add the total number of adult felons on probation for each level for the past three years to obtain a three-year sum. Multiply the sum for each level by its corresponding weight and then add these figures to obtain the county average weight for adult felons on probation.

EXAMPLE. Formula for figuring the county average weight for Level 1 adult felons on probation:

$$\frac{(\text{Number of adult felony Level 1 cases for years 1+2+3}) \times \text{Level 1 felons weight}}{\text{County average weight for Level 1 adult felony cases}}$$

COMPONENT: County average weight for intensive supervision cases

Factor	Weight
Adult parole cases	200/30
Juvenile parole cases	200/25
Intensive community supervision cases	200/15
Intensive supervised release cases	200/30

METHOD. Using snapshot data, add the number of cases for each factor for the past two years and divide by two to obtain a two-year average for each factor. Multiply the two-year average for each factor by its corresponding weight and then add these figures to obtain the county average weight for individuals under intensive probation supervision.

EXAMPLE. Formula for calculating the county average weight for juvenile parole cases:

$$\frac{(\text{Number of juvenile parole cases for years 1+2})}{2} \times \text{Juvenile parole weight} = \text{County average weight for juvenile parole cases}$$

COMPONENT: County average weight for adult gross misdemeanor cases

Factor	Weight
Person offenders	200/45
Property offenders	200/300
Drug offenders	200/300
DWI offenders	200/55
Other offenders	200/300
Unknown	200/300

METHOD. Using snapshot data, add the number of adult gross misdemeanor cases for each factor for the past three years and divide by three to obtain a three-year average for each factor. Since adult gross misdemeanor "unknown" case data is only available from 1994, add the total number of unknown cases for the past two years and divide by two to obtain a two-year average. Multiply the average for each group by its corresponding weight and then add these figures to obtain the county average weight for adult gross misdemeanor cases.

EXAMPLE. Formula for figuring the county average weight for adult gross misdemeanor person offense cases:

$$\frac{(\text{Number of person offense cases for years 1+2+3})}{3} \times \text{Person offense weight} = \text{County average weight for person offense cases}$$

COMPONENT: County average weight for adult misdemeanor cases

Factor	Weight
Person offenders	200/65
Property offenders	200/300
Drug offenders	200/300
DWI offenders	200/300
Other offenders	200/300
Unknown	200/300

METHOD. Using snapshot data, add the number of adult misdemeanor cases for each factor for the past three years and divide by three to obtain a three-year average for each factor. Since adult misdemeanor "unknown" case information is only available from 1994, add the unknown case information for

the past two years and divide by two to obtain a two-year average. Multiply the average for each group by its corresponding weight and then add these figures to obtain the county average weight for adult misdemeanor cases.

EXAMPLE. Formula for figuring the county average weight for adult misdemeanor person offense cases:

$$\frac{\text{(Number of person offense cases for years 1+2+3)}}{3} \times \text{Person offense weight} = \text{County average weight for person offense cases}$$

COMPONENT: Average county weight for juvenile cases

Factor	Weight
Person offenders	200/25
Property offenders	200/39
Drug offenders	200/35
DWI offenders	200/58
Other offenders	200/38
Unknown	200/38

METHOD. Using snapshot data, add the number of juvenile cases for each factor for the past three years and divide by three to obtain a three-year average for each factor. Since juvenile “unknown” case data is only available from 1994, add the unknown cases for the past two years and divide by two to obtain the two-year average. Multiply the average for each group by its corresponding weight and the add these figures to obtain the county average weight for juvenile cases.

EXAMPLE. Formula for figuring the county average weight for juvenile person offense cases:

$$\frac{\text{(Number of juvenile person offense cases for years 1+2+3)}}{3} \times \text{Person offense weight} = \text{County average weight for juvenile person offense cases}$$

COMPONENT: County diversion proxy measure

Factor	Weight
1994 estimated population of 10- to 24-year-olds	200/10,000

METHOD. Multiply the 1994 estimated population of 10- to 24-year-olds for the county by the weight 200/10,000.

EXAMPLE. Formula for figuring Hennepin county’s diversion proxy measure:

$$\text{Hennepin County's 10-to-24-year-old 1994 estimated population} \times \frac{200}{10,000} = \text{Hennepin County's diversion proxy measure}$$

2 Add totals for the 26 factors to obtain the county average weight for each of Minnesota’s 87 counties.

Formula for figuring Hennepin county’s average weight:

$$\text{Hennepin County's average weight for Level 1 adult felony} + \dots + \text{Hennepin County's diversion proxy measure} = \text{Hennepin County's average weight}$$

3 Add all 87 counties’ average weights to calculate the state total of county average weights.

Formula for figuring the state total of county average weights:

$$\text{County 1} + \text{County 2} \dots + \text{County 87} = \text{State total of county average weights}$$

Key Concepts

Factor describes cases and offenders on probation. Factors are used to calculate each county’s total average weight.

Intake data was obtained from the Minnesota Sentencing Guidelines Commission database and measures a cumulative count of adult felons entering probation over the past three years. This data includes juveniles certified as adults. Adult felony data was broken down into three levels by the Probation Standards Task Force and is based upon the Minnesota Sentencing Guidelines Grid. The Task Force combined the sentencing guidelines severity levels for various offenses and criminal history points to create each level, which represents the seriousness of the offender. Level 3 indicates the most serious types of offenders.

Snapshot data was obtained from the Minnesota Department of Corrections annual probation survey report and reflects a one-day total of all offenders on probation as of December 31 in a given year. It is the most readily available method of measuring gross misdemeanor, misdemeanor, juvenile and intensive supervision cases.

Weights are based upon the recommended maximum caseload sizes established by the Probation Standards Task Force for each formula factor. Maximum caseload size refers to the greatest number of various types of offenders that should be supervised by one probation officer. Recognizing that different offenders require varying degrees of supervision, services and time, the Task Force developed weights for each maximum caseload size. Minnesota Planning staff duplicated the method used in the Legislative Auditor’s report for calculating each factor’s weight and divided an arbitrary number of 200 by the maximum caseload size for each factor. For example, to arrive at the weight for juvenile person offenders divide 200 by 25.

Diversion proxy measure is used in the formula to account for individuals who are not processed through the court system and put on probation. Diversion is a process in which individuals are referred to a program with the condition that the charges against them will be dismissed or not filed if they successfully complete the program. The advisory committee appointed to this project recommended incorporating into the formula a measure for diversion cases. Minnesota Planning used the 1994 estimated population of 10- to 24-year-olds as a proxy for diversion cases, since this age group is the most likely to become involved in the justice system.

Source: Minnesota Planning

Funding Allocation Driven by County Average Weight

	\$5 Million	\$15 Million	County Average Weight	State Total of County Average Weights		\$5 Million	\$15 Million	County Average Weight	State Total of County Average Weights
Hennepin	1,222,161	3,666,482	68,948	24.44%	Redwood	18,683	56,050	1,054	0.37%
Ramsey	627,750	1,883,249	35,415	12.56%	Todd	18,675	56,024	1,054	0.37%
Anoka	353,214	1,059,642	19,927	7.06%	Le Sueur	18,371	55,114	1,036	0.37%
Dakota	285,556	856,667	16,110	5.71%	Waseca	18,035	54,105	1,017	0.36%
St. Louis	221,322	663,966	12,486	4.43%	Koochiching	16,410	49,229	926	0.33%
Washington	142,876	428,629	8,060	2.86%	Watonwan	15,470	46,411	873	0.31%
Stearns	130,285	390,855	7,350	2.61%	Marshall	15,306	45,918	863	0.31%
Wright	108,330	324,989	6,111	2.17%	Wadena	15,160	45,481	855	0.30%
Olmsted	98,194	294,581	5,540	1.96%	Hubbard	13,771	41,312	777	0.28%
Scott	74,486	223,459	4,202	1.49%	Faribault	13,345	40,034	753	0.27%
Carver	71,827	215,480	4,052	1.44%	Houston	12,948	38,844	730	0.26%
Sherburne	65,958	197,875	3,721	1.32%	Renville	12,675	38,024	715	0.25%
Blue Earth	51,557	154,670	2,909	1.03%	Clearwater	12,446	37,339	702	0.25%
Polk	51,089	153,266	2,882	1.02%	Fillmore	12,362	37,085	697	0.25%
Rice	50,026	150,077	2,822	1.00%	Pennington	12,190	36,569	688	0.24%
Clay	49,320	147,959	2,782	0.99%	Wabasha	11,954	35,862	674	0.24%
Itasca	49,263	147,790	2,779	0.99%	Jackson	11,832	35,497	668	0.24%
Crow Wing	48,360	145,079	2,728	0.97%	Cottonwood	11,275	33,824	636	0.23%
Goodhue	46,901	140,704	2,646	0.94%	Roseau	11,006	33,017	621	0.22%
Otter Tail	44,323	132,970	2,501	0.89%	Pope	9,861	29,584	556	0.20%
Winona	43,515	130,544	2,455	0.87%	Yellow Medicine	8,952	26,857	505	0.18%
Isanti	42,219	126,656	2,382	0.84%	Dodge	8,891	26,672	502	0.18%
Cass	42,135	126,404	2,377	0.84%	Chippewa	8,347	25,040	471	0.17%
Kandiyohi	41,577	124,730	2,346	0.83%	Wilkin	8,231	24,693	464	0.16%
Chisago	40,583	121,750	2,290	0.81%	Pipestone	7,409	22,227	418	0.15%
Mille Lacs	39,841	119,522	2,248	0.80%	Sibley	7,363	22,089	415	0.15%
Beltrami	39,560	118,679	2,232	0.79%	Lake	7,317	21,952	413	0.15%
Meeker	38,253	114,758	2,158	0.77%	Stevens	7,173	21,520	405	0.14%
Steele	36,712	110,136	2,071	0.73%	Mahnomen	6,690	20,069	377	0.13%
Mower	34,183	102,549	1,928	0.68%	Swift	6,164	18,493	348	0.12%
Martin	33,667	101,002	1,899	0.67%	Norman	5,487	16,460	310	0.11%
Pine	32,549	97,647	1,836	0.65%	Rock	5,238	15,715	296	0.10%
Benton	31,422	94,267	1,773	0.63%	Murray	5,192	15,576	293	0.10%
Freeborn	29,946	89,837	1,689	0.60%	Grant	4,770	14,310	269	0.10%
Lyon	29,765	89,295	1,679	0.60%	Lac Qui Parle	4,518	13,554	255	0.09%
Douglas	28,568	85,704	1,612	0.57%	Big Stone	3,748	11,243	211	0.07%
Morrison	28,523	85,569	1,609	0.57%	Lincoln	3,214	9,642	181	0.06%
Becker	27,904	83,712	1,574	0.56%	Kittson	2,953	8,860	167	0.06%
Nicollet	27,084	81,253	1,528	0.54%	Cook	2,819	8,458	159	0.06%
McLeod	25,345	76,034	1,430	0.51%	Traverse	2,623	7,869	148	0.05%
Nobles	24,308	72,924	1,371	0.49%	Lake of the Woods	2,306	6,918	130	0.05%
Brown	23,731	71,194	1,339	0.47%	Red Lake	1,973	5,918	111	0.04%
Kanabec	23,528	70,585	1,327	0.47%					
Carlton	19,704	59,111	1,112	0.39%	State Total	\$5,000,000	\$15,000,000	282,076	100.00%
Aitkin	19,431	58,292	1,096	0.39%					

Ninety-one percent of all counties in Minnesota would each receive less than 2 percent of any probation caseload reduction funds allocated for fiscal year 1998.

Source: Minnesota Planning

4 Divide each county's average weight by the state total of county average weights to calculate each county's percentage of the state total.

Formula for figuring the county percentage of the state total:

$$\frac{\text{County average weight}}{\text{State total of county average weights}} = \text{County percentage}$$

5 Multiply each county's percentage by the probation caseload reduction funds appropriated by the Legislature.

Formula for figuring the reduction funds to be allocated to a county:

$$\text{County percentage} \times \text{Probation caseload reduction funds} = \text{County allocation}$$

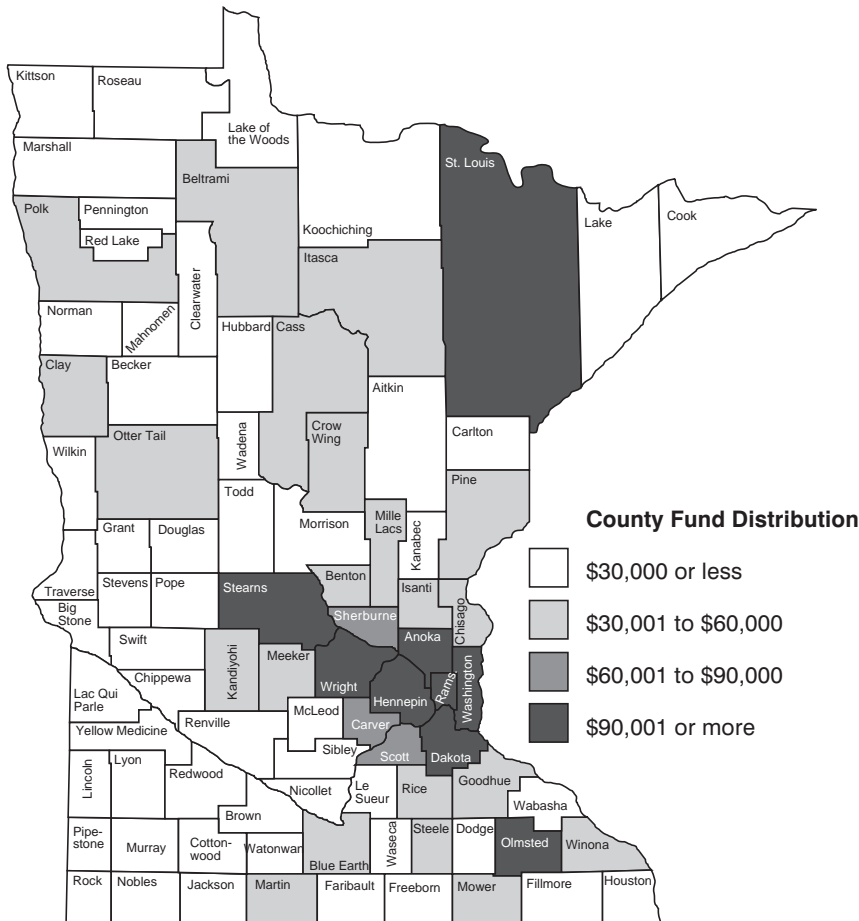
Distribution of funds is based upon each county's proportion of the state total of all county average weights. This means that counties with the largest populations and probation caseloads generally will have higher county average weights and would receive a greater percentage of funds.

A Picture of Funding

Fiscal year 1998 probation caseload reduction funds have not been designated to date. Tests of Minnesota Planning's formula were conducted to show the distribution of caseload reduction funds based on allocations of \$5 million and \$15 million for all 87 counties in Minnesota.

Nine counties — Anoka, Dakota, Hennepin, Olmsted, Ramsey, St. Louis, Stearns, Washington and Wright — would account for 64 percent of all funds and procure over \$90,000 each of a \$5 million allocation. Fourteen percent of all funding would go to 54 counties, with each county receiving \$30,000 or less.

Nine Counties Each to Receive \$90,000 or More of a \$5 Million Allocation



Of a \$5 million allocation, more than three-fourths of Minnesota counties would each gain \$60,000 or less in funding.

Source: Minnesota Planning

A \$15 million allocation would provide over one-third of Minnesota's 87 counties with more than \$100,000 each and would constitute 84 percent of all funding. Each gaining \$50,000 or less, 38 counties under this proposal would equal 6 percent of caseload reduction dollars distributed.

Appendix

Weighted Probation Workload Study Advisory Committee

Roxanne Bartsh

Director

Wabasha County Court Services

Richard Crawford

District Supervisor, Bemidji

Minnesota Department of Corrections

Andrew Doom

District Supervisor, St. Cloud

Minnesota Department of Corrections

Mary Hauser

Washington County Commissioner

Steve Kley

Director

Nicollet County Court Services

Michael MacMillan

Director

Wright County Court Services

Ken Merz

Assistant to the Assistant
Commissioner

Minnesota Department of Corrections

Wendy Meyer

Cottonwood County Commissioner

Richard T. Mulcrone

Assistant Commissioner

Minnesota Department of Corrections

Harley Nelson

Assistant Director

Ramsey County Community
Corrections

Michael Opat

Hennepin County Commissioner

Russell Reetz

Director

Washington County Court Services

Mark Sizer

Director

Stearns County Community
Corrections

Summaries of the Advisory Committee Meeting Minutes

The Weighted Probation Workload Study Advisory Committee met on August 13, 1996; November 14, 1996; and January 9, 1997. Minutes were recorded for each meeting and distributed to all committee members and other interested parties. Full minutes from the meetings are available from the Criminal Justice Center at Minnesota Planning. The following are highlights from each meeting.

August 13, 1996, Meeting

It was decided that the advisory committee would not be a voting body or a consensus group. Input from all members of the advisory committee and interested parties would be sought and welcomed.

An overview of several reports relating to probation was provided to committee members. In addition, a staff member from the Legislative Auditor's Office presented the auditor's report, *Funding for Probation Services*. The Legislative Auditor was given a mandate in 1995 similar to Minnesota Planning's directive; it was asked to recommend a method of allocating probation funding based on uniform workload standards and level of risk of individual offenders. The report examines several probation funding approaches and provides a number of options.

The auditor's report stressed that probation services across the state are many and varied, making it hard to come up with a uniform process of allocating dollars. In addition to differences in probation services, there is no uniform statewide system of classifying individual offender risk. A variety of systems are used, but no agreement exists on the best method for classifying offenders. Even if there was consensus, weighting the workload for allocation of funds would be difficult due to the vari-

ety of probation services. Devising a uniform classification system is not a short-term solution. Time will be needed to get agreement on a way to classify offender risk and to implement and validate the classification system.

The committee recommended that Minnesota Planning should try to build on and fine-tune what has already been done.

Minnesota Planning staff proposed a four-track project work plan that would include: reviewing current probation system data; identifying issues surrounding the probation system; developing an ideal weighted probation workload methodology, with accompanying time lines, budget and process needed to make it happen; and conducting an extensive data collection effort that focused on felons.

Meeting participants raised a variety of issues regarding the proposed data collection effort focusing on felons. They expressed concern that other types of offenders on probation would not be included, and the formula components of workload and risk would not be appropriately measured. From the discussion that followed, most of those present recommended that the fourth track of the work plan be put on hold until further analysis could be done to determine all of the factors that go into a weighted formula.

An optional focus group was held with remaining committee members and other interested professionals in the afternoon to identify some of the key issues in Minnesota's probation system. The issues identified are not necessarily an exhaustive list, nor do they reflect the opinions of all probation professionals.

Outcome and evaluation measures.

The Legislature wants to know what is working and what isn't; how do we know our money is spent wisely? The state has been providing basic state-level

outcome and evaluation information but has never asked for it on a county level. Most probation officers have not had time to do this because of constraints produced by heavy caseloads and because a high value has not been placed on this. Other agencies have been collecting “outcome” data for years, but there is disagreement as to what that really means since no one has defined what outcomes they want to measure. As a result, probation providers do a poor job of informing each other about what works; instead, they seem to stumble across information independently.

Funding problems. It is not clear how to measure equitable funding in light of varied goals, practices and policies. Inequity is evident when the number of offenders and the amount of money going to different areas are considered. A county with a larger number of offenders may get a smaller portion of funding because the funding is based on the delivery system. The Department of Corrections runs institutions and gives out money for community services. If the institutions require more funding, community services are usually the first to be cut.

■ Categorical funding stimulates new efforts but is an administrative nightmare with built-in inefficiencies arising from 15 to 18 different funding streams. Although common applications and reporting forms are used, this is an example of state micro managing.

■ Money is tight all over and it is getting worse. Duties have been added to probation officers’ workloads. Crowding in the system results when probation is unnecessarily used for minor offenses. Alternatives for dealing with these cases are needed.

■ Probation is an alternative to incarceration and is actually a cost savings since it provides a variety of sanctions with different levels of intensity. Alternative funding sources could include having the offender pay for probation services or acquiring federal dollars. Restorative justice will get the commu-

nity involved in the probation process, possibly including the screening and selection of probation officers. However, formulas tend to allocate funds according to the way things are, not the way they should be.

Data collection and centralized databases. There is no statewide data collection system. Data collection is done locally, but Minnesota has multiple systems that do not “talk” to each other. Some counties do not have computer systems for tracking probation. It is hard to track offenders when there are multiple data systems with no unique identifier number for an offender. It also is difficult to do research when everyone is collecting different information. There is no state leadership on what to collect, no standards and no links to evaluation and outcomes. Cost, access and data privacy are concerns that need to be addressed. Statewide information standards need to be identified.

Lack of uniformity. Minimum standards of service across the state are needed. This includes defining workload, uniform workloads and establishing caseload capacities. No common classification system for the offender’s level of risk exists. The state should only fund those services that are a statewide concern. Local communities can provide additional services, which are of local concern, but they would have to be locally funded.

■ Statewide mandates sometimes take away the ability to do something that may work only in some areas. Local and community values should be taken into consideration; every community should not have to follow the same procedure. Do not stifle creativity to create a uniform system since it discourages local neighborhood initiatives and involvement. Judicial discretion also needs to be considered.

Unique opportunity for change. Legislators are focusing on probation and want to make it better. More work and responsibilities may be added to the probation system’s plate because of this

increased funding. There is a need to keep legislators and policy-makers aware of restorative justice issues since probation is in the best position to bring restorative justice issues to the community.

■ There has never been a statewide effort to look at what the probation field does and how it is done. This is an opportunity to define “standard workload” and provide legislators with something they can understand.

Also discussed during the focus group session were the three basic components of the probation system, plus different variations and combinations of the three. DOC, CCA and shared services counties each get their funding in different ways, with a different basis for allocations. Given this, are there different formulas for each? All of the service delivery systems provide good services, but there are turf issues that can create factions. Different funding systems, levels of funding, funding inequities in the past, governance and policy issues are all divisive issues.

Should all counties be under the Community Corrections Act or not? If delivery system issues are brought into the weighted workload issue, there will not be enough time to complete the workload project. The goal should be a uniform funding system, not a uniform correctional system. Probation has advanced as far as it has because it has options and especially because of the principle of local control. Strides that have been made under the current system should be considered; drastic changes should not be made. There is a need for minimum standards.

The probation system has become inflexible in its ability to respond to programs; a funding formula based only on current practices will increase inflexibility. There is a disparity of risk: some people on probation do not need to be, while others need more supervision than they are getting.

Focus group members also were asked for their recommendations on an ideal weighted workload study. Members who could not attend the meeting were also invited to submit their ideas and expectations. Although not all of the following elements that were suggested were included in the Minnesota Planning study and formula, they show the range of ideas considered.

- The formula should be simple and based on equity.
- The formula should be flexible to fund state-mandated components and meet the programmatic needs of counties.
- The study should incorporate adopted minimum standards and develop statewide standards.
- The study should measure all levels of offenders, including diversion cases, at time of intake into the court system. More weight should be given to serious offenders.
- Standardized weighting factors for felony, gross misdemeanor, misdemeanor, juvenile, diversion and interstate cases should be based on offense severity for all, criminal history and prior record for felons, and other risk factors to be determined for the rest of the offense levels
- A uniform intake assessment form and classification system should be developed to determine supervision level.
- Risk and need should be defined for a formula that recognizes need.
- The study should be based on the actual work that probation agencies do, as opposed to proxy measures.
- Data should be simple to collect, easy to understand and not subject to a lot of interpretation or interfere with the way each county does business once someone is placed on probation.

■ Each jurisdiction should be allowed to decide how to manage cases.

- The study should measure severity or workload associated with each level of offense in each county; the disparities in treatment of like offenders across counties is at the heart of funding arguments.
- The study should review existing studies and summarize what has been learned already. A national expert should conduct a long-term study.
- A statewide, centralized data collection system for (quarterly) workload snapshots should be developed.
- Existing data should be used to determine offender risk and assign an appropriate value to each level of offender.
- The DOC probation survey should be used and felony information refined by dividing the felon cases into three categories: downward departures; mid-severity criminal history score; and low-severity criminal history score.
- The work of the Probation Standards Task Force should be used to formulate a weighted workload and distribute funds; have another focus group or series of focus groups to review and update its findings
- Data should be averaged over certain period of time, such as three years, and the funding formula adjusted annually.
- The study and resulting formula should be based on consensus rather than unanimity.

November 14, 1996, Meeting

Meeting dates and the time line for the study were reviewed with the goal of submitting the report to the Legislature on February 1, 1997. The question was asked, what is different from the Legislative Auditor's 1996 report since the Legislature asked the same question of Minnesota Planning? What is the Legislature's expectation, given that the

information on offender level of risk and uniform workload standards needed to develop a formula is not available? If the information is not uniform or standardized across the state, then what elements should go into a formula for distributing funding? One of the goals of the meeting was to determine if there was any consensus among the probation experts on the advisory committee.

The group discussed 10 principles developed from ideas generated at the August meeting:

- Support local autonomy and decision-making. While recognizing the state's role in providing probation services in 56 counties, shift the state's monitoring and regulating role to providing assistance, assessing outcomes and removing barriers.
 - Be equitable.
 - Recognize that levels of risk and workloads vary greatly by geographic region and community.
 - Shift from categorical to integrated funding, with an emphasis on use of flexible funding.
 - Tie funding to outcomes.
 - Avoid providing incentives for offenders to be placed or kept on probation.
 - Recognize all offenders, including adults and juveniles, and not just felons or misdemeanants.
 - Account for transfers between counties and states, diversion and the impact of judicial discretion.
 - Recognize that state funding will not cover the entire cost of all probation in Minnesota.
 - Allocate funding based on a formula that is relatively simple to understand and implement.
- Minnesota Planning staff discussed their concerns, similarly expressed in the

Legislative Auditor's report, about the variation of definitions of risk and workload throughout Minnesota. Without this standardized information, the legislative mandate cannot be met properly. Assumptions can be made using the Probations Standards Task Force's recommendations on caseload size and the number of cases reported by probation service providers on the statewide survey and the sentencing guidelines data for felons. But until there is accurate and valid statewide information as well as broad consensus among the experts in the field, probation caseload reduction funding cannot be based on offender risk and probation officer workloads.

The advisory committee worked in three small groups to try to answer the question, "What factors should be used to allocate state funds for probation services?" Each person was given time to write down elements that should go into a probation funding formula. The recommendation from each group was then discussed. Some consensus was developed on some of the elements, but the probation experts attending the meeting could not reach consensus on specific factors to develop a funding formula. Probation funding elements suggested by individuals before the small group discussions included:

- The formula needs to be simple.
- It must take into consideration local needs as defined by the county and stated in the county plan in coordination with the state. Show crime, jail time and diversion (however defined). Look at costs for crime, jail time and diversion to determine what makes sense using local resources and practices. Need is the number coming in the front door of the system. Probation, parole (juvenile), supervised release, diversion, community-based prevention and education — what level of supervision is provided to each population? Define population and levels of supervision for intensive supervision, intensive community service and other programs.

- Risk is the likelihood of committing a subsequent offense based on criminal history (static factors) and criminogenic needs (dynamic factors). An accurate risk assessment tool needs to be validated based on level and type of current offense and prior record to predict the risk of reoffending.

- Outcome evaluation needs to consider mandated services, availability of primary correctional services and level of service ordered and provided. Outcomes should use reductions in recidivism among control groups and look at successful adjustment as well as crime. No state standards are defined.

- Workload should be measured on the basis of cases received (intake); when tied to funding, workload should be averaged over time (at least three years) to flatten out volatility from one year to the next; and it must have definition. Community resources, available funding, collateral agencies, and professional and programmatic resources are also factors, as are the number of offenders supervised, weighted by some measure of the time required to work with these offenders or the seriousness of their offense.

The first of the three small groups discussed questions philosophically, rather than focusing on specific details. It asked where cases should be counted — at the front end or on the way out? Some offenders who undergo presentence investigations never get on probation, but they have to be counted at some time.

The second group had a broad discussion and concluded that until the issue is addressed without focusing on funding, the question will not be answered, only discussed further. It suggested that weighted intakes be used because of the lack of good statewide data on primary corrections services and outcomes. It also discussed whether offender risk should be based on public safety or the probability of reoffending. Murder may be a more serious offense, but it is less likely to reoccur than auto theft. There is

no uniform level of risk data statewide except for the sentencing guidelines levels of offense seriousness and criminal history points for felons. The group also suggested that the Legislature mandate what outcomes to measure but not tie funding to them.

The third small group suggested using the Probation Standards Task Force recommendations for an intake approach that used weighted caseloads. They also recommended using the task force's risk rankings derived from the sentencing guidelines.

Overall, the advisory committee and interested persons suggested using the Probation Standards Task Force recommendations on caseload and weighting. Those recommendations were not established by time studies but developed by a consensus among experienced agents and supervisors. The task force's method was more intuitive than scientific. The snapshot method looks at numbers on probation, which provides an incentive to have more unsupervised clients. Intake statistics should not be based on the Department of Corrections annual survey of probation department reporting. They agreed to use these recommendations for now, knowing that the question would be revisited using a time study to validate the workload sometime in the future.

Additional discussion of a weighted workload formula generated the following comments:

- There are no caseload standards for the diversion of offenders. These offenders are not high-risk, so probation officers do not spend a lot of time with them. If saving money is the goal, encourage diversion.

- Will a new formula make a major difference from the revised Community Corrections Act and the Legislative Auditor's formulas? We are going through this process to distribute a small amount differently, but probably with little overall difference from last year's formula.

■ Fight developing the formula. A formula is not needed. First find the goal, then find the money. Some counties have more or higher risk offenders. Do not set a formula when there is no definition of risk or workload. Probation officials have been asked in various ways by the Legislature to come up with recommendations, and we need to be more frank about why the recommendations have not been developed. The state is not heading in one direction; the focus is on \$10 million that will be distributed by the revised Community Corrections Act formula until we get a new one. Give the money to the counties so they can figure out what to do.

■ So much time should not be spent on trying to find a formula without more agreement. An outside perspective from experts is needed, as well as a better sense of where associations and interest groups agree.

January 9, 1997, Meeting

Questions and suggestions on the hybrid formula components that were received before the meeting were distributed and served as a basis for discussion by the advisory committee.

■ Juvenile felons certified as adults should have probation caseloads equal to adults. The formula includes the number of felons on probation extracted from the sentencing guidelines database. It includes juveniles certified as adults, but no distinctions will be made on the basis of age.

■ Data errors in the adult felony components in the draft distributed in December were corrected.

■ The population of 10- to 24-year-olds would be used as a proxy component for diversion; the weight was set to reflect 6.8 percent of the statewide distribution of funds. This variable was included based on requests that the formula have some flexibility in defining local priorities. It was primarily intended as a placeholder for the number of diversion cases. The report should bring to the

Legislature's attention that diversion is an unfunded mandate. Even though it makes sense, counties will not expand diversion more than they have to because it affects the amount of money coming in. There does need to be a surrogate in the formula for diversion since reliable data covering several years time is not available. Diversion information should be collected and used in future revisions of funding formulas based on the best source of data. The Department of Corrections will be collecting data on diversion cases, but it needs a common definition of diversion. Changing the weight assigned to this component can be varied to reflect the percentage of caseload and, therefore, the funds distributed.

■ Intake and snapshot data sources and weights would be used in the formula since the Probation Standards Task Force recommendation was to use felony intake standards to avoid carrying unsupervised felons on the caseload. The data checks, risk level worksheets and standardized information from the Sentencing Guidelines Commission make this a viable alternative to snapshot data for felons not sentenced to prison. Some judges will drop probation status after half the probation time has expired if there are no new offenses or violations. No information is available on how much time felons actually spend on probation. The three-year total of felons reflects that most probation services are provided, and subsequent offenses will occur, within the first three years. There is no centralized data source for nonfelon probation intakes other than the annual probation survey.

■ Intensive supervision weights would be included in a formula to distribute caseload reduction funding. These cases were included because the current FY97 distribution formula included the funds, although not all counties receive additional funding for intensive supervision.

■ The Department of Corrections formula used to distribute probation caseload reduction funding for FY97 was used to make comparisons with the

proposed Minnesota Planning formula while holding the amount constant. Corrections combined three sources of funding into one sum and then subtracted FY96 commitments and other items to determine the amount available for FY97. The funds were then distributed using the revised Community Corrections Act formula.

■ The proposed formula is not based on what probation officers do but on the number of people on probation. The variations among probation services documented in the 1996 Legislative Auditor's report remain true today. This study cannot use either offender-based risk levels or the results of a time-series study to determine probation officer activities across different types of offenders in different counties among different probation delivery systems. Another concern raised by the committee is that a workload time series study may reflect current practices of coping with large caseloads rather than best practices. The statewide standardized workload based on risk does not exist because the standardized assessment instrument does not exist. A risk-based classification system needs to be created, yet there is a concern that mandating state standards for risk and workload might reduce creativity and local initiatives. There are no common supervision standards and no validated measurement of risk for all probation providers. It may be unreasonable to have one formula for all counties.

■ Some categories of offenses such as traffic cases other than DWI and juvenile status offenses were weighted to zero, as recommended by the Legislative Auditor, based on the wide variation of offenders on probation for traffic offenses. Most of these cases are reduced from alcohol-related or driving-after-revocation offenses. Each county has to supervise some cases based on local resources and practices. The Probation Standards Task Force and the Legislative Auditor's report both recommended not including juvenile status offenses in a weighted formula because the local variations when the disposition of a

children-in-need-of-supervision case could be to either county corrections or social services, depending on local values and practices.

■ A simple formula is needed and the proposed formula is not simple. Having a lot of factors does not necessarily mean this formula is not simple. It is task-intensive to calculate but simple in theory. It is based on three data sources and uses the Probation Standards Task Force recommendations and previous work by the Legislative Auditor's Office. The formula echoes the task force's conclusion that given the data available, this may be the fairest formula for now.

Minnesota Planning staff made the changes to the formula and distributed a draft test using the formula recommendations for review. Corrections to the draft funding test against the current formula were distributed with the meeting summaries via fax to the advisory committee and through the mail to other interested persons.

Summary of Responses Received from Community Corrections Professionals

Advisory committee members appointed by the Department of Corrections, as well as other probation professionals, were invited to submit comments regarding the study conducted by Minnesota Planning. The comments that follow are summarized around various issues. Like many aspects of this study, the conflicting and contrary responses held by different advisory committee members and other probation professionals reflect the lack of consensus on this topic.

Overall goal and result

■ The state's interest in funding workload reduction is averting and diverting juvenile and adult offenders from incarceration in state correctional facilities. Equally important is the its overriding interest in the safety of its

citizens and the tranquillity of its communities.

■ The proposed caseload reduction funding formula does not go beyond the currently used CCA formula in fairly distributing funds for the specified purpose. It does not accurately measure what you set out to measure, it is based on unverified, perhaps inaccurate statistical data that does not correlate as closely as possible to the measured item, and the proposed factors were not weighted properly.

■ With the majority of counties all experiencing negative numbers in the new formula, what are the chances of many folks taking it too seriously?

Workload versus caseload

■ Most (officers of association) support using concepts of case size/weight from the Probation Standards Task Force, but need further study to validate those numbers if used in a funding formula.

■ Does the formula, as recommended, measure workload, and does the trial run disburse funds accordingly? The answer to both questions is simply "no." The formula uses supervision standards based on focus groups using the judgments of a small number of probation agents.

Offender risk levels

■ A validated offender risk instrument would be difficult to construct, test and gain concurrence from all the stakeholders with the time allotted. This should continue to be the goal.

Easy to understand

■ The formula is cumbersome and difficult to understand.

■ The formula is straightforward in approach and calculations are relatively simple.

Weighting of components

■ Did the weights set by the Probation Standards Task Force adequately take into consideration the differences be-

tween a felony case in Hennepin County verses a felony case in Norman County?

■ It has too much emphasis on misdemeanor and gross misdemeanor offenders. While domestic abuse and impaired driving are important, minor law infractions and beginning delinquent activities are more local responsibilities than the state's.

Population and diversion proxy

■ Use of the population of 10-to 24-year-olds as a proxy component for diversion until reliable data can be accumulated appears reasonable. The question is at what percentage level of funding?

■ It might be just as easy to use population as the exclusive determinant since there is little data of sufficient weight to use anything else.

■ The diversion factor does not accurately reflect the amount of time people are spending with diversion cases.

■ Diversion has been greatly altered this past year, hence, an average over three to five years does not address realities of today and tomorrow.

■ Are counties with active diversion programs losing probation weights for juveniles and adults? This in an unfair treatment of counties that implemented mandated diversion programs. Active diversion programs in counties result in fewer cases on probation and lower percentages of state caseload/workload reduction funding.

Data sources

■ Without state-wide workload standards and reporting criteria, the accuracy of the formula distribution would be suspect.

■ The probation survey data is self-reported, not audited or validated. If funding is based on caseloads, there must be provision for reasonable audit to ensure accuracy and discourage the possibility of manipulation since it provides an incentive to keep offenders on probation.

Other recommendations

- Policy-makers need to ask if Minnesota really wants a formula based on workload.
- Use population for the basic formula predictor and provide for population growth and decline.
- Small counties should have a minimum staff necessary to provide minimum services which should drive funding for small and declining populations. Use a three to five year projected growth average for 10- to 18-year-olds to front end load for children and adolescents.
- Include a “hold harmless” clause if this formula is adopted. The formula has too much variance, both increases and decreases, between the FY97 distribution and the same amount divided by the new formula.
- Lastly, consciously acknowledge the need to attach special legislative allocations and support to programs that have positive outcomes. The time for outcome driven programming is here.

References

- American Corrections Association. *Public Policy for Corrections: A Handbook for Decision Makers* (2nd ed.). Waldorf: American Corrections Association, 1991.
- American Corrections Association. *Standards for Adult Probation and Parole Field Services* (2nd ed.). Lanham: American Corrections Association, 1981.
- Boone, H. N. Jr., and Fulton, B. “Results-driven Management Implementing Performance-based Measures in Community Corrections.” Lexington: American Probation and Parole Association, 1995.
- Bray, Chris; Minczeskit, Joan; Nowacki, Connie; and Ruvelson, Sally. *What Works in Corrections: An Overview*. St. Paul: Ramsey County Community Corrections Department, May 1996.
- Information Technology and Research Unit. *1993 Probation Survey*. St. Paul: Minnesota Department of Corrections, April 1994.
- Information Technology and Research Unit. *1994 Probation Survey*. St. Paul: Minnesota Department of Corrections, May 1995.
- Information Technology and Research Unit. *1995 Probation Survey*. St. Paul: Minnesota Department of Corrections, April 1996.
- Joint Legislative Conference of Chief Judges. *Joint Legislative Conference of Chief Judges Correctional Delivery System Study Report*. St. Paul: Minnesota House of Representatives and Conference of Chief Judges, March 1994.
- Matthews, Tim. “Caseload Standards: APPA Issues Committee Report.” *Perspectives* (Summer 1991): 34-36.
- National Institute of Corrections. *State and Local Probation Systems in the United States: A Survey of Current Practices*. Washington, D.C.: U.S. Department of Justice, July 1993.
- Probation Standards Task Force. *Minnesota Probation: A System in Crisis*. St. Paul: Minnesota Department of Corrections, February 1993.
- Probation Standards Task Force. *Probation in Minnesota: Putting the Pieces Together*. St. Paul: Minnesota Department of Corrections, December 1994.
- Program Evaluation Division. *Funding for Probation Services*. St. Paul: Office of the Legislative Auditor, January 1996.
- The Working Group on Community Corrections. *Fair and Equitable: A New Community Corrections Formula*. St. Paul: Minnesota House of Representatives and Minnesota Senate, October 1995.