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MINNESOTA JUSTICE SYSTEM IMPROVEMENT STUDY



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April, 1981

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JUSTICE SYSTEM IMPROVEMENT STUDY

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JUSTICE SYSTEM IMPROVEMENT STUDY
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TABLE OF CONTENTS

	<u>Page</u>
JUSTICE SYSTEM IMPROVEMENT STUDY TASK FORCE MEMBERS	<i>iii</i>
JUSTICE SYSTEM IMPROVEMENT STUDY STAFF	<i>v</i>
JUSTICE SYSTEM IMPROVEMENT STUDY AGENCY LIAISONS	<i>vii</i>

Chapter

I. INTRODUCTION	1
II. PURPOSE AND PROCESS FOR THE JSIS	1
III. TASK FORCE FINDINGS AND RECOMMENDATIONS	4

LIST OF FIGURES

FIGURE 1: Proposed Configuration for State Executive Branch Criminal Justice Agencies	9
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JUSTICE SYSTEM IMPROVEMENT STUDY
TASK FORCE REPORT

I. INTRODUCTION

The Crime Control Planning Board (CCPB) received a discretionary grant from the Law Enforcement Assistance Administration and matching funds from the Minnesota Legislature for the Justice System Improvement Study (JSIS). Because the CCPB is one of the agencies being examined, these funds were used to hire a staff from outside the agency. The staff for the project reports to the Justice System Improvement Study Task Force which has authority over the staff activities, the direction of the project, and the recommendations contained in this report to the Governor and Legislature.

During this project, the staff prepared three documents for the Task Force: The *Minnesota Justice System Improvement Study Research Design* (August, 1980), the *Minnesota Justice System Improvement Study Data Source Book* (December, 1980), and the *Minnesota Justice System Improvement Study Staff Final Report* (April, 1981). Each of these documents has been reviewed by the Task Force and authorized for release. The *Staff Final Report* and the responses to that report by criminal justice agencies were the primary sources of information upon which the Task Force based its recommendations. This report of the Task Force to the Governor and the Legislature presents the results of the Task Force's deliberations and serves as the executive summary of the *Staff Final Report*.

II. PURPOSE AND PROCESS FOR THE JSIS

The Justice System Improvement Study provides the Governor, the Legislature, and other decision makers with an objective analysis of executive branch criminal justice agencies in Minnesota. The goal of this study is to identify organizational problem areas and offer

recommendations which would create a more integrated and coordinated criminal justice system at the state level.

National studies in recent years indicate that state criminal justice systems often have a number of problems with their organizational structures. These problems can include overlap, duplication, fragmentation; lack of coordination, cooperation, and integration; and mandated responsibilities without appropriate control over organizational resources. The Justice System Improvement Study is designed to determine whether any of these organizational problems exist in Minnesota's executive branch criminal justice agencies.

The study identified twelve agencies in the executive branch of state government that can be characterized primarily as having criminal justice responsibilities. The programs of these twelve agencies focus on the traditional criminal justice functions of investigation, law enforcement, prosecution, defense, corrections, and the administrative functions associated with each line function. The twelve agencies examined in this study are: Attorney General, Board of Pardons, Department of Corrections, Corrections Board, County Attorneys Council, Crime Control Planning Board, Crime Victims Reparations Board, Ombudsman for Corrections, Peace Officer Standards and Training Board, Department of Public Safety, Sentencing Guidelines Commission, and State Public Defender. The JSIS staff is administratively placed in the Crime Control Planning Board, an executive branch agency. The principle of separation of powers indicated that this study should not include judicial agencies in its scope. Nor did resources or authority allow the study to include criminal justice agencies at regional, county, or municipal levels of government.

The JSIS staff's analysis of possible organizational problem areas focuses on the administrative services and support functions located in the twelve agencies. These are the functions that permit managers at all levels of the system to design, study, appraise, control, and coordinate the delivery of criminal justice services to the public. Effective decision making concerning these services depends on the efficient use of administrative service and support functions.

The study examines eleven administrative service and support functions: planning, policy development, research, evaluation, budgeting, personnel, training, auditing, accounting, data processing, and grants administration. Efficient use of these functions requires that they be free of organizational problem areas. These functions also should be located to give managers the service and support resources they need to carry out their mandated responsibilities.

The JSIS staff interviewed function managers in each agency about the activities within their functions. Using a standard questionnaire, information on each activity was gathered to answer questions on the following organizational dimensions:

- 1) Impact and utilization--the organizational level for which the activity is performed;
- 2) Resource interdependency--who controls the resources needed to perform the activity;
- 3) Responsibility control--the organizational level at which the decision is made to perform the activity;
- 4) Authority control--the kind of authority that controls the activity;
- 5) Priority--a ranking of the activity's importance with respect to the purposes for which the function exists;
- 6) Congruence--an evaluation of whether the activity is consistent with the mission, goals, and objectives of the agency; and
- 7) Appropriateness--a determination of whether the activity is located in the appropriate organizational unit.

Organizational problem areas exist if managers do not have administrative service and support capabilities commensurate with their levels of responsibility. Using the key dimensions of impact, responsibility control, and resource interdependency, the standard for the Justice System Improvement Study is that responsibility control and resource control should be located at the organizational level upon which the activity impacts.

In addition to the information gathered through interviews, the JSIS staff reviewed agency literature, mission statements, authorizing legislation, and budget documents. Each of the twelve agencies identified a liaison officer who assisted project staff in getting the documents and arranging the interviews needed for the study. Throughout the study, JSIS staff have been in frequent contact with agency liaison officers

and activity managers to verify data, clear up ambiguities, and review staff findings.

It is important to note that throughout this project the twelve criminal justice agencies have been kept informed about the project's progress and meetings of the Task Force. Drafts of each chapter were submitted to each affected agency for review and comment. Agency responses were directed toward factual errors in the drafts, which the staff has corrected, and toward the agency's view of staff recommendations. Agencies have submitted written responses on the drafts to the Task Force. Moreover, representatives of each agency met with the JSIS Task Force to review their comments and concerns. In a few cases in which earlier drafts were substantially revised, the affected agencies were permitted additional opportunities to meet with the Task Force.

The JSIS Task Force believes the research design for this study is sound, that the JSIS staff followed the design as closely as possible, and that the twelve criminal justice agencies have had ample opportunity to respond to drafts prepared by the staff and have responded. Hence, the Task Force believes its recommendations are based on the best information available to the Task Force.

III. TASK FORCE FINDINGS AND RECOMMENDATIONS

Based upon information presented to the Task Force and deliberations of its members, the Justice System Improvement Study Task Force finds:

- *That Minnesota needs systemwide, long-range criminal justice planning, policy development, and coordination.*

The lack of long-range, systemwide planning and policy development, accompanied by the authority to implement developed plans and priorities, is a major deficiency in Minnesota's criminal justice system. Planning is the key to long-range, continuous improvement in the state's criminal justice system. The study finds that systemwide planning has been attempted by the Crime Control Planning Board. However, with the exception of programs for which the board had Federal funds, the Crime Control Planning Board never has had the authority needed to implement its plans. Several agency respondents, including representatives of the Department of Corrections and the Department of Public Safety, identified

systemwide, long-range planning as the major deficiency in Minnesota's criminal justice system and supported the idea of a Justice System Advisory Council.

- *That Minnesota's executive branch criminal justice agencies, in general, do not have major problems in administrative service and support functions.*

In general, there is a lack of substantive overlap, duplication, lack of coordination, or inappropriate managerial control of resources among executive branch criminal justice agencies. More specifically, the Task Force finds that the Department of Corrections and the Department of Public Safety, the two departments in which organizational problems are most likely to arise, have few administrative service and support problems. The *Staff Final Report* is directed toward identifying problems of overlap, duplication, fragmentation; lack of cooperation, coordination, and integration; and mandated responsibilities without appropriate managerial controls over organizational resources. The staff report does identify some problems of these types and recommends solutions to these problems.

- A. *The Justice System Improvement Study Task Force recommends that the legislature amend statutes and enact laws to create a fully empowered Criminal Justice Council and a Department of Planning and Policy Development which will serve as staff to the council.*

1. *The JSIS Task Force recommends that the Criminal Justice Council have authority to set goals and objectives for Minnesota's criminal justice system; that the council have authority to plan for the criminal justice system and to monitor plan implementation; and that the Department of Planning and Policy Development be responsible for developing long-range, systemwide plans for achieving goals and objectives set by the Criminal Justice Council.*

The JSIS Task Force finds that the field of criminal justice in Minnesota would benefit from leadership and a clearly defined decision making process and that it exhibits a highly fragmented planning, legislation writing, policy making, and budgeting process. These deficiencies prohibit a unified, coordinated approach to setting statewide goals and priorities for the criminal justice system. Although the Crime Control Planning Board is in a position to provide leadership in criminal justice, it lacks authority to implement plans and priorities for the system.

The JSIS Task Force recommends that the Criminal Justice Council set the long-range goals and objectives for Minnesota's criminal justice system. The goals and objectives for criminal justice state agencies and departments should be directed toward achieving the systemwide goals and objectives set by the council.

The JSIS Task Force further recommends that the Department of Planning and Policy Development have responsibility

and staff for conducting the planning, research, and evaluation activities required for long-range, systemwide planning. The Executive Director of the Department of Planning and Policy Development should be appointed by the Governor.

Establishment of the Criminal Justice Council and the Department of Planning and Policy Development allows elimination of the current Crime Control Planning Board.

2. *The JSIS Task Force recommends that the Criminal Justice Council have authority for policy review, legislative review, and budget review.*

Review of policies developed by state executive branch criminal justice agencies is essential for coordinating and monitoring criminal justice system operations. All policies developed by state executive branch criminal justice agencies which would affect the public, other state agencies, or local units of government would be submitted to the Department of Planning and Policy Development for review. Three criteria are proposed for policy review. First, does the policy accord with the systemwide goals and objectives set by the Criminal Justice Council? Second, what impact would the policy have on the goals and objectives for the system and on the operations of state and local agencies? Third, has there been adequate review and comment by the public and other agencies affected by the policy? The Planning and Policy Development Department would report its findings to the Council and to the agency or department which proposed the policy. The Criminal Justice Council must review the policy and its impact before it is implemented.

All legislation proposed by state executive branch criminal justice agencies would be submitted to the Department of Planning and Policy Development for legislative review. Using the same set of criteria used in policy review, the department would report its findings to the Criminal Justice Council. The Council would review and comment on legislative proposals before they are submitted to the Governor or the Legislature.

Executive branch criminal justice agencies would submit their budgets to the Planning and Policy Development Department for budget review. The budget review process would be set by the Council and include the following:

- a) Instituting a series of standards, criteria, or parameters each agency must follow in preparing its proposed budget allocations, in addition to those required by the Governor of every state agency;
- b) Examining proposed budgets before they go to the Department of Finance and the Governor and providing an analysis of whether the proposed expenditures accord with systemwide criminal justice goals and objectives;

- c) Meeting with agency executives to discuss the department's review and to resolve problems;
- d) Submitting the budget and the review to the Criminal Justice Council for review and comment; and
- e) Completing a separate report, showing how the agency's budget is related to systemwide goals and objectives, and submitting the Council's report on the proposed budget to the Department of Finance and the Governor.

3. *The JSIS Task Force recommends that executive branch criminal justice agencies submit operational plans to the Department of Planning and Policy Development for review and comment.*

The Task Force recognizes the need for operational criminal justice agencies to be able to develop agency plans for agency operations. However, effective coordination of the criminal justice system requires knowledge of what individual agencies are planning to do. The Department of Planning and Policy Development would review agency plans in terms of how they fit with systemwide goals and objectives and what impacts the plans may have on other state and local governmental units.

4. *The JSIS Task Force recommends that the Criminal Justice Council be representative of all aspects of the criminal justice system and include citizen representatives.*

The recommendations of this Task Force for a fully empowered Criminal Justice Council require that the Council membership be representative of all aspects of the criminal justice system and of the citizens of Minnesota. The Task Force recommends that membership on the Council include the Attorney General, the Commissioner of Corrections, the Commissioner of Public Safety, the Commissioner of Criminal Justice Services, the Chief Justice of the Supreme Court, the State Court Administrator, representatives of county or district court judges, county and municipal law enforcement, and citizens who have demonstrated an interest in maintaining a high quality criminal justice system in Minnesota. The Task Force further recommends that the Criminal Justice Council have no less than 15 nor more than 20 members. The Chairman of the Council should be a citizen member appointed by the Governor.

5. *The JSIS Task Force recommends that a permanent criminal justice data processing advisory body be established by the Criminal Justice Council and be staffed by the Department of Planning and Policy Development.*

Data processing in Minnesota's criminal justice system is fragmented and uncoordinated. This situation threatens to negate the potential benefits of developing criminal justice information systems. The Task Force recommends that the Criminal Justice Council establish a permanent advisory body which will plan the development of the state's criminal

justice information systems. This advisory body, which would report to the Council, would be staffed by the Department of Planning and Policy Development.

6. *The JSIS Task Force recommends that the Department of Planning and Policy Development be responsible for coordinating training by executive branch criminal justice agencies.*

To enhance coordination of training and to assist training units with improved record keeping, the JSIS Task Force recommends that the Department of Planning and Policy Development provide staff support for training coordination. The Task Force further recommends that the Legislature amend statutes to remove direct barriers to the coordination of training.

Criminal justice training is provided by the Department of Corrections and the divisions of Bureau of Criminal Apprehension, Liquor Control, and State Patrol of the Department of Public Safety. The JSIS staff found evidence of overlap and duplication in the training provided by these departments, as well as uncoordinated record keeping among agencies. There is evidence that existing statutes inhibit efficient use of the state's training resources.

- B. *The Justice System Improvement Study Task Force recommends the organizational configuration presented in Figure 1 for Minnesota's executive branch criminal justice agencies.*

1. *The JSIS Task Force recommends that the Department of Corrections remain a separate state department under the Commissioner of Corrections who reports to the Governor.*

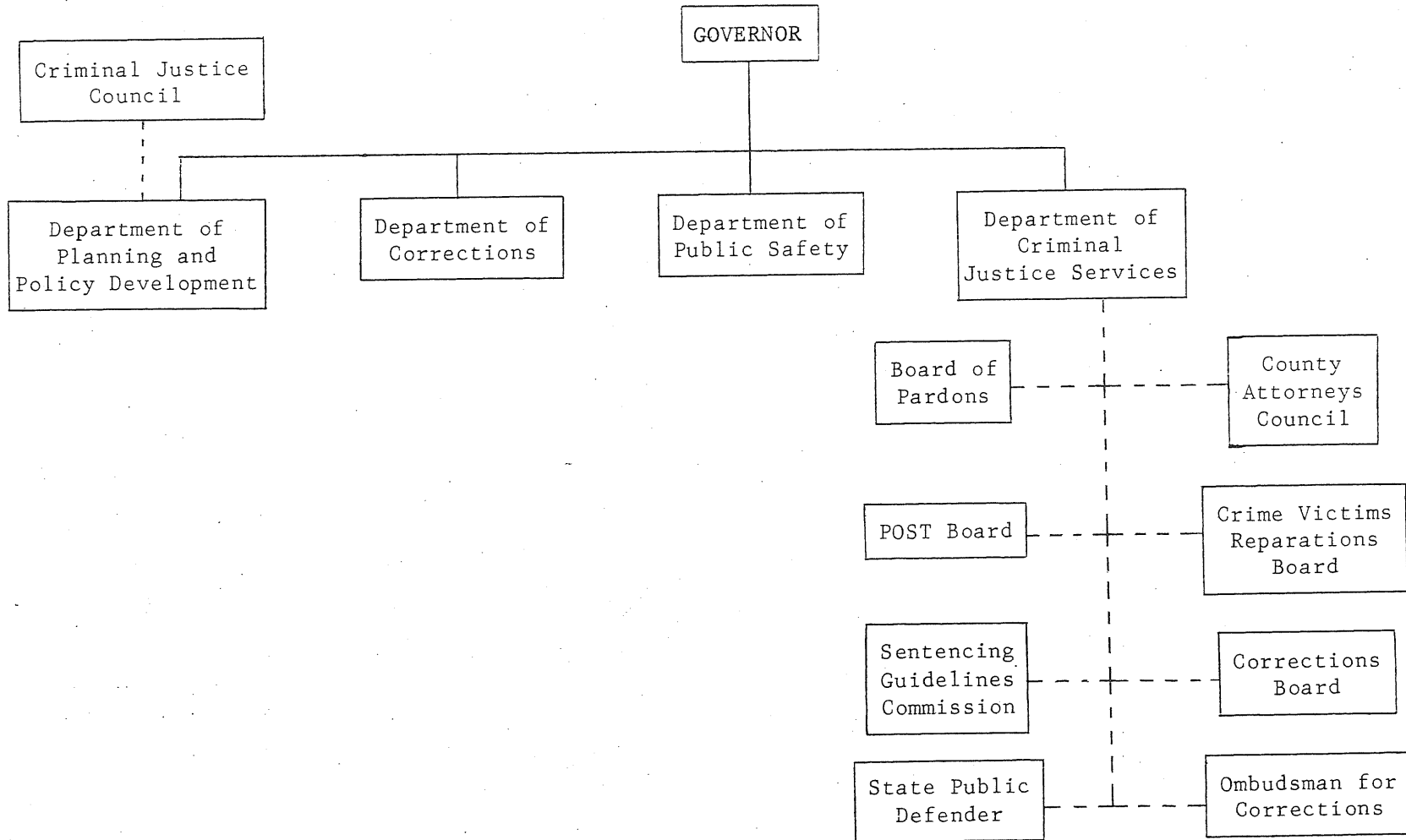
The Task Force concludes that the Department of Corrections does not experience the kinds of administrative service and support problems which would warrant placing this department in a reorganized, state department for the criminal justice system. The Task Force also recommends that corrections training continue as a function of the Department of Corrections, but that corrections training be coordinated with other criminal justice training through the Department of Planning and Policy Development.

2. *The JSIS Task Force recommends that the Department of Public Safety remain a separate department under the Commissioner of Public Safety who reports to the Governor.*

The Task Force concludes that the Department of Public Safety does not experience the kinds of administrative service and support problems which would warrant placing this department in a reorganized, state department for the criminal justice system. The Task Force recommends that law enforcement and investigation training continue as a function of the Department of Public Safety and its divisions, but that these training activities be coordinated with other criminal justice training through the Department of Planning and Policy Development. While the Task Force recognizes that Emergency Services, Traffic Safety, and Driver and Vehicle Services do not clearly

FIGURE 1

PROPOSED CONFIGURATION FOR STATE EXECUTIVE BRANCH CRIMINAL JUSTICE AGENCIES



fit the enforcement and investigative functions of the rest of the department, the JSIS staff has not shown that these services could be continued in as an efficient or cost-effective manner through reorganization. Hence, the Task Force concludes that the Department of Public Safety should continue with these functions.

3. *The JSIS Task Force recommends that the Legislature amend statutes and enact laws to create a new Department of Criminal Justice Services under the Commissioner of Criminal Justice Services who reports to the Governor. The Task Force recommends that the Peace Officer Standards and Training Board, Crime Victims Reparations Board, Corrections Board, Ombudsman for Corrections, State Public Defender, County Attorneys Council, Board of Pardons, and Sentencing Guidelines Commission be placed administratively in the Department of Criminal Justice Services.*

This recommendation does not change the way in which the director of each agency, board or commission within the Department of Criminal Justice Services is appointed. The study reveals that independent, small state agencies, boards, and commissions encounter problems with fiscal affairs, personnel, and management services. To alleviate the problems which small criminal justice agencies face, the Task Force proposes that a new department be created and that this department provide the Fiscal Affairs, Personnel Management and Management Services for all the agencies, boards, and commissions assigned to this department. The Commissioner of Criminal Justice Services should represent the interests of the department's components as well as those of the Governor.

- C. *The Justice System Improvement Study Task Force does not support reorganizing the executive branch criminal justice agencies into a Department of Justice.*

The Task Force recognizes that a Department of Justice would represent a major, significant change in the organization of executive branch criminal justice agencies. Such a change should be based upon a finding that there are serious problems with the way in which criminal justice functions are performed under the current state organization or on a demonstration that reorganizing the system into a Department of Justice would result in a significant improvement in the efficiency of the system or in significant cost savings to the taxpayers of the state.

The Justice System Improvement Study did not identify organizational problems which would justify reorganization of executive branch agencies into a Department of Justice. This study was not designed to answer questions about efficiency (beyond those indicated by the problems identified in the study) or about potential cost savings. Therefore, the Task Force finds that this study does not support the need for a Department of Justice in Minnesota.

The *Staff Final Report* for the Justice System Improvement Study highlights areas of overlap and lack of coordination within and among executive

branch criminal justice agencies. This report, which analyzes the administrative service and support problems for each of the twelve agencies studied, also identifies possible areas of improvement for Minnesota's criminal justice system. It emphasizes the need for systemwide planning and enhanced coordination of criminal justice functions. The Justice System Improvement Study Task Force recommends the *Staff Final Report* to the Governor, the Minnesota Legislature, and the agencies which participated in this study. The issues raised in the staff report should be addressed. The Task Force recommends the *Staff Final Report* as a good basis upon which a new Criminal Justice Council and Department of Planning and Policy Development could begin the task of systemwide criminal justice planning.