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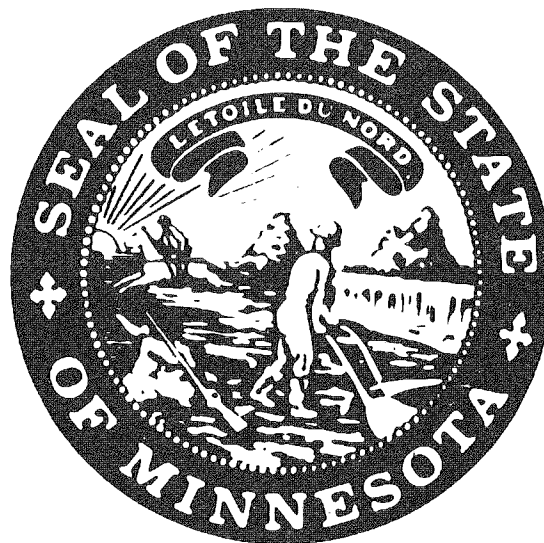


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MINNESOTA JUSTICE SYSTEM IMPROVEMENT STUDY



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JUSTICE SYSTEM IMPROVEMENT STUDY

STAFF FINAL REPORT

April, 1981

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JUSTICE SYSTEM IMPROVEMENT STUDY

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JUSTICE SYSTEM IMPROVEMENT STUDY
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The JSIS Task Force and staff acknowledge the outstanding cooperation received from the following criminal justice system professionals who were designated as agency liaisons to the project:

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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 the figure for Minnesota's executive branch criminal justice agencies.*

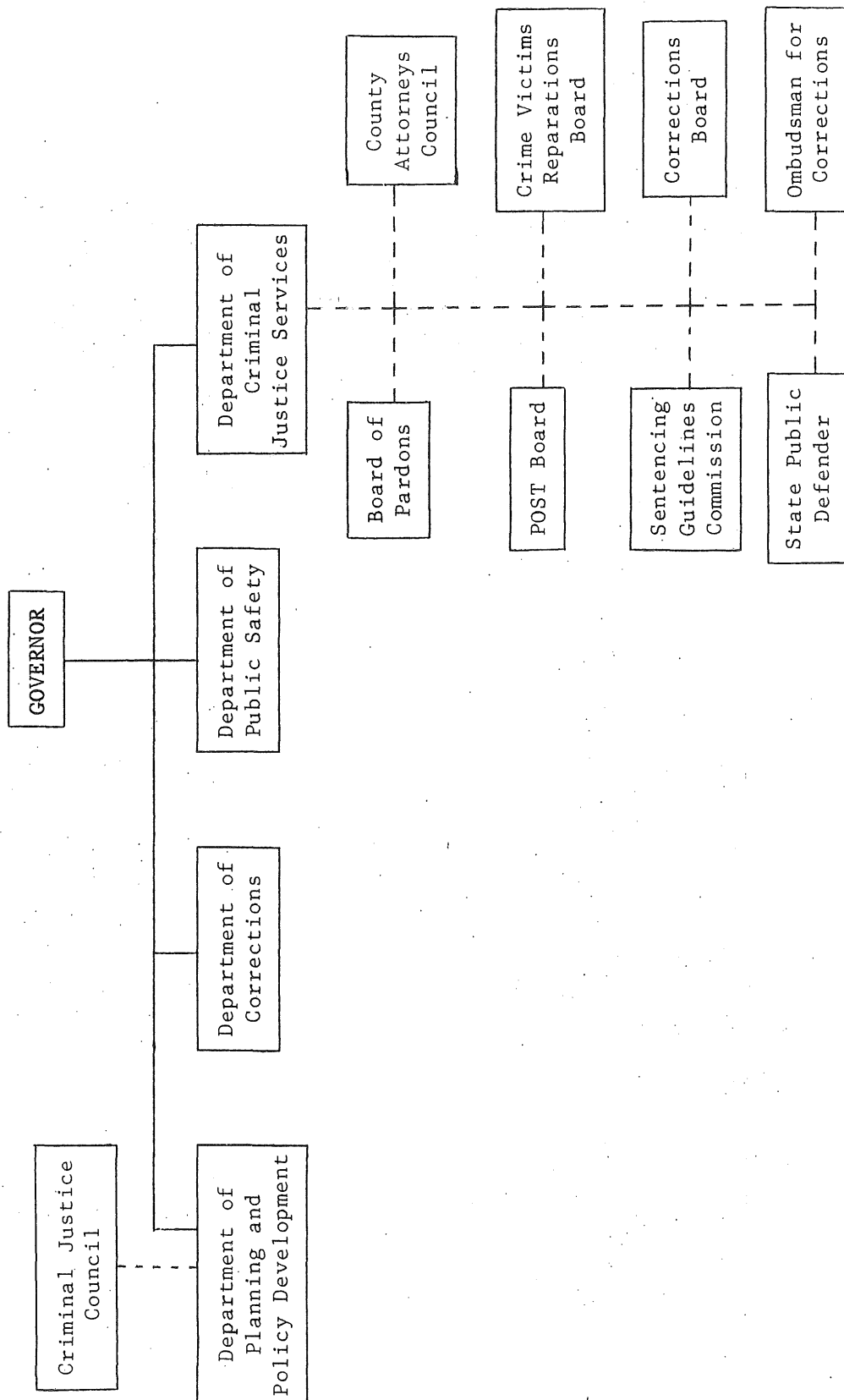
1. *The JSIS Task Force recommends that the Department of Corrections remain a separate state department under the Commissioner of Corrections who reports to the Governor.*

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

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.

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CHAPTER I

INTRODUCTION

A. BACKGROUND INFORMATION

1. Government Reorganization

American government has been under continuous study and analysis from the beginning of the Republic. This research has often led to significant reorganization of governmental structures and processes. On the federal level, some of this century's most important structural changes were consequences of reorganization studies published in 1937, 1947, and 1955.¹ State governments have also experienced extensive restructuring. Forty-two state governments were reorganized between 1965 and 1979; 29 were reorganized twice during the same period.²

Minnesota government has also undergone frequent reorganization in this century. Studies issued in 1914 and 1923 led to passage of the Reorganization Act of 1925, which created 13 new executive branch departments: Administration and Finance, Conservation, Dairy and Food, Agriculture, Highways, Education, Health, Commerce, Labor and Industry, Public Institutions, Taxation, Rural Credit, Drainage and Waters.³ Another prominent analysis of Minnesota's executive branch occurred in the late 1960s; agencies were modified, created, eliminated and combined

¹Report of the President's Committee on Administrative Management (1937); U.S. Commission on the Organization of the Executive Branch of Government (1947); William R. Devine, "The Second Hoover Commission Reports," *Public Administration Review* 15 (Autumn, 1955): 263-269.

²Council of State Governments, *Reorganization of State Corrections Agencies: A Decade of Experience* (Lexington, KY: Council of State Governments, 1977), p. ix.

³A.E. Buck, *The Reorganization of State Governments in the United States* (New York: Columbia University Press, 1938), pp. 136-141.

as a result.¹ Elected officials and administrators have shown a sustained commitment to more efficient and effective structures for delivery of government services through these reorganization activities.

The criminal justice components of state government have come under particular scrutiny in recent years. Study commissions and scholars have concluded that criminal justice systems often exhibit overlap, duplication, fragmentation, and a lack of integration, coordination, and cooperation.² Unification, consolidation, and integration of criminal justice functions and administrative services were recommended for improving performance of the criminal justice system. Centralization, Daniel Skoler proposed,

. . . would seem valuable in view of the potential contribution that a common structure can make to coordinated service delivery and because of the frequent inability of voluntary coordination efforts to achieve adequate service integration. The difficulties of such centralization are real and call for attention to a host of issues such as appropriate levels of decentralization and freedom of action among system components. However, use of the full range of coordinative techniques from planning through central supervision may prove helpful for the difficult task of bringing the "non-system" of criminal justice together and assuring fuller achievement of its crime control mission.³

Many states responded by supplanting existing structures with new organizations and processes intended to meet the recommended standards of criminal justice administration. Departments of justice, integrating most or all state criminal justice agencies into a single agency, were constructed in several states; criminal justice services were also combined in a variety of other state agencies.

The national standards and efforts of other states had a definite impact on Minnesota. Several members of the legislature introduced a

¹Public Administration Service, *Modernizing State Executive Organization: Government of Minnesota*, 1968 (Chicago: PAS, 1968).

²President's Commission on Law Enforcement and Administration of Justice (1967); Advisory Commission on Intergovernmental Relations (1971); Committee for Economic Development (1972); National Advisory Commission on Criminal Justice Standards and Goals (1973); Daniel Skoler (1977).

³Daniel L. Skoler, "Governmental Structuring of Criminal Justice Services: Organizing the Non-System," (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1978), p. 12.

bill to create a state level department of justice in May, 1977 (S.F. 1563, H.F. 1692). This bill was subsequently amended to establish a special advisory committee which would study Minnesota's criminal justice system and make recommendations on the feasibility of establishing a department of justice. Action on the bill was delayed.

In December, 1977, the legislature requested that the Crime Control Planning Board (CCPB) draft alternative proposals regarding formation of a study commission. An amended version of the May, 1977, advisory committee bill was introduced in February, 1978. The amendments enlarged the scope of the commission to include review of county and municipal criminal justice agencies. This amended bill died in the appropriations committee as funds were not available for a thorough reorganization study. No action was taken when this bill was reintroduced in the 1979 session (S.F. 319, H.F. 923) because of continued budgetary constraints.

The funding problem was resolved in the latter part of 1979 when the CCPB received a Law Enforcement Assistance Administration (LEAA) discretionary grant of \$61,628. Matched with \$12,000 from the legislature¹ for a total of \$73,628, the purpose of the grant was to study Minnesota's executive branch criminal justice system and determine the feasibility of creating a department of justice. The project funded by the grant was designated the Justice System Improvement Study (JSIS) and was consistent with the CCPB's statutorily mandated powers and duties.²

2. Justice System Improvement Study History

The JSIS staff began its research in January, 1980. Since the purpose of the LEAA grant was to determine the feasibility of establishing a department of justice (DOJ) in Minnesota, the first task was to ascertain whether the project's limited resources should emphasize a feasibility study. The staff therefore visited four states which had created departments of justice (Montana, New Mexico, Kentucky, Maryland)

¹This was increased an additional \$12,000 in November, 1980.

²"The Crime Control Planning Board . . . shall (a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice." MINN. STAT. 299A.03 Subd. 9 (a).

to answer four questions: Why were the departments of justice created? What methods, if any, were used to analyze the system? Which criminal justice agencies were placed in the department? How well were the departments working?

In Montana, Kentucky, and New Mexico constitutional amendments mandated that a proliferation of agencies and boards be reduced to a maximum number of functionally related departments, criminal justice being one of these functional areas. Creation of Maryland's DOJ was a statutory response to the various national studies cited earlier in this report.

Kentucky and Montana integrated most or all of what would be defined as state level criminal justice agencies into their departments of justice. This factor is at least partly responsible for the apparent success of the new departments at improving coordination of the total system. Success is difficult to achieve when significant criminal justice elements are left out of the department. In Maryland, for example, a state prosecution unit and a criminal investigation unit were not part of the DOJ. Although New Mexico's DOJ originally included corrections and the state police, the legislature later removed these components at the insistence of each division. The aftermath has been a destruction of New Mexico's attempts to develop an integrated department of justice.

Dissolution of New Mexico's DOJ was possible because of insufficient gubernatorial support. New Mexico's governor is constitutionally limited to one four-year term. The governor who took office after the term in which the DOJ was created opposed its integrative nature and permitted it to dissolve. This was not the case in Montana or Kentucky, where executive and legislative support have remained firm. Further, the attitudes of the professionals in the criminal justice agencies which would be integrated into a DOJ are important in determining the department's chance for success. A DOJ can probably survive the lack of strong support from previously independent agencies; it likely cannot survive their strong resistance.

The opinion of the JSIS staff, in summary, is that for a truly integrated department of justice to be created there must be a strong

constitutional or political mandate. A successful department of justice needs the original mandate translated into ongoing support from the governor and the legislature and, at least, non-resistance from the integrated agencies.

The staff's observation in the early months of 1980 (which was borne out over the duration of the project) was that the climate of state government in Minnesota is not conducive to creating a department of justice. Absent in Minnesota is the requisite constitutional or political mandate. Legislative support is not substantial, though this may have changed in the November, 1980, election. The 1977 bill bluntly proposing a DOJ failed to garner significant support. Moreover, when the CCPB sought funds for the feasibility study it had to rely on Federal sources. Finally, there was a lack of enthusiasm for the idea from the potentially affected agencies.¹

The staff realized that a department of justice feasibility study would not be a productive use of the grant (although the first few months were spent doing just that). Instead, the purpose of the Justice System Improvement Study is to determine what problems exist in Minnesota's state level criminal justice agencies and to recommend changes which would provide a more coordinated system.

From the beginning, the project involved criminal justice practitioners. A workshop was held December 10-11, 1979, to discuss practitioners' ideas concerning topics which should be addressed by the project, their opinions on the causes and effects of problems with the present system, and their conceptions of an ideal criminal justice system. A second briefing session was held March 17, 1980, to introduce the project formally. This briefing also sought practitioner's impressions on the type of task force or advisory group which should have authority over

¹As the findings in the following chapters explain, however, the dearth of endorsements for a department of justice may be somewhat justified in Minnesota. Creating new structures may not be necessary if the system is already characterized by a fair degree of cooperation and coordination. Minnesota's criminal justice system, as others around the nation have told the staff, is a model in many ways. This should be remembered in later chapters when organizational problems are discussed. There is a good deal more right than wrong with Minnesota's criminal justice system.

the staff's activities, the direction of the project, and the recommendations that might result.

The continuum of opinions expressed on March 17 brought out two quite different versions of who should serve on the task force. At one extreme, a task force composed of representatives of the agencies being studied would have detailed knowledge of the criminal justice system. This composition could have an objectivity problem, however, if the task force were confronted with proposals seriously affecting the agencies by whom they were employed. A task force of persons influential in the community, on the other hand, would likely be more objective and would have name recognition with the Governor, legislature, and agencies being studied. This task force unfortunately would be largely unfamiliar with the nature and complexity of the criminal justice system and might not bring sufficient insight and understanding to the project.

A task force combining the benefits of both the criminal justice practitioner and community influential composition was also presented at the March 17 meeting. Many in attendance thought that the Crime Control Planning Board should take principal responsibility for the project and create a task force from among its own members, since the CCPB is charged with improving the administration of criminal justice in Minnesota. This group would be intensely aware of criminal justice issues through the CCPB's system perspective. Its members represent a variety of criminal justice backgrounds: law enforcement, investigation, prosecution, defense, corrections, criminal justice planning, and informed citizens interested in improving the system. This task force would also be relatively objective since its members would not be directly affected by reorganization proposals (assuming CCPB members chosen for the task force were not employed by state level criminal justice agencies). For these reasons, the Justice System Improvement Study Task Force was created in April, 1980. It supervised the staff for the remainder of the project and formulated the Task Force recommendations.

The project's integrity increased with growing support from the Governor's Office in the spring of 1980. Governor Al Quie sent a letter

to all state level criminal justice agencies in which he requested:

special cooperation and assistance from all agencies . . . who have direct interest in this project. They will be expected to provide the information requested, establish a liaison with the JSIS staff, and attend meetings when requested or designate a person with appropriate knowledge, experience, and status within their agency to represent them.¹

Development of project credibility meant that the staff could concentrate on the research design, which was completed in August. After the Task Force approved the research design, the staff entered the data collection phase from August to October. The data were analyzed from October to December. The staff recommendations found in this report were considered by the Task Force, which adopted its own recommendations in March, 1981.²

B. RESEARCH METHODS

Five goals were developed for this project:

- (1) To describe the programs, functions, and activities of Minnesota's state level criminal justice agencies.
- (2) To collect and analyze expenditure information on the costs of delivering state level criminal justice services.
- (3) To identify organizational problems within these agencies.
- (4) To propose ways to correct the identified problems.
- (5) To determine the political feasibility of implementing the proposals.

This methods section summarizes how these goals were attained. Particular emphasis is placed on Dimensional Activity Analysis, the method developed for analyzing complex public organizations. The reader interested in a full explanation of the methods is referred to the *Justice System Improvement Study Research Design*.³

¹Memo from Governor Al Quie to department and agency heads concerning the Justice System Improvement Study, April 19, 1980.

²*Justice System Improvement Study Task Force Report*, April, 1981.

³N. Doran Hunter, John W. Bolles, Mark W. Lofthus, *Minnesota Justice System Improvement Study: Research Design* (St. Paul, MN: Crime Control Planning Board, August, 1980). The conceptual framework for Dimensional Activity Analysis was developed by Dr. Vicky Colaiuta, Senior Research Analyst, Crime Control Planning Board, and N. Doran Hunter, project director.

1. Scope and Focus

Minnesota has 12 executive branch criminal justice agencies.

"Criminal justice agencies" were defined as those agencies which perform the criminal justice functions of investigation, law enforcement, prosecution, defense, corrections, and planning. These agencies and their budget programs are:

1. Attorney General's Office
2. Board of Pardons
3. Department of Corrections
 - Institution Services
 - Community Services
 - Policy and Planning
 - Management
4. Corrections Board
5. County Attorneys Council
6. Crime Control Planning Board
 - Planning, Research, and Evaluation
 - Law Enforcement Assistance
 - Administration
7. Crime Victims Reparations Board
8. Sentencing Guidelines Commission
9. Ombudsman for Corrections
10. Peace Officer Standards and Training (POST) Board
11. Department of Public Safety
 - Bureau of Criminal Apprehension
 - State Patrol
 - Capitol Security
 - Fire Marshal
 - Liquor Control
 - Emergency Services
 - Driver and Vehicle Services
 - Administration and Related Services
 - Ancillary Services
12. State Public Defender
 - Legal Advocacy Project
 - Legal Assistance to Minnesota Prisoners
 - Public Defender Operations

The "criminal justice system" embraces a number of agencies which were beyond the scope of the Justice System Improvement Study. City and county criminal justice services were excluded because the project was not

empowered by the legislature or a Governor's Executive Order to perform an analysis of the local criminal justice system; nor does the CCPB's enabling statute provide clearly defined authority to probe local criminal justice structures and operations. The separation of powers principle led to removal of the judicial system from the project's scope since the JSIS was based in the CCPB, an executive branch agency. Also excluded were executive branch agencies with isolated criminal justice units such as the Enforcement Division in the Department of Natural Resources. These units are essential to the non-criminal justice purpose for which the agency exists. Practically speaking, any proposals to better centralize law enforcement at a point above the agency level, for example, would only hinder achievement of agency objectives.

With the 12 executive branch criminal justice agencies as the project's scope, the focus was placed on what the staff calls "administrative service and support functions." Research, evaluation, accounting, auditing, data processing, planning, budgeting, personnel, training, grants administration, policy development, public information, and management analysis¹ are functions which permit managers to design, appraise, control, and coordinate the operational services of criminal justice agencies. Administrative service and support functions are the "nerve centers" that drive an organization. They are indispensable for effective decision making.

Effective decision making requires knowledge of the subject for which the agency is responsible. The agency accumulates knowledge to develop the programs which will achieve mandated purposes, or to determine whether there is a need for a new program (research function). Knowledge is also accumulated to determine whether the programs have achieved their purposes (evaluation function). Effective decision making cannot occur unless managers have the resources to gather knowledge and analyze every aspect of the agency's operations (management analysis function). Knowledge concerning the programmatic and financial transactions in books of account and periodic examination and verification of

¹See glossary for definitions.

their contents are essential for managerial accountability and decision making (accounting function and auditing function). The manner in which knowledge is made available to managers, the form that the knowledge takes, and the ease of access to the knowledge, all facilitate the decision making process (data processing function).¹

Effective decision making requires proper planning, budgeting, and use of human resources. Planning creates goals and objectives which outline how the agency will achieve its mandated responsibilities (planning function). Budgeting entails forecasting the resources to achieve goals and objectives, acquiring the funds, and making decisions about the allocation of limited resources (budgeting function). In particular, managers often need the ability to obtain grants and to determine who receives grants, to assure adequate resources and proper execution of their responsibilities (grants administration function). Efficient use of resources designed to achieve goals and objectives requires appropriate selection and development of public employees (personnel function and training function). Managers also must be able to communicate the results of their decision making to affected and interested persons (public information function).

Administrative service and support functions are essential for fulfillment of managers' decision making responsibilities. The process of constructing guidelines for truly effective decision making (policy function) therefore depends on the efficient use of administrative service and support functions. Efficient use of these functions in turn requires that they not exhibit the organizational problems of unnecessary overlap, duplication, and fragmentation.² In the context of Dimensional Activity Analysis, these organizational problems will exist if managers do not have the control they need over administrative service and support resources commensurate with their levels of responsibility.

¹See Peter F. Drucker, *Management: Tasks, Responsibilities, and Practices* (New York: Harper and Row, 1974), pp. 512-516.

²See Donald R. Dwight, Robert H. Marden, and Robert C. Casselman, *Massachusetts Government: The Management Problems and an Approach to Their Solution* (Massachusetts: Executive Office for Administration and Finance, 1969), pp. 8-17.

2. Dimensional Activity Analysis

a. Line Function Analysis

Focusing on administrative service and support functions did not mean that the balance of the agency, the "line function" portion, could be ignored. Thorough appreciation of the managerial role played by administrative service and support functions is futile without cognizance of the line function context in which the service or support is provided. As one practitioner told the staff, "you can't look at the arrangement of the 'fingers' and how well they work without also looking at the 'hand.'" The staff realized that inquiries into the entire organization structure were a prerequisite to a complete analysis of the system.

This was partially satisfied by research into the *Minnesota Statutes* and the *Minnesota Code of Agency Rules* (MCAR). From the *Statutes* the staff secured the statutory jurisdiction encompassing all powers, duties, and responsibilities mandated to an agency by state law.¹ From the *MCAR* the staff obtained a further delineation of agency powers and duties through an analysis of the categories of rules and standards promulgated by an agency. Both sources furnished a strictly documentary understanding of the 12 agencies and in some ways offered a preliminary identification of overlap, duplication, and fragmentation among their powers and duties. The results of this research are included in the chapter devoted to each agency.

Further understanding of line functions was developed after the staff gained access to the agencies. Each agency liaison officer received a memo from the staff on July 17 requesting that he or she provide the JSIS staff with internal documents such as work plans, organization charts, job descriptions, budget materials, and other evidence of agency structure. An organization chart was then created which permitted staff reflection on the organization structure in its totality and provided hints of where organizational problems might exist.

The staff also explored the potential for line function problems when the JSIS questionnaire was used to analyze administrative service and support functions (see below for discussion of this process). In addition to the main focus of the interview, respondents were asked whether there were organizational problems with the line functions their

¹All statute citations are from the 1980 *Statutes* unless indicated otherwise.

agency performed. The responses to this question were rewarding in many instances.

Based on what the staff learned about possible problems from all these sources, additional research was done through phone calls, personal interviews, and documentary review. The staff tried to determine whether there truly were problems in need of correction and derived recommendations accordingly.

As a result, some chapters contain recommendations regarding line functions which go beyond the administrative service and support functions of each agency. The analysis performed in this area was admittedly more subjective than the administrative service and support function analysis described below. However, analysis of complex organizations is not simply an objective process. It is often subjective and impressionistic. Nonetheless, these are factors which are integral to a thorough analysis.

b. Administrative Service and Support Function Analysis

1) Procedures for identifying functions and completing and the interviews. Administrative service and support functions were the primary focus for analyzing organizational problems among Minnesota's executive branch criminal justice agencies. The steps employed to perform the analysis were consistent with the staff's intention to retain a professional posture and to minimize disruption of the agencies being studied.

Liaison officers were initially requested to provide the JSIS staff with documents which would familiarize the staff with each agency. They were also asked to identify the persons in their agencies responsible for each administrative service and support function. The staff then compiled a comprehensive list of all these persons and their relevant functions.

The next step was to break administrative service and support functions down to their constituent activities, since the staff's impression was that one could learn more about a function through its activities than through the function as a whole. Management literature, experts on the respective functions, and practitioners in the field were consulted to develop a preliminary enumeration of the activities within

each function. This staff-prepared list was then sent to the relevant administrative service and support function persons. A memo from the liaison person asked them to review the list, comment on its accuracy with respect to the work they do, and return it to the liaison. Receiving their comments, suggestions, and changes two weeks later, the staff fashioned new activity lists more accurately portraying the functions.¹

The staff was then ready to commence interviewing. Each liaison officer sent another memo with three documents to administrative service and support function persons: A brochure describing the project, the JSIS activity questionnaire, and finalized lists of the activities for their function(s). In preparation for the interview they were given approximately one week to digest this information. The JSIS staff member assigned to the interview then set up a convenient time for the questionnaire to be administered. Respondents were asked to decide which of the activities they performed, so that the questionnaire could be applied to each activity. The elements in the questionnaire, and how the results obtained from them were used to make reorganization decisions, are discussed in the following sections.

2) The elements of Dimensional Activity Analysis. Dimensional Activity Analysis is simply a mechanism for categorizing a body of information so that human judgment can be fully employed in making decisions. The body of information in this project was the activity characteristics collected when the questionnaires were administered. The decisions in this project were the identification of organizational problems and the recommendations to correct them.

The body of information on administrative service and support activities was derived from the seven dimensions of impact, responsibility control, resource interdependency, authority control, priority, congruence, and appropriateness. These are described below. How the body of information was categorized to make reorganization decisions is described in section (3).

Impact: From this dimension the staff determined the organizational level for which the activity was performed. Administrative service and

¹See Glossary for the final activity lists.

support activities are management tools for decision making. Another way of describing the impact dimension, then, is that it will tell where the activity is used by managers, e.g., who is using the research that is being done. As such, this is the most important dimension around which other dimensions will have to be aligned if the administrative structure is to function properly.

There were three organizational levels upon which an administrative service and support function could possibly impact:

Level A - Impacts solely on the program in which the activity is located;

Level B - Impacts on the program in which the activity is located, *and/or* impacts on other programs within the same agency; or

Level C - Impacts on the program in which the activity is located, impacts on other programs within the same agency, *and/or* impacts outside the agency.

Besides a response of A, B, or C for each activity, it was necessary to have a second response explaining *precisely* upon whom the activity impacted, or *precisely* who used the activity as a managerial tool for decision making. This information was critical in making recommendations.

Responsibility Control: From this dimension the staff determined the organizational level where the primary responsibility lay for making the decision to perform the activity. While this was often not an easy task for the respondents, in most cases they were able to choose one of the three levels of responsibility control:

Level A - Responsibility control lies within the program in which the activity is located;

Level B - Responsibility control lies within the program in which the activity is located and the program has agency-wide responsibilities; or

Level C - Responsibility control lies outside the agency in which the activity is located.

A response of B indicates that the activity is in a program with centralized administrative service and support functions which are provided to the rest of the agency. Thus, while A may be partially correct in these cases, B is a more appropriate response. The staff found,

surprisingly, that a number of people said the responsibility control over the decision to perform their activity rests *outside* their agency, which poses interesting problems that will be addressed in later chapters.

As with the impact dimension, the staff also recorded precisely who has responsibility control over a particular activity.

Resource Interdependency: From this dimension the staff determined whether control of the resources needed to perform the activity is within the program where the activity is located, or whether the resources are controlled by someone outside the program. In effect, the staff was asking whether activity performance depends on someone other than the program performing the activity for the necessary resources. Responses were divided into "yes" and "no":

YES - The activity is dependent on someone outside its program for the resources needed to execute the activity;

NO - The resources needed to execute the activity are controlled within the program in which the activity is located.

Qualitative information was also collected as to the nature of the resource problem, if any, and where the precise control lay. It may already be clear to the reader that a "yes" response in and of itself indicates a possible organizational problem.

Priority: Administrative service and support function persons who were interviewed were asked to rank each activity within their function with respect to the purposes for which the function exists. They responded to an intensity scale of one to five:

Low priority			High priority	
1	2	3	4	5

For the purposes of this analysis, responses of 1, 2, and 3 were considered a low priority ranking, while responses of 4 and 5 were considered a high priority ranking. Regardless of what may be thought about persons protecting their bureaucratic territory, the staff received a large number of low priority responses. In some cases this was due to the infrequent performance of an activity, but in other it was due to the honest opinion that they attached low importance to it. Whatever the

reason, the staff also recorded qualitative information on the priority dimension.

Authority Control: From this dimension the staff determined the degree to which an activity is required to be performed in its organizational position, within a range from no discretion to near total discretion. The staff therefore knew the resultant difficulty of reorganizing an activity.

If an activity is mandated by state or federal statute or federal regulation, legislative enactment or changes in regulations would be necessary to move the activity, both of which are difficult to achieve. Activities mandated by Minnesota agency regulations would be only slightly easier to move, since statutorily defined procedures of notice and comment must be adhered to if the regulation is to be changed. If an activity is mandated by agency policy, e.g., in the commissioner's office, high level agency decision makers must be convinced that an activity should be reassigned. If an activity is performed by a program manager on a discretionary basis, the only requirement that it be performed is at the word of the program manager.

None of these would be impossible to change, but they do present varying degrees of difficulty of activity reassignment. For the purposes of this analysis, the following values were assigned to each level of authority control:

<u>Authority Control Level</u>	<u>Value</u>
Activity is mandated by state statute, federal statute, or federal regulation	0
Activity is mandated by Minnesota agency regulation	4
Activity is mandated by agency level policy	8
Activity is performed at the discretion of the program manager	12

Appropriateness and Congruence: From these two dimensions the staff determined the practical and political feasibility of reorganizing an activity. The staff was asking: How essential is this activity to the criminal justice system, how correct is it that it be performed where it

is, and how much opposition will a recommendation to reorganize it engender?

With regard to congruence, respondents were asked whether the activity is consistent with the goals and objectives of the agency. With regard to appropriateness, respondents were asked whether the activity belongs in the agency, making no presumption about the validity of the agency's goals and objectives: Should this agency be doing this activity, and what would happen if it were no longer done?

Respondents chose from an intensity scale as they did with priority:

Not congruent					Congruent
---------------	--	--	--	--	-----------

1	2	3	4	5
---	---	---	---	---

Not appropriate				Appropriate
-----------------	--	--	--	-------------

1	2	3	4	5
---	---	---	---	---

As with priority, responses of 1, 2, and 3 were classified as not appropriate or not congruent, while responses of 4 and 5 were classified as congruent or appropriate. If not appropriate, the respondents were asked where the activity does belong. This information was recorded along with the remainder of the qualitative information which was needed to supplement the purely objective data characteristics. For the purposes of this analysis, these classifications were assigned specific values:

Appropriate	0
Not appropriate	2
Congruent	0
Not congruent	1

To summarize the key elements of Dimensional Activity Analysis and the ways activity characteristics were depicted, the following table will prove helpful to the reader in understanding the seven dimensions:

<u>Impact</u>	Activity impacts on same program where located	A
	Activity impacts on other agency programs	B
	Activity impacts outside the agency	C
<u>Responsibility Control</u>	Decisions on activity are made in same program where located	1
	Decisions on activity are made at the agency level	2
	Decisions are made by someone outside the agency	3

<u>Resource Inter- dependency</u>	Resources are controlled in same program where located	N
	Resources are controlled by someone else	Y
<u>Priority</u>	Activity is important for the function	H
	Activity is not important for the function	L
<u>Authority Control</u>	Activity is mandated by statute	0
	Activity is mandated by agency rule	4
	Activity is mandated by agency policy	8
	Activity is at discretion of program manager	12
<u>Congruence</u>	Activity is consistent with agency objectives	0
	Activity is not consistent with agency objectives	1
<u>Appropriateness</u>	Activity belongs where it is	0
	Activity does not belong where it is	2

3) Criteria for activity organization. The types of organizational problems the staff was looking for are overlap, duplication, fragmentation, and lack of cooperation and coordination. These problems will 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 making reorganization recommendations is that responsibility control and resource control should be located at the organizational level upon which an activity impacts*. When this standard is not met, it is likely that an organizational problem exists. If a manager has difficulty obtaining needed resources, it may be a problem of coordination or cooperation. If a manager does not have sufficient decision control over an activity, it may be a problem of fragmented decision making. And if an activity is performed in more than one location such that the benefits are reduced compared to that which would exist if performance, control, and resource control were centralized in a single location, it may be a problem of overlap and coordination. The 18 possible combinations of the variables that make up the impact, responsibility control, and resource control dimensions are listed and described in the table below.

Dimensional CombinationWhat does it mean?

A 1 N	Impact is on the same program Decision control is in same program Resources are controlled in same program
A 2 N	Impact is on the same program Decision control is at agency level Resources are controlled in same program
A 3 N	Impact is on the same program Decision control is outside agency Resources are controlled in same program
B 1 N	Impact is on other agency programs Decision control is in same program Resources are controlled in same program
B 2 N	Impact is on other agency programs Decision control is at agency level Resources are controlled in same program
B 3 N	Impact is on other agency programs Decision control is outside the agency Resources are controlled in same program
C 1 N	Impact is outside the agency Decision control is in same program Resources are controlled in same program
C 2 N	Impact is outside the agency Decision control is at agency level Resources are controlled in same program
C 3 N	Impact is outside the agency Decision control is outside the agency Resources are controlled in same program

Dimensional CombinationWhat does it mean?

A 1 Y	Impact is on the same program Decision control is in same program Resources are controlled somewhere else
A 2 Y	Impact is on the same program Decision control is at agency level Resources are controlled somewhere else
A 3 Y	Impact is on the same program Decision control is outside the agency Resources are controlled somewhere else
B 1 Y	Impact is on other agency programs Decision control is in same program Resources are controlled somewhere else
B 2 Y	Impact is on other agency programs Decision control is at agency level Resources are controlled somewhere else
B 3 Y	Impact is on other agency programs Decision control is outside the agency Resources are controlled somewhere else
C 1 Y	Impact is outside the agency Decision control is in same program Resources are controlled somewhere else
C 2 Y	Impact is outside the agency Decision control is at agency level Resources are controlled somewhere else

Dimensional CombinationWhat does it mean?

C 3 Y

Impact is outside the agency

Decision control is outside the agency

Resources are controlled somewhere else

Only activities with dimensional combinations of "A,1,N" and "B,2,N" meet the criterion that responsibility control and resource control should be located at the same organizational level where the activity impacts. In practical terms, an activity with the characteristics "A,1,N" is performed for the manager of a program so that he or she can use the benefits of the activity in making managerial decisions. A good example is research that is done to determine the need for a new program. The manager uses the results of the research to draw conclusions about the program. The manager therefore must be able to make the decisions and control the resources so that he or she can use the activity in the best manner possible for effective decision making. This is simply a restatement of the public administration principle that authority should be commensurate with responsibility. Activities with the characteristics "B,2,N" also meet the standard for similar reasons. A program which has obligations to perform activities for (which impact on) other or all programs in the agency should also have decision and resource control to execute the activities.

Activity combinations other than "A,1,N" or "B,2,N" fail to meet the standard because in these situations the managers for whom an activity is performed do not have complete control over the resources and the decision to execute the activity. An activity of "A,3,Y" for example, is used by a manager of a single agency program yet the decision to perform it rests outside and the resources to do it are not controlled in the program. This presents a possible organizational problem which might prevent efficient use of the administrative service and support resource in the pursuit of effective decision making. Similar problems are posed by the other dimensional combinations which do not meet the standard.

What implications did all this have for the specific reorganization recommendations made by the JSIS staff? The recommendations were developed, in effect, so that activities would adhere more closely to the standard. The greater the deviation of an activity's dimensional combination from the standard, the more extensive was the reorganization recommendation.

Activities with dimensional combinations of "A,1,Y" and "B,2,Y" deviate from the standard only because of a resource interdependency. This caused the staff to consider moving the resource control or creating a coordinating mechanism to assure that managers had sufficient control. Specifically how this could be done was a question answered sometimes from what respondents told the staff and sometimes from the staff's interpretation and suggestions of what would solve the problem.¹

Activities with dimensional combinations of "A,2,N," "A,3,N," and "B,3,N" have responsibility control at an organizational level above the impact, which indicates a need for decentralization of decision making, i.e., movement of decision control down to where the activity impacts. Why is someone above the level where the activity is being used in control of the activity? The same is true for activities with dimensional combinations of "A,2,Y," "A,3,Y," and "B,3,Y" except that there is also a resource interdependency and a need for some type of coordinating mechanism. Precisely where the control should be decentralized to, and how resources should be coordinated, was a matter of subjective interpretation based on the qualitative information from the interview and the staff's impression, after consulting with those familiar with the situation, of what might work better.

Activities with the dimensional combination of "B,1,N" have impact above responsibility control in the organization, which indicates that

¹This illustrates the importance of human judgment and subjectivity in organizational analysis. A complete synthesis of objectivity and subjectivity is strongly advised. The staff felt it was better to begin objectively and temper it with subjectivity; if the order is reversed, subjectivity is likely to overwhelm objectivity. There is clearly a need for both. Objective dimensional combinations can tell the staff where a problem might exist, but they cannot tell how to correct the problem. Likewise, subjectivity alone cannot guarantee that problems will be identified in a systematic manner.

the activities should be upwardly integrated to a program with agency-wide responsibilities, since the activity is performed for other programs in the agency. The same is true for activities with the dimensional combination of "B,1,Y," except that there is also resource interdependency and a need for some type of coordinating mechanism. Again, a subjective determination was made by the staff as to what would be a better organizational location for the activity.

Activities with the dimensional combination of "C,1,N," "C,2,N," "C,3,N," "C,1,Y," "C,2,Y," and "C,3,Y" posed unique analytical problems for the staff. Implied in these combination are situations where administrative service and support activities, usually thought of as "in-house" management tools, are being performed for someone outside the agency. In some cases, this may simply represent inter-agency cooperation, as when a research activity is done for an agency too small to have its own research staff. The staff was still forced to ask serious questions about this activity. Why is *this* agency doing research for the other agency? Would it be more efficient for someone else to do it? Does the manager for whom the activity is performed have the ability to obtain research when it is needed, or is the research low priority for the agency that would do it? Consider more broadly the research that is done for the legislature's benefit, for example. It is by no means clear where the most efficient and effective location for the activity in this case would be. The staff therefore made no prior assumptions about whether an activity with a "C" level of impact met the organizational standard. It was forced in this area to examine each of these activities, to become more subjective, and to rely on various practitioners and other experts to give their opinion as to the best location for an activity.

Divergence from the standard was not the only factor which caused the staff to consider whether an organizational problem might exist. Even though an activity may have met the standard on the impact, responsibility control, and resource interdependency dimensions, those activities given low priority, congruence, or appropriateness were also closely examined by the staff. Reasons for which a person would rank his or her activity low on these dimensions were examined. Assisted by the qualitative information, the staff was able to make further determinations of whether particular activities should be candidates for reassignment.

4) Feasibility determinants. All activities which were considered candidates for reorganization were subjected to an additional test: How difficult would it be, legally, practically, and politically, to reorganize an activity? For this the staff used the dimensions of authority control, congruence, and appropriateness which were directly applicable for this test.

As was noted earlier, specific values were assigned to the various aspects of each dimension:

<u>Authority control</u>				:	<u>Congruence</u>		:	<u>Appropriateness</u>	
Man-	Man-	Man-		:		Not	:		Not
dated	dated	dated		:		con-	:		appro-
by	by	by	Discre-	:	Con-	gruent	:	Appro-	priate
Statute	Rule	Policy	tionary	:	gruent		:	priate	
0	4	8	12	:	0	1	:	0	2

These values were assigned so that an activity's reassignment feasibility could be compared to that of another activity. For example, an activity mandated by statute, congruent, and appropriate ($0 + 0 + 0 = 0$) would be more difficult to move legally, practically, and politically than an activity which is discretionary, not congruent, and not appropriate ($12 + 1 + 2 = 15$). An activity with a feasibility determinant of 0 would be harder to reassign than would an activity with a feasibility determinant of 15. The basic principle is that the lower the feasibility determinant, the lower the feasibility of activity reassignment.

The following chart will prove helpful to the reader in considering the range of feasibility determinants used by the staff in making reorganization recommendations:

<u>Combinations of Activity Characteristics Based on the Three Dimensions</u>				<u>Feasibility Determinant</u>
mandated statute -	appropriate -	congruent		0
mandated statute -	appropriate - not	congruent		1
mandated statute - not	appropriate -	congruent		2
mandated statute - not	appropriate - not	congruent		3
mandated rule -	appropriate -	congruent		4
mandated rule -	appropriate - not	congruent		5
mandated rule - not	appropriate -	congruent		6
mandated rule - not	appropriate - not	congruent		7

Combinations of Activity Characteristics Based on the Three Dimensions				Feasibility Determinant
mandated policy	-	appropriate	congruent	8
mandated policy	-	appropriate - not	congruent	9
mandated policy	- not	appropriate -	congruent	10
mandated policy	- not	appropriate - not	congruent	11
discretionary	-	appropriate -	congruent	12
discretionary	-	appropriate - not	congruent	13
discretionary	- not	appropriate -	congruent	14
discretionary	- not	appropriate -	congruent	15

3. Expenditure Information Analysis

Separate from the reorganization criteria of Dimensional Activity Analysis, yet essential to a full appreciation of administrative service and support functions, was the expenditure information the staff collected. This information surveyed total program expenditures and expenditures on administrative service and support functions, through the efforts of budget officers in each of the agencies studied.

The data have been presented in Chapter XVI in a format which permits a comparative analysis of agency and program expenditures along several dimensions:

- (a) Categorical (line item) expenditures,
- (b) Sources of expenditures, federal vs. state,
- (c) Allocation to criminal justice line functions:
investigation, law enforcement, defense,
prosecution, corrections, and noncriminal
justice activities,
- (d) Allocation to each of the eleven administrative
service and support functions defined by the study.

In addition, nonexpenditure information is provided on:

- (e) Program staff composition.

This information is displayed in a series of pie charts and bar graphs accompanied by appropriate expenditure tables.

Expenditure information was not used by the staff to make reorganization proposals, but was provided as supplemental material to the Task Force in finalizing recommendations. It is the staff's expectation that the Governor, the legislature, and other decision makers will also find

the information useful in analyzing the level and flow of resources within the executive branch criminal justice system.

4. JSIS Data Processing

a. Why the Computer Was Used

The staff collected dimensional combination information on over 850 activities, resulting in several thousand data elements. This mountain of data necessitated use of a computer. The computer served as a management tool for storing and accessing the knowledge (the raw data) which was needed for making effective decisions regarding reorganization.

Scientific Information Retrieval (SIR), the data based management system employed, had value for the JSIS staff as a "filing cabinet" for organizing the data. The staff was able to create files in any form. The files included (1) all activities and their dimensional characteristics per agency, program, and function; (2) activities that met the standard; (3) activities that did not meet the standard; (4) activities given low priority, congruence, or appropriateness; (5) activities with a "C" level of impact, and so forth.

It should be emphasized that the computer did not make any decisions for the staff on whether an activity should be reorganized. The staff decided what kind of data would be collected, which activity characteristics or dimensional combinations would constitute an organizational problem, and whether a problem truly existed based on the data. The computer simply gave the staff the information in a form which would facilitate making decisions. Human judgment and interpretation were paramount in the process.

b. How the Data Were Recorded

Numbers were assigned to each interviewer, interviewee, agency, program, function, functional subject area, and activity. These elements, in addition to the date of the interview and the activity characteristics from the seven dimensions, were the basic data contained in each completed questionnaire. The task of the staff was to convey these elements to the computer so that the data could be accessed in the desired form.

After each interview the data were transferred to a one-page data input sheet. This facilitated coding of the data since input sheets

were less bulky than the five-page questionnaire and made the process of checking for errors less time-consuming.

c. How to Use the Data

The reader will not find activity characteristics listed in the text of the following chapters. Instead, a key system has been developed to keep the description of organizational problems as clear as possible. Every data element has been compiled in a separate volume called the *Data Source Book*. Activities have been sequentially numbered from 1 to 888. An activity number is listed in the *Data Source Book* and in the rest of this volume whenever an activity is discussed, e.g., [247] refers to activity number 247 found in the *Data Source Book*. Instructions in the *Data Source Book* explain how to interpret the data elements so that an activity's characteristics can be inferred from the numerical values.

C. SUMMARY

This introduction to the *Staff Final Report* has provided an overview of the purpose, scope, and methodology of the Justice System Improvement Study. In Chapters II-XIII, the 12 agencies studied by the JSIS staff are described with respect to powers, duties, and responsibilities, expenditure information and organization structure, and organizational problem areas and corrective proposals. Chapter XIV offers a proposal for an integrated criminal justice training bureau, and Chapter XV describes a model for a department of justice for Minnesota. Executive branch criminal justice expenditures are analyzed in Chapter XVI. A glossary of terms and a bibliography for the Justice System Improvement Study are included as appendices.

CHAPTER II

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety (DPS) chapter is divided into three sections. Section A introduces the powers, duties, and responsibilities of the Commissioner, department-wide organization structure and expenditure information, and some general comments on the history and nature of the department. Section B discusses the organization structure and expenditure information and the organizational problem areas and corrective proposals which pertain to each of the six DPS operating divisions studied by the JSIS staff: Bureau of Criminal Apprehension, Fire Marshal, State Patrol, Emergency Services, Capitol Security, and Liquor Control. Section C delineates department-wide problem areas and corrective proposals.

A. DEPARTMENT-WIDE INFORMATION

1. Powers, Duties, and Responsibilities of the Commissioner

The Commissioner is responsible for the functions performed by the various operating divisions of the Department. The duties of the operating divisions are defined in the Minnesota Statutes as follows: State Patrol (299D), Capitol Security (299E), Fire Marshal (299F), Liquor Control (299A.02), Bureau of Criminal Apprehension (299C), Emergency Services (12), and Driver and Vehicle Services (169 through 171). These duties are also summarized at the beginning of each division discussed in Section B.

In addition to general responsibilities for these divisions, the Commissioner is given specific administrative duties in Chapter 299A.01, subdivision 1: (a) The coordination, development, and maintenance of service contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers; (b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds; (c) the development of integrated fiscal services for all divisions, and the

preparation of an integrated budget for the Department; (d) the establishment of a planning bureau within the Department, which bureau shall consult and coordinate its activities with the state planning director.

2. Organization Structure and Expenditure Information

The Department of Public Safety was created in 1970 as a result of recommendations made by a 1968 general reorganization study of Minnesota's state government.¹ The study recommended that several divisions and departments which related to the function of "public safety" should be pulled together and integrated in a single department.

Listed on page 31 are the functions that the study suggested should belong in a department of public safety, and those related functions which were recommended for placement elsewhere. (See also Figure 1.)

Legislation passed in 1969 (Chapter 1129, Article I) created a Department of Public Safety which differed slightly from the recommendations of the 1968 report. As created by the legislature, the Department consisted of the major operating divisions of Fire Marshal, Bureau of Criminal Apprehension, Highway Patrol, Civil Defense, Motor Vehicles, Driver's License, and Capitol Complex Security.

Recognizing the need for an in-depth analysis of the Department's organization, the Commissioner of Public Safety requested that the Department of Administration perform an internal management study of Public Safety in 1975.² The study concluded that the Department needed clearer lines of authority and greater accountability. It was recommended that the Department be divided into three sections, each of which should be an amalgamation of existing divisions with mutual concerns.

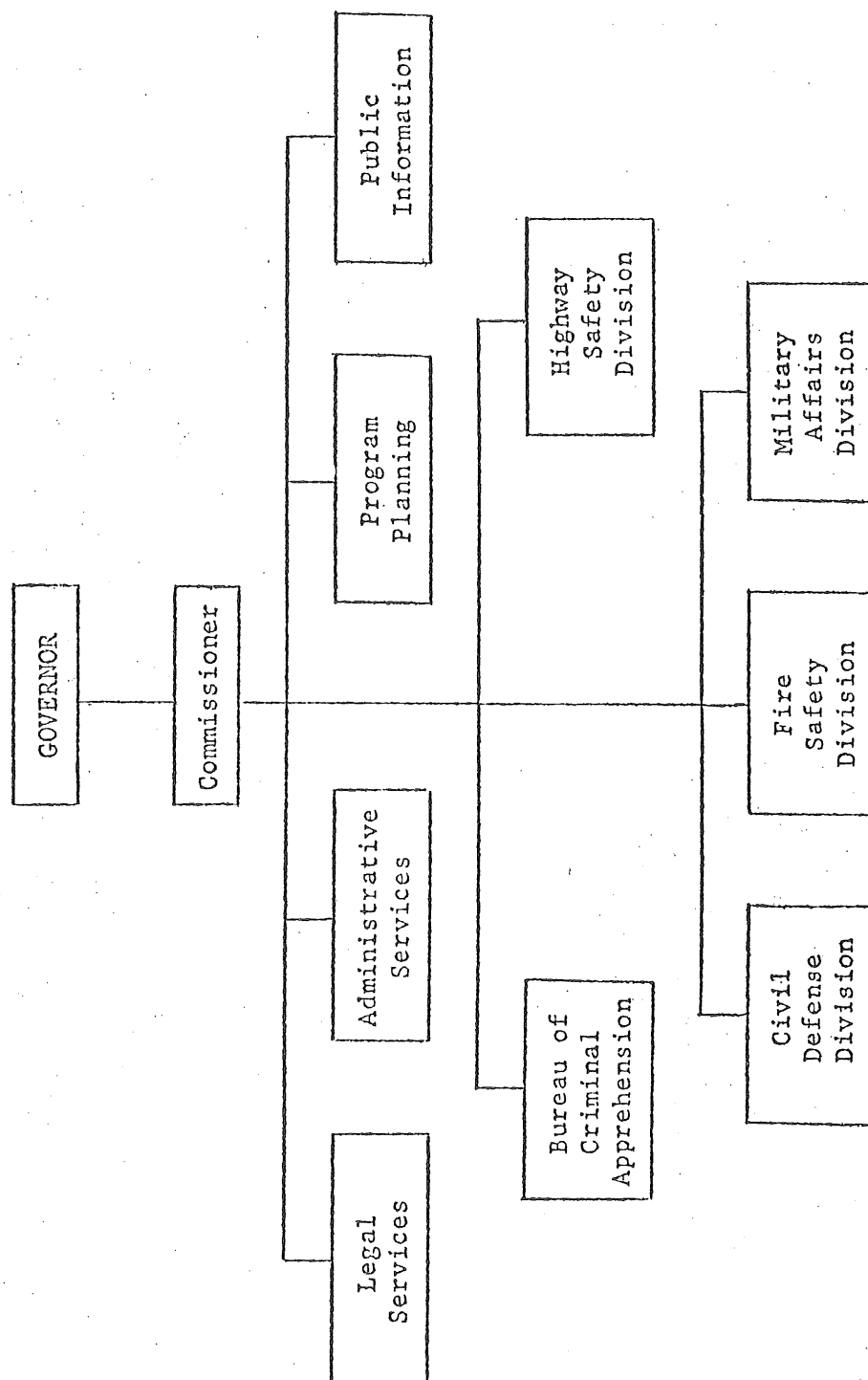
¹Public Administration Service, *Modernizing State Executive Organization--Government of Minnesota, 1968* (Chicago: Public Administration Service, 1968); Minnesota; Governor's Council on Executive Reorganization, *Executive Reorganization for the Improvement of State Government of Minnesota, 1968*; Governor Harold Le Vander, "Executive Reorganization--A Special Message to the 66th Session of the Legislature," February 13, 1969.

²Department of Administration, "Internal Management Study of the Department of Public Safety," 1976.

SUGGESTED DEPARTMENT OF PUBLIC SAFETY FUNCTIONS: 1968 STUDY

Function-Division 1968	Organizational Location-1968	Proposed New Organizational Location-1968
Law enforcement planning	Department of the Attorney General	Department of Public Safety
Bureau of Criminal Apprehension	Department of the Attorney General	Department of Public Safety
Liquor excise tax administration	Department of Liquor Control	Department of Public Safety
Regulation, licensing, and inspection of liquor sales	Department of Liquor Control	Department of Public Safety
Fire Marshal	Department of Commerce	Department of Public Safety
Civil Defense	Department of Civil Defense	Department of Public Safety
Highway safety and patrol	Department of Highways	Department of Public Safety
All other highway functions	Department of Highways	Department of Transportation
Motor vehicle regis- tration and licensing	Department of the Secretary of State	Department of Revenue
Licensing Chauffeurs & school bus drivers	Department of the Secretary of State	Department of Public Safety
Military affairs	Department of Military Affairs	Department of Public Safety

FIGURE 1
PROPOSED ORGANIZATION: DEPARTMENT OF PUBLIC SAFETY, 1968



The three sections which arose out of the Department of Administration's recommendations--law enforcement, regulatory control, and administration--were originally organized as unified budget programs. This tri-budget program arrangement proved unsatisfactory to the legislature because many legislators felt that having only three budget programs obscured detailed budget items within the Department's organizational units (State Patrol, Emergency Services, etc.) within each section. Therefore, nine budget programs currently exist with the Department of Public Safety: State Patrol, Criminal Apprehension, Fire Safety, Capitol Security, Driver and Vehicle Services, Liquor Control, Emergency Services, Administration and Related Services, and Ancillary Services. However, arrangement of the programs under the three sections has remained intact. The organization chart for the present Department of Public Safety is in Figure 2.

Total Fiscal Year 1980 expenditures for the Department of Public Safety were \$54,853,814. Expenditures per budget program were as follows: State Patrol--\$23,429,646; Criminal Apprehension--\$7,362,840; Fire Safety--\$1,265,084; Capitol Security--\$912,159; Driver and Vehicle Services--\$16,290,113; Administration and Related Services--\$1,968,232; Ancillary Services--\$943,451; Liquor Control--\$443,289; Emergency Services--\$2,239,000. At the end of Fiscal Year 1980, the full-time equivalent staff for the Department was 168.5 positions.

B. DIVISION INFORMATION

1. Bureau of Criminal Apprehension

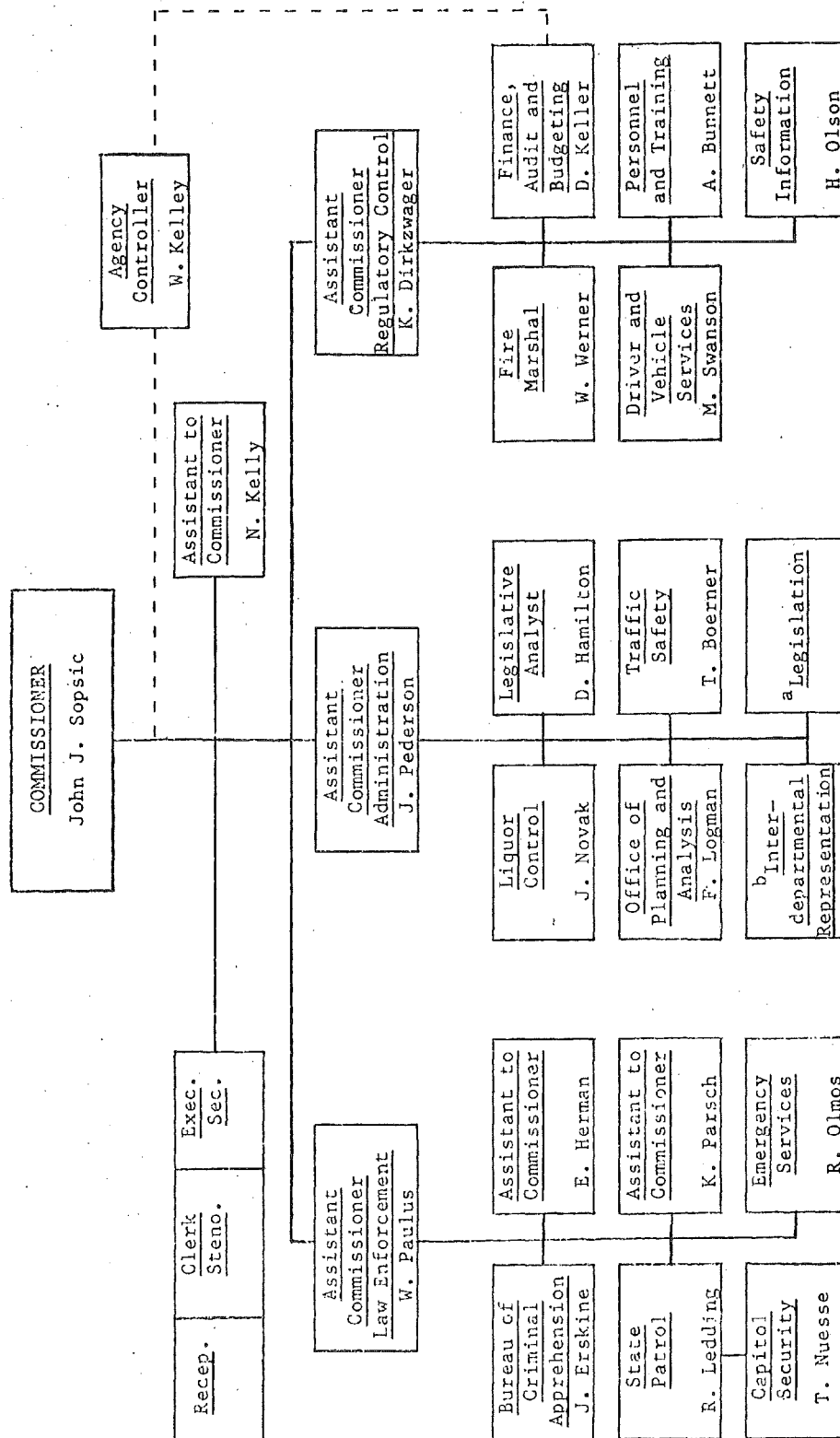
a. Powers, Duties, and Responsibilities, Chapter 299C

The Bureau of Criminal Apprehension (BCA) is required to cooperate with, and to assist, the sheriffs and chiefs of police of Minnesota's 87 counties in the detection of crime and the apprehension of criminals and is authorized to conduct investigations necessary to secure evidence which may be essential to the apprehension and conviction of alleged criminals. The BCA officers have the same arrest powers as sheriffs but may not use their powers in connection with strikes or industrial disputes.

The Bureau has numerous responsibilities with regard to state and national criminal justice information systems. The Bureau shall maintain a division of criminal statistics. This division shall collect and preserve

FIGURE 2

DEPARTMENT OF PUBLIC SAFETY ORGANIZATION CHART, 1980



^aLegislative Preparation, Implementation; and Budget Presentation

^bCrime Control Planning Board and User Advisory Council

information concerning the number and nature of offenses committed in the state, the legal steps that have been taken, and other information which may be useful in the study of crime and the administration of justice. The statutes contain a number of provisions describing the officers, agencies, and jurisdictions which are required to furnish reports to the BCA on criminal statistics.

b. Organization Structure and Expenditure Information

The superintendent of the BCA is appointed by the Commissioner of Public Safety. The Superintendent supervises a full-time equivalent staff of 166.0, consisting of three managers (including the superintendent), 109.5 class-A professionals, and 53.5 class-C office workers. The Bureau is divided into two organizational units: administration and special services, and investigation. Each unit is headed by an assistant superintendent. The organization chart is in Figure 3.

Total Fiscal Year 1980 expenditures were \$7,362,840, of which \$377,675 came from the federal government and \$6,985,165 came from the State of Minnesota. Personal services, salaries, and wages amounted to \$3,876,026; data processing and system services totaled \$1,583,037; equipment costs were \$426,630. The remainder went for miscellaneous expenses.

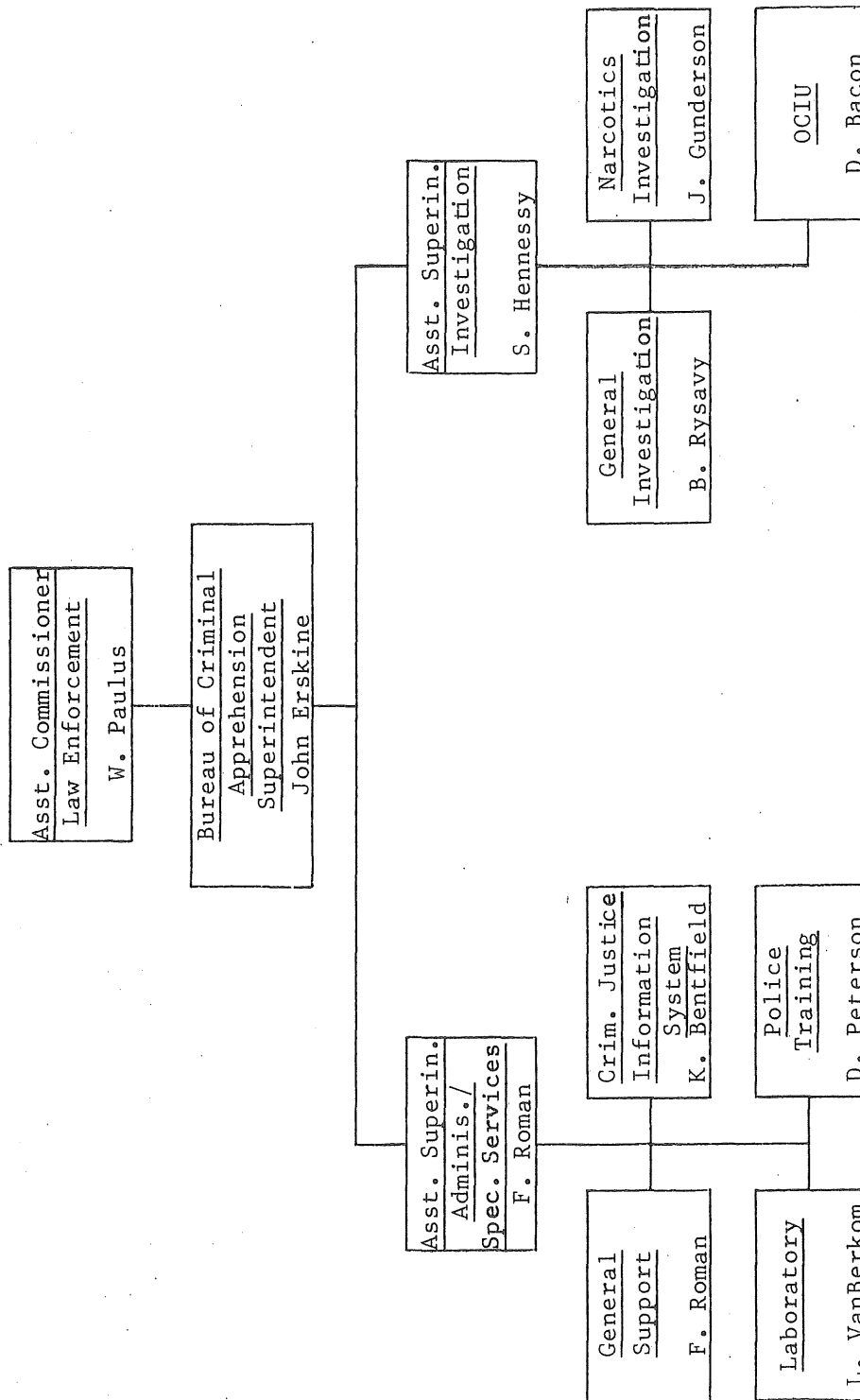
c. Organizational Problem Areas and Corrective Proposals

The JSIS staff interviewed the staff of the BCA on 42 administrative service and support activities and made additional inquiries into line functions and operations. The areas which did not meet the JSIS' organizational standard or which posed particular organizational problems relate to the functions of data processing [516-519], training [533-536], the coordination of the organized crime unit's activities, and to the location of the Board of Private Detective and Protective Agent Services.

1) Proper integration of an administrative service and support function requires that responsibility for decisions be vested in the individual or group occupying the highest organizational level at which the decision impacts. From the perspective of the JSIS, individuals and/or groups can occupy one of four organizational positions in Minnesota's executive branch criminal justice system: (a) the organizational unit, (b) the budget program, (c) the agency or the department, or (d) the system level. Organizational units work together to achieve program objectives, programs work

FIGURE 3

BUREAU OF CRIMINAL APPREHENSION ORGANIZATION CHART, 1980



to achieve agency objectives, and, theoretically, agencies work together to achieve systemwide objectives. Decisions on activities which affect only an organizational unit should be made by the unit manager. Decisions on activities which have a program-wide impact should be made by the program manager. Decisions on activities which have an agency-wide impact should be made by agency heads, and decisions which have an impact which is systemwide (between two or more agencies or jurisdictions) should be made by individuals or groups responsible and accountable for systemwide decisions, and whose authority is located at this system level.

In the case of the BCA, location of authority for some important systemwide decisions is inappropriately located at the agency level. It is sometimes difficult to make decisions at the agency level because agencies other than the one whose authority it is to make systemwide decisions may not be mandated to participate in formulating the systemwide decisions. It is also difficult to enforce systemwide decisions which are made at the agency level because other agencies may not be mandated to comply with these decisions.

To make decisions concerning activities which impact the system, a system level authority needs to be established. Within the executive branch of state government, several options exist for creating a system level authority for making information system decisions.

As is also discussed in Chapter XIII, one such system level authority mechanism was created by executive order in 1975. The authority was called the Minnesota Justice Information System Advisory Council (MJISAC). By 1979 the MJISAC produced a Master Plan which contained three key elements: (1) A plan for creating a statewide, integrated CJIS which would be based on local criminal justice information systems and for establishing a standardized methodology for the creation, collection, and automated processing of information about individual offenders on state agency-maintained files and for statewide, criminal justice systemwide planning, evaluation, and management. (2) The backbone of the statewide CJIS was to be a mechanism that would link the various state and local systems--a telecommunications network. This network would allow state and local criminal justice agencies to share information among themselves and report to various files. (3) The plan called for the state to set standards for local

systems to ensure data, software and hardware compatibility, to maintain data repositories and communications links for the purpose of sharing information, and to perform a variety of analyses of the systemwide data for management, evaluation, and planning purposes. The three elements of the MJISAC plan were never implemented completely for technical, leadership, and other reasons.

To resolve the problem the JSIS staff proposes that a permanent advisory body be established by the legislature. The advisory body would consist of the data processing directors from the Supreme Court, the Department of Corrections, and the Department of Public Safety, and of the Commissioners or assistant commissioners of the organizations. Key personnel from other agencies and from local agencies might also be members of the council. The council should be allocated funds which could be used formally to direct system level coordination of data processing.

Options for better coordination of the criminal justice information systems are discussed in Chapter XIII under the organizational problem areas and corrective proposals section. Under one option, a fully empowered criminal justice state planning agency would provide staff for a criminal justice information system advisory board to coordinate the many criminal justice information systems.

Finally, the third option for better coordination of the criminal justice information systems is discussed in Chapter XV of this report--the Department of Justice chapter.

The JSIS staff has identified overlapping data collection efforts between the BCA and the Department of Corrections. According to information from interviews with data processing officials, part of the overlapping effort has been alleviated by having local agencies report certain data only to the Department of Corrections. The Department of Corrections then sends the data to the BCA so that the same information can be entered into the BCA systems.

The cooperation that takes place when the Department of Corrections communicates the data via "electronic mail" to the BCA for entry into the BCA system is commendable. However, data processing officials have indicated that such transmissions of data between agencies could be done with new computer programs. It is unknown at this point, however, whether the

creation of such programs would be cost efficient. If one of the advisory councils suggested above were implemented, such unknowns could be investigated further and longer range criminal justice information system planning could be the result.

2) In considering training performed by the BCA [533-536], it is apparent that its police training unit is dependent on the State Patrol for some training resources and vice versa. The Patrol, for example, instructs courses for the BCA in radar use and traffic crash investigation, and the BCA instructs courses for the Patrol in breathalyzer use and in the use of MINCIS (Minnesota Crime Information System). Furthermore, the BCA and State Patrol training units also have some administrative overlap, in that each unit is billed separately for use of the same training facilities at Arden Hills and each produces separate schedules for their respective courses. Some coursework, such as in some courses on legal education, CPR, and management theory, also overlaps.

The JSIS staff has written a more detailed account of BCA training and has made recommendations that the BCA training unit be integrated with that of the State Patrol. The detailed account of BCA training and an explanation of the proposal to integrate the training units of the BCA and State Patrol can be found in Chapter XIV of this report.

3) The Organized Crime Investigation Unit (OCIU) of the BCA is one link in the network of state and local agencies which are directly or indirectly involved in the investigation of organized and economic crime. Economic crimes frequently involve theft by individuals through computers, tax fraud, insurance fraud, and embezzlement. Organized crimes frequently involve burglary rings, fencing and gambling operations, and extortion. Besides the BCA's OCIU, other agencies involved in investigative and prosecutorial activities include the Department of Commerce, the Economic Crime Unit of the Attorney General's Office, the Department of Public Welfare, the Internal Revenue Service, county attorneys, and local law enforcement.

The two state agencies primarily responsible for economic and organized crime are the Economic Crime Unit (ECU) of the Attorney General's Office and the OCIU of the BCA. Theoretically, the ECU investigates only those sophisticated crimes involving illegal acquisition of

large amounts of money by an individual. The OCIU is primarily involved in crimes committed by two or more individuals in concert. The problem with this distinction, however, is that the two types of crimes are not always clearly distinguishable during investigations. Recently, for example, a crime which was initially investigated by the OCIU because it was thought to be an organized crime, turned out not to be related to organized crime and was given to the Hennepin County Attorney's Office for investigation and prosecution. At the same time, what may at first appear to be an economic crime may well develop into an organized crime activity. Consider the following:

Organized criminal groups normally have opportunities and incentives to move into white collar [economic] crime through power obtained over businessmen or those who get into debt through gambling, dealing with loan sharks, or intentional purchases of stolen goods from fences. This has led to such crimes as major bankruptcy frauds and embezzlement of large quantities of securities from brokerage houses--probably converted into cash by being used as loan collateral. Organized criminal groups have not been content to wait for targets of opportunity, and have moved forward to initiation of white collar [economic] criminal activities. For example, businesses have been purchased with the intent that they be vehicles for bankruptcy fraud; or clerks have been placed in stock brokerage houses where they gain access to securities.

It is thus important that law enforcement groups combatting organized crime consider examination of possible white collar crimes--and not be limited to narrower ranges of investigative and criminal activity.¹

Beyond the recognition that local law enforcement and prosecutorial groups should broadly consider economic crimes, these groups must also depend on state agencies to seek cooperation in investigation. County attorneys use the OCIU, as well as the ECU, for investigation of economic crime. One interviewee informed the JSIS staff that this is done when help is not available from the Attorney General's ECU.

The JSIS staff concludes that the various state and local agencies are interdependent in the provision of investigatory services for dealing

¹ Enforcement Program Division, Office of Regional Operation, Law Enforcement Assistance Administration, *The Investigation of White Collar Crime: A Manual for Law Enforcement Agencies* (Washington, D.C.: GPO, April, 1977), pp. 19-20.

with economic and organized crimes. Coordination of these agencies is essential, a fact which Minnesota agencies acknowledged through creation of the Minnesota Interagency Economic Crime Group (MIECG) in October of 1979. Participants in MIECG include the BCA, the Department of Revenue, the Department of Commerce, the Department of Public Welfare, the Attorney General's Office, the County Attorneys Council, local county attorneys and police, the FBI, the U.S. Attorney's Office, the Internal Revenue Service, the U.S. Treasury Department, and the U.S. Postal Service.

The goals of the MIECG are as follows:

- (a) To generate increased cooperation and mutual assistance among federal, state and local law enforcement agencies with an interest in investigating or prosecuting white collar or economic crime through informational monthly meetings.
- (b) To provide personal contact among the individuals responsible for the investigation or prosecution of economic crime within each participating agency.
- (c) To exchange information concerning current investigations, to seek assistance from other agencies to help with those investigations, and to share ideas about conducting investigations and prosecutions.
- (d) To provide an opportunity and a vehicle for interagency coordination and cooperation in multijurisdictional investigations and prosecutions.
- (e) To provide a basis for decisions about which jurisdiction(s) should handle a particular investigation/prosecution.
- (f) To share knowledge, experience, expertise, and office systems for handling complex economic crime investigations and prosecutions.
- (g) To review pending legislation and seek to have uniform positions taken by each participating agency with respect to significant legislation, whether federal or state. The Group discussed the possibilities of sponsoring legislative ideas and drafting legislation, when appropriate, as well as the possibility that the Group itself might sometime be able to lobby on a particular bill with agreement from the heads of each participating agency.
- (h) To plan and provide training sessions for economic crime investigation and prosecution, continuing the effort so successfully performed by the Metropolitan Council's Complex Crime Training Task Force since 1978.

- (i) To continually seek better methods of discovery investigation, and prosecution of economic crime. The following suggestions were made and will be the subject of further discussion in the future:

- (1) To establish liaison with private security organizations and the private security employees of Minnesota corporations and private business, and to encourage them to report economic crimes, cooperate with law enforcement agencies in the investigations and prosecution of such crimes, and to assist them in conducting appropriate training for their security personnel.
- (2) To hold meetings of the Group every three to six months which will be open to nonlaw enforcement personnel to enable the Group's participants to achieve similar levels of personal contact and cooperation with the private sector working in the area of economic crime as with other law enforcement agencies. The media may also be invited to such sessions.
- (3) To explore the possibilities of cross-deputization across federal, state and local jurisdictional lines among both investigators and prosecutors.¹

Other states have attempted coordination of organized and economic crime through promotion of task forces and groups similar to the MIECG. Investigators and law enforcers in Michigan have formed the Michigan Organized Crime Committee which is composed of state, federal, and local law enforcement officials. Legislation has also been proposed to form the "Michigan Organized Crime Commission." New York State already has an organized crime task force which is statutorily mandated and which is set up with regional offices.

Although original plans called for the MIECG to hold a two-hour meeting once a month, the group has not met since the Fall of 1980. This may be due to the fact that this is a budget year for state agencies which forces MIECG members to deal with budget matters as a top priority. The infrequency of meetings may also be due to a lack of staff for the group. Preliminary discussions with several MIECG members lead the JSIS staff to suggest that full-time permanent staff could perform a number of valuable

¹ Minnesota Interagency Economic Crime Group, Minutes, of October, 1979 Meeting.

functions for the MIECG.

Basically, permanently assigned staff could facilitate more productive and more frequent meetings for the group. At this stage, it appears that it is most beneficial for the group to simply meet so that they can identify common concerns and problems. The staff could schedule meetings, arrange for speakers, prepare the agenda, pull together and disseminate key information, and send out meeting notices and materials. Constructive planning for meetings is important and takes time.

Also, and more substantively, the permanent staff could assist in identifying those factors that are instrumental or detrimental to the successful identification, investigation and prosecution of economic crimes in Minnesota. The staff could coordinate the review of legislation and regulations proposed in the area of economic crime and assume the responsibility of notifying the group of pending legislation. The staff could also assist in compiling information requested by the group for its deliberations or in the drafting of legislation the group wishes to pursue. At a previous meeting of the group, areas were identified where training in investigative techniques and procedures is necessary. Members were assigned various tasks to help determine the level of interest in such training purposes. However, staff help is needed to develop training programs and materials.

The staff could also help increase public awareness of economic crime. Because economic crime may depend on the ignorance of the victim, increased awareness may be a partial prevention. The public may be less vulnerable if they are informed, and an informed public may be more likely to report economic crimes and cooperate in prosecution. MIECG needs staff to develop public information programs.

More generally, the result of staff for MIECG would be the support needed by operational agencies for multijurisdictional coordination. Specific benefits would include the statewide improvement or development of a process for reporting suspected violations, provision of technical assistance, integration of existing reporting, information and intelligence systems, and the development of educational and informational programs, such as would aid local jurisdictions unaccustomed to processing and investigating economic and organized crime complaints.

Given the assumed need of staffing for the MIECG if it is to achieve its interagency purpose, the question for the JSIS staff becomes: Where would this staff be housed most efficiently and effectively?

The JSIS staff proposes that these staff services be located at the Bureau of Criminal Apprehension. Much of the staff expertise relative to economic and organized crime is already found in the OCIU of the BCA, and locating staff of the MIECG at the BCA would permit rapid development of the staff's abilities in this area. The BCA also has a training unit which could help promote training activities and schedule seminars. Moreover, the BCA currently maintains close communication with other agencies involved in crimes of this nature. This staff complement for the MIECG may need to be no more than two, including clerical staff.

Currently, the BCA houses two federally funded computer crime analyst positions whose funding will soon expire. The JSIS staff suggests that these two positions be funded by the state with the provision that their responsibilities include the coordination of state and local agencies responsible for investigating and prosecuting organized and economic crime.

The JSIS staff should mention that the BCA is currently short several investigator positions and that funding the two federal positions may not provide sufficient staff for both organized crime group coordination and other areas in which the BCA has had to cut down because of a lack of staff. For example, the BCA has recently had to pull out of an interagency task force on drug enforcement to stay within its current budget.

4) There is some question as to whether the Board of Private Detective and Protective Agent Services should be attached to the BCA for administrative purposes. For the reasons discussed in Chapter VIII of this report on the POST Board, the JSIS staff proposes that the Board be moved out of the BCA and into the Department of Commerce. The reader is referred to Chapter VIII for a detailed explanation of the problem and a justification for the proposal.

2. State Patrol Division

a. Powers, Duties, and Responsibilities, Chapter 299D

The Minnesota State Patrol is empowered to enforce provisions of the law concerning protection and use of trunk highways and to exercise upon these highways the same powers as sheriffs, constables, and police

officers with respect to enforcement of laws relating to crimes. Patrol officers are authorized to make arrests for public offenses committed in their presence anywhere in the state, to cooperate with all sheriffs and other police officers (although the Patrol has no authority in connection with strikes or industrial disputes), and to assist and aid any peace officer whose life or safety is in jeopardy.

Other duties of the Patrol include: directing traffic on trunk highways and other roads in the event of an emergency to expedite traffic or ensure safety; inspecting official brake and light testing stations; inspecting school buses to determine compliance with vehicle equipment; pollution control; registration requirements; conducting traffic safety educational programs and school bus clinics.

Serving warrants and legal documents is another power of the State Patrol. It may serve orders of the Commissioner of the Department of Public Safety or his designee under provisions of the Drivers License Law, the Safety Responsibility Act, or under provisions of laws relating to brake and light testing stations. The State Patrol may take possession of any license, permit, or certificate ordered to be surrendered.

The State Patrol is responsible for providing security and protection for the Governor, Governor-elect, both houses of the legislature, and state buildings in the manner determined necessary after consulting with the Governor.

b. Organization Structure and Expenditure Information

Formerly called the Highway Patrol, the State Patrol was created in a unit of the Highway Department in 1929. The State Patrol became a unit of the Department of Public Safety in 1970.

The Commissioner of the Department of Public Safety appoints a Chief to direct the State Patrol. The Chief selects an assistant chief and other officers from the ranks of the State Patrol to supervise the twelve State Patrol districts and other activities of the State Patrol.

Total Fiscal Year 1980 expenditures were \$23,429,646, of which \$1,015,360 came from federal sources and \$22,414,286 came from the State of Minnesota. At the end of Fiscal Year 1980, the State Patrol had an F.T.E. staff of 606: One class-A professional, 18 service, 13 technical, 35 office, and 44 labor. The remaining 495 F.T.E.'s are line officers

who serve in the unclassified service of the state: one colonel, one lieutenant colonel, four majors, 14 captains, 38 sergeants, and 437 troopers. The State Patrol's organization chart is in Figure 4.

c. Organizational Problem Areas and Corrective Proposals

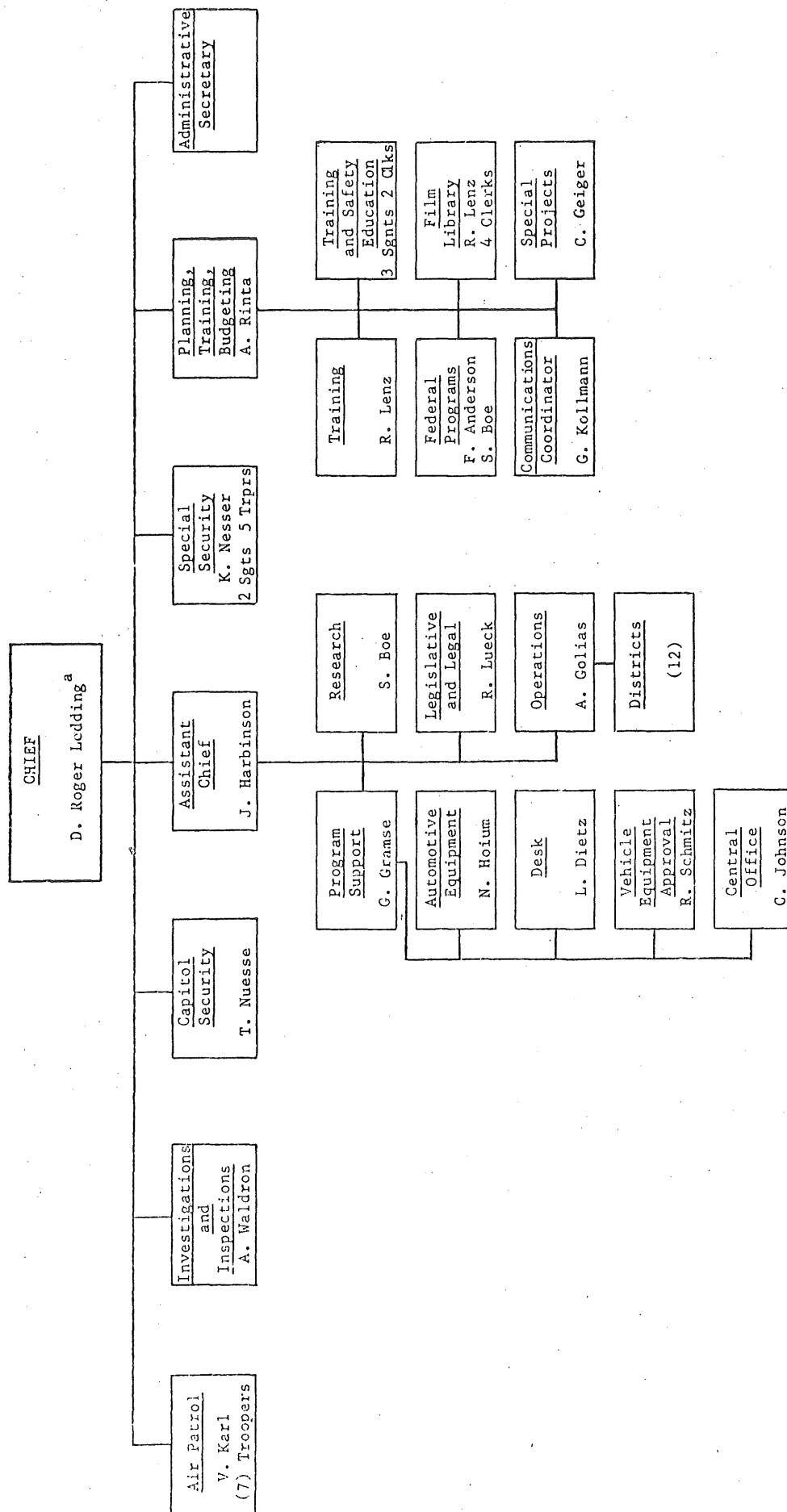
Additional duties and responsibilities have been placed on the State Patrol beyond its primary and most important function of patrolling the highways. Several of these duties were apparently assigned to the State Patrol because it is the only police agency in the executive branch of state government able to carry out with little difficulty such functions as inspecting school buses or serving orders for the Commissioner of Public Safety. Although seemingly extraneous to the Patrol's primary purpose, some of these additional duties likely could not be performed elsewhere with the same level of efficiency and effectiveness. Other nonhighway patrol duties, however, could just as efficiently and effectively be performed by other divisions or agencies which would free State Patrol resources for the task of patrolling the highways.

1) One area in which State Patrol resources are expended for activities other than actual patrol of the highways is in training. The Patrol has a training unit whose primary function is in-service training for troopers. However, the Patrol also conducts training in conjunction with the Bureau of Criminal Apprehension [566-569]. Because of this, and for reasons discussed in Chapter XIV of the *Staff Final Report*, some of the Patrol's training activities represent unnecessary overlap and fragmentation with other training performed for the criminal justice system. Corrective proposals are outlined in Chapter XIV.

2) Another example of the State Patrol devoting resources to non-highway patrol functions is the film library it operates. Films on highway and traffic safety themes are distributed free of charge to schools and citizens' groups. The JSIS staff proposes that this is a more appropriate function for the Department of Public Safety's Safety Information Office, which is responsible for disseminating information and educational services on safety oriented topics. Four clerks would be reassigned to the Office of Safety Information, and the captain in charge would be freed for other State Patrol duties.

3) The Capitol Security section of this chapter focuses on the

FIGURE 4
STATE PATROL DIVISION ORGANIZATION CHART, 1980



^a See separate chart.

Capitol Complex Security unit, since it is there that the majority of Capitol Security's operational problems originate. Proposals are offered in that section for improving the Capitol Security force and making it independent of the State Patrol.

Technically, however, Capitol Security consists of two organization units: Capitol Complex Security and Capitol/Mansion Security. For all practical purposes, it became apparent from JSIS interviews that the mansion detail is directly responsible to the Chief of the Patrol and not to the director of Capitol Security. This can also be seen on the Patrol's organization chart. The only real connection between Capitol Complex Security and Capitol/Mansion Security is that both units receive their appropriations from the General Fund, unlike the State Patrol which is funded through the Trunk Highway Fund.

As far as the JSIS staff is aware, the mansion detail has no operational difficulties. On the contrary its eight members are well trained troopers and sergeants. It is not clear, however, that this security should be provided by Patrol troopers extensively trained to patrol the highways. Use of patrol troopers for this purpose may not be an efficient use of State Patrol resources. For example, training received by troopers on advanced traffic crash investigation or radar use may not be put to use while guarding the Governor and the Governor's mansion.

Recognizing that the Governor will continue to need rather high levels of protection, the JSIS staff proposes that the Department of Public Safety explore alternative means of protecting the Governor and the legislature when it is in session that do not divert State Patrol resources away from the patrol of state highways. One option might be a better trained and specially qualified branch of Capitol Complex Security.

It should be noted, however, that the Patrol should continue to guard the Governor until Capitol Security is properly upgraded. While it would be less expensive for Capitol Security to take over the function of protecting the Governor, such a move could result in fewer resources being made available to the Governor. For example, the plane used by the Governor is currently piloted by State Patrolmen and the communication network the Governor uses when he travels is operated by the Patrol. Unlike Capitol Security, the Patrol has statewide jurisdiction. If Capitol Security

is to guard the Governor wherever he travels throughout the state, Capitol Security must have statewide jurisdiction.

4) An organizational problem area will exist if the information required for decision making is not readily available. An apparent problem of this nature was discovered concerning budget information used by the Patrol. What ultimately was found was a communications problem characterized by a lack of coordination and cooperation.

The Patrol's budget officer responded in his interview that the Patrol generally has adequate decision control and resources to prepare the budget and implement it when it is allocated [560-564]. The problem arises when information on the actual budget money available is not completely known to the State Patrol's managers. This occurs in the first two months of a new fiscal year and biennium which begins on July 1 in odd numbered years. According to the State Patrol, complete printouts of new budget allocations (possibly different than was requested in the legislative session by the State Patrol) are often not available for another two months. Decisions on State Patrol spending and programs are difficult when the precise amount of money available is not known. Upon further checking by the JSIS staff, however, it was discovered that this information is accessible, if not on formal printouts through the Department of Finance's statewide accounting system, then from the Public Safety finance officer who originally prepared the information for the Department of Finance.

The Department of Public Safety was created, in part, to provide central fiscal control and services so that a number of functionally related but previously independent agencies could operate more efficiently. A true "department of public safety" has little chance of further developing into a department with a central purpose if there is not total cooperation and coordination between the various divisions and the central office. The perceived difficulty of receiving budget information was not expressed in interviews with the central office or with other division managers. Unless there is some other explanation of which the JSIS staff is unaware, it appears that there is a need for better communication between Public Safety's central office and the State Patrol. The JSIS staff suggests that the Office of Planning and Analysis study and recommend ways to improve the coordination of administrative services

between the State Patrol and the department's central office.

5) The Department of Public Safety's Office of Planning and Analysis (OPA) furnishes a person to the State Patrol with expertise in research, evaluation, and data processing. He is also responsible for performing these functions at the request of Liquor Control, Emergency Services, and the Fire Marshal. Most of his time is spent working closely with the Patrol in the research and evaluation the Patrol must carry out. Some federally funded projects require effectiveness evaluations and statistics such as enforcement summaries must be compiled. For example, the Patrol needs to do its own research to decide if there will be fewer serious traffic violations in an area saturated with Patrol cars. Generally, the activities of the person assigned to the Patrol from OPA meet the JSIS organizational standard. His program has agency-wide responsibilities in that it performs services which impact on other programs in the department, and the program is controlled at the department level [660, 663, 666, 669, 671, 673, 687, 689, 690, 692].

The question the JSIS staff wishes to pose is whether he should be an employee of OPA assigned to the Patrol and other divisions, or whether he should be a full-time employee of the State Patrol. Research requirements of Emergency Services, Fire Marshal, and Liquor Control are relatively insignificant compared to those of the State Patrol, and the Patrol needs a person full time who is trained in research, evaluation, and data processing. The JSIS staff therefore proposes that he be formally transferred to the State Patrol; a situation which informally exists now.¹ If determined necessary, someone else should be assigned by OPA to Public Safety's smaller divisions for the performance of the same functions.

3. Capitol Security Division

a. Powers, Duties, and Responsibilities, Chapter 299D.03(10) and 299E

To insure the orderly conduct of state business and the convenience of the public, the Capitol Complex Security Division of the Department of Public Safety is responsible for security and public information

¹This proposal suggests a need for a decentralization of decision making since the level of impact of what he does is on the Patrol, rather than on all other divisions in Public Safety.

services in the capitol complex of state-owned buildings. This responsibility includes other state buildings and property within the Twin Cities metropolitan area as the Governor from time to time may designate. Capitol/Mansion Security provides security and protection to the Governor, governor elect, and either or both houses of the legislature to the extent determined necessary after consultation with the Governor.

b. Organization Structure and Expenditure Information

Directed by a captain in the State Patrol, the approximately 40-member force of Capitol Complex Security is responsible for the security of capitol complex buildings in St. Paul and the State Health Building on the University of Minnesota campus in Minneapolis. Its purpose is to protect state, public, and private property from fire, theft, and vandalism and to enforce the rules and regulations which relate to security and parking. Property is monitored by uniformed guards and by electronic surveillance. All hazardous or threatening incidents are investigated and communicated to the proper authorities.

The other aspect of Capitol Security is Capitol/Mansion Security. It is a mandated function of the State Patrol, and the 7-person unit is composed entirely of State Patrol Officers. Five members of this unit work a rotating 24 hours, seven day a week coverage of the Governor at his Mansion. The two remaining members are driver and alternate driver for the Governor and his family.

At the request of the legislature, three other troopers may be assigned to guard the legislature during session. Upon completion of the session, however, these three troopers return to regular field duties.¹

Total Fiscal Year 1980 expenditures for Capitol Complex Security were \$522,208. The Capitol Complex Security unit has a full-time equivalent staff of 42: one class-A professional, 38 class-C service, and three class-C office. Total Fiscal Year 1980 expenditures for Capitol/Mansion

¹Capitol/Mansion Security is described in this section on Capitol Security because, technically, the Mansion unit is part of Capitol Security, and the budget of the Mansion unit is found under Capitol Security's budget. However, in practical terms, Capitol/Mansion Security is not under the same directorship as Capitol Complex Security. Capitol/Mansion Security is more accurately a unit of the State Patrol. For this reason, JSIS staff proposals regarding Capitol/Mansion Security are found in the section of this chapter on the State Patrol.

Security were \$389,950. The funding source for both the Capitol Complex and the Capitol/Mansion units was the State of Minnesota's General Fund. The Capitol Complex Security organization chart is in Figure 5.

c. Organizational Problem Areas and Corrective Proposals

A thorough analysis of Capitol Complex Security was recently completed by the Department of Public Safety's Office of Planning and Analysis (OPA).¹ The JSIS staff's purpose is to summarize and emphasize OPA's most important points and offer additional insight into Capitol Security's problems which was gained through JSIS staff interviews.

1) The fundamental problem of the Capitol Complex component of Capital Security is an insufficient definition of its basic role and responsibilities within the broadly defined purpose of protecting state-owned buildings and property. A mandate pinpointing the desired position of Capitol Complex Security on the spectrum of security services has not been provided by the Governor, legislature, or Department of Public Safety.

A long-term role definition for Capitol Complex Security probably did not emerge because the unit was created as a result of the legislature's temporary fear of violent or other illegal protests in capitol complex buildings in the late 1960s. As the likelihood of such events declined, however, the purpose of the security force became less distinct. The Office of Planning and Analysis' study summarized the implications:

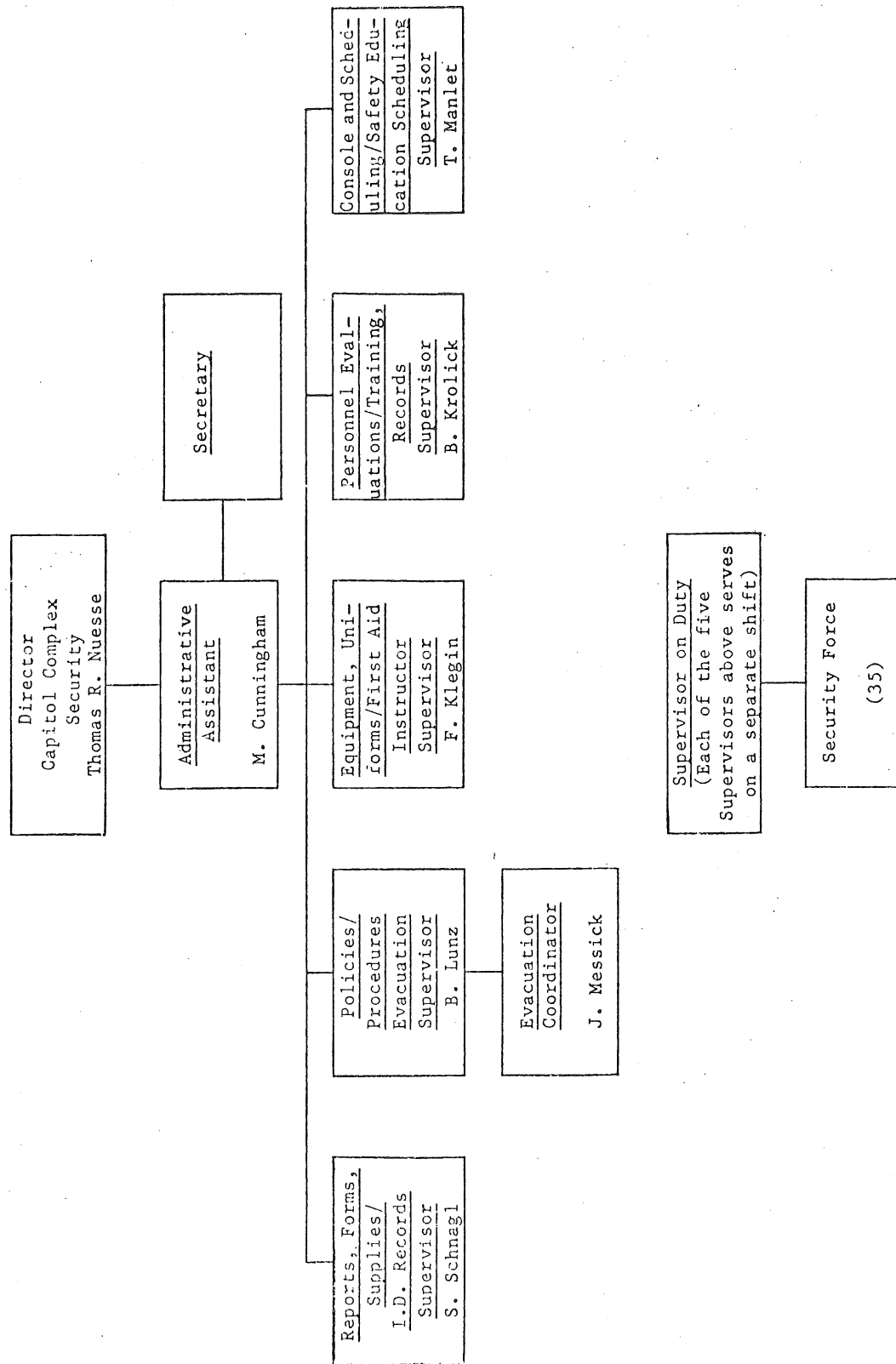
. . .the failure to enunciate long-term goals for Capitol Security to strive toward would make it difficult to design recruitment, training, and other programs since there would not be a clear desired purpose for the commitment of the necessary resources.²

One result of Capitol Complex Security's unclear mandate is its organizational attachment to the State Patrol. The intention in 1970 was that the Patrol's highly evolved administrative structure would facilitate development of Capitol Complex Security as an independent division. After 10 years, however, Capitol Complex Security is still dependent on the State

¹Department of Public Safety, Office of Planning and Analysis, "Capitol Security Management Study," September, 1980.

²Ibid., p. 43.

FIGURE 5
CAPITOL COMPLEX SECURITY DIVISION ORGANIZATION CHART, 1980



Patrol. The Chief of the Patrol appoints a director of Capitol Complex Security, who is presently a captain in the Patrol. The Patrol also provides all necessary administrative resources to Capitol Complex Security. Organizational attachment of Capitol Complex Security to the State Patrol results in two problems: Patrol resources are diverted from its highway patrol mission, and Patrol personnel and management may not be able to give Capitol Complex Security the attention it will require to become an independent division (if that is the role desired for it). The JSIS staff learned through its interviews that the administrative functions of planning [872-877], internal policy [215-219], evaluation [575-580], and training [868-871] are in fact a low priority for Capitol Complex Security. Depending on the future role of this unit, the JSIS staff would expect that these functions should all become a high priority.

3) The absence of clearly defined objectives is also reflected in confusion over the extent of Capitol Complex Security's legal powers. There is apparently some doubt as to who has jurisdiction over crimes committed on state property and as to the legal powers of Capitol Complex Security in this area. Although the majority of crimes committed are minor theft and vandalism, this does not explain why Capitol Complex Security's powers are not better defined. The St. Paul Police Department and the State Patrol are consulted when a crime is believed to have occurred, but there is also some doubt as to the police agency which would have jurisdiction should a major crime take place. In any case, Capitol Complex Security now does not arrest anyone and relies on an agency with police powers for even the smallest crimes.

4) Given the present composition of the Capitol Complex Security force, it may not be wise to confer powers of arrest on its officers. Training requirements are minimal: basic first aid--eight hours, orientation to the department--two hours, criminal law--three hours, public relations--two hours, explosives identification--two hours, bomb search procedures--one hour. Salaries are also low compared to those of other law enforcement officers. The top pay for a security guard II is \$1,119 per month, whereas State Patrol officers have a base pay of \$1,257 per month. Taken together, the factors of training and salary suggest Capitol Complex Security will not be staffed by highly skilled security personnel, nor is it likely to attract such persons in the future.

Virtually all of the problem areas identified above are recognized by the State Patrol and the Department of Public Safety. The JSIS staff supports these efforts to correct the problems. Outlined below are the steps which the JSIS staff believes are essential to improving Capitol Complex Security.

a) The JSIS staff proposes that the Department of Public Safety specify the range and diversity of Capitol Complex Security needs. Next, the goals and objectives of a Capitol Complex Security force should be established based upon these needs. For example, the needs assessment may show that the security force should be drastically upgraded in terms of job qualifications, training standards, salary levels, and legal powers. However, the needs assessment might also show that the current force size and training standards are sufficient. The remaining proposals assume that the needs assessment will show that the security force should be upgraded.

b) The JSIS staff proposes that qualifications and training standards be increased to a level commensurate with security needs, so that Capitol Complex Security need not depend on police agencies designed for different functions and serving different jurisdictions. Similarly, pay scales should be raised to attract and maintain employees with high qualifications and skills. This is essential if decision makers determine that the qualifications of the Capitol Complex Security force should be improved.

c) Capitol Complex Security should eventually be separated from the State Patrol. This could be achieved by establishment of a transition plan for phasing out the organizational relationships and by appointment of a director from outside the Patrol's ranks. This process of forming Capitol Complex Security as an individual division, thereby fulfilling the statutory intent, is already under way within the Department of Public Safety.

d) If Capitol Complex Security were moved out of the State Patrol, the unit would still need access to arrest powers. Assuming it is a drain on Patrol resources to rely on them to perform arrests, and assuming Capitol Complex Security forces receive training that would permit responsible use of handguns and arrest powers, the JSIS staff proposes that Capitol

Complex Security be given limited arrest powers within the jurisdiction of capitol complex buildings. This proposal would be appropriate only if the Capitol Complex Security force were drastically upgraded in terms of training.

4. State Fire Marshal Division

a. Powers, Duties, and Responsibilities, Chapter 299F

1) The uniform fire code and investigations power. Through the powers granted to the Commissioner of Public Safety, the State Fire Marshal may promulgate a uniform fire code and make amendments to that code. The commissioner shall adopt rules, as necessary, to administer and enforce the code specifically including, but not limited to, rules for inspection of buildings and structures covered by other state agencies, political subdivisions, and local governments. This uniform fire code is applicable throughout the state; however, local units of government may adopt and enforce ordinances which are more stringent than the state fire code. The Fire Marshal may grant variances from this code if he chooses.

The Fire Marshal keeps a record of all fires occurring in the state, detailing their cause, origin, and other pertinent information. Whenever the Fire Marshal believes that state law regarding arson or negligent fires has been violated, he may conduct any further investigation he deems necessary. If the Fire Marshal believes that a crime has been committed, he must inform the superintendent of the Bureau of Criminal Apprehension. The superintendent cooperates with the Fire Marshal and local officials in further investigating the reported incident in a manner which may include supervising and directing the subsequent criminal investigation. The Fire Marshal and the superintendent maintain a record of arrests, charges filed, and final disposition of all fires reported and investigated under Minnesota Statutes Chapter 299F.04-.05.

2) Inspections and enforcement. The Fire Marshal may enter any movie theater at any reasonable time for purposes of determining whether the provisions of the uniform fire code are being carried out. The Fire Marshal also licenses and inspects dry cleaning establishments in regard to the storage of flammable liquids and dyes.

It is the duty of the Fire Marshal to inspect every hotel in the state at least once a year. If a hotel does not meet state standards, regulations, and the uniform fire code in so far as they relate to fire prevention, the Fire Marshal shall report the situation to the hotel inspector who may revoke the hotel's license.

3) Structural modifications and regulations on flammable explosives and liquified petroleum containers and pipelines. The Fire Marshal may condemn and order the destruction, repair, or alteration of any building which by reason of age, dilapidated condition or other factors would lead one to believe the building is especially liable to fire and dangerous to lives or buildings in the vicinity. The Fire Marshal may require that further exits be established or that any waste or other combustible matter be removed.

Rules promulgated by the Fire Marshal are used to protect the public when liquified petroleum and industrial gas containers are filled or re-filled in the state. The Fire Marshal establishes minimum safety standards for pipeline facilities, liquified petroleum, and other flammable liquids. Rules are also promulgated regarding the use and handling of explosives.

4) Testimonial powers and training authority. The Fire Marshal may require an insurance company to release any or all relevant information or evidence the Fire Marshal deems important to the investigation of a fire or claim filed due to a loss from a fire. The Fire Marshal may summon and compel the attendance of witnesses and require the production of books or documents he deems appropriate. In conjunction with the Fire Marshal, the superintendent of the Bureau of Criminal Apprehension establishes programs for the training of peace officers and firefighters from the state's political subdivisions.

5) Fire extinguishers, smoke detectors, and fire drills. When inspecting multi-unit residential buildings, the Fire Marshal orders the repair or removal of any extinguishers that do not meet state standards. He may post "no smoking" signs wherever he deems public safety requires it. Under the direction of the commissioner, the Fire Marshal promulgates rules concerning the placement of smoke detectors in dwellings, apartment houses, and lodging units. In addition, it is the Fire Marshal's duty to require fire drills in public and private schools throughout the state.

b. Organization Structure and Expenditure Information

The State Fire Marshal is appointed by the Commissioner of Public Safety. The Fire Marshal's office has 48.5 full-time equivalent staff members: two managerial, 40 class-A professional, and 6.5 class-C clerical. The organization chart for the Fire Marshal Division is in Figure 6.

The total Fiscal Year 1980 expenditures for the Fire Marshal were \$1,265,084 of which \$913,823 came from the state of Minnesota, and \$1,351,261 came from the federal government. Out of the total expenditures for 1980, \$1,001,653 was spent on personal services, salaries and wages, \$39,290 on communications, \$24,233 on supplies and materials, \$131,005 on travel and subsistence in the state, and the rest was spent on miscellaneous expenditures.

c. Organizational Problem Areas and Corrective Proposals

The staff of the State Fire Marshal Division was interviewed by the JSIS staff on 38 administrative service and support activities and also on line function operations. Organizational problems exist in the areas of data processing, laboratory use for arson investigation, and hotel inspections.

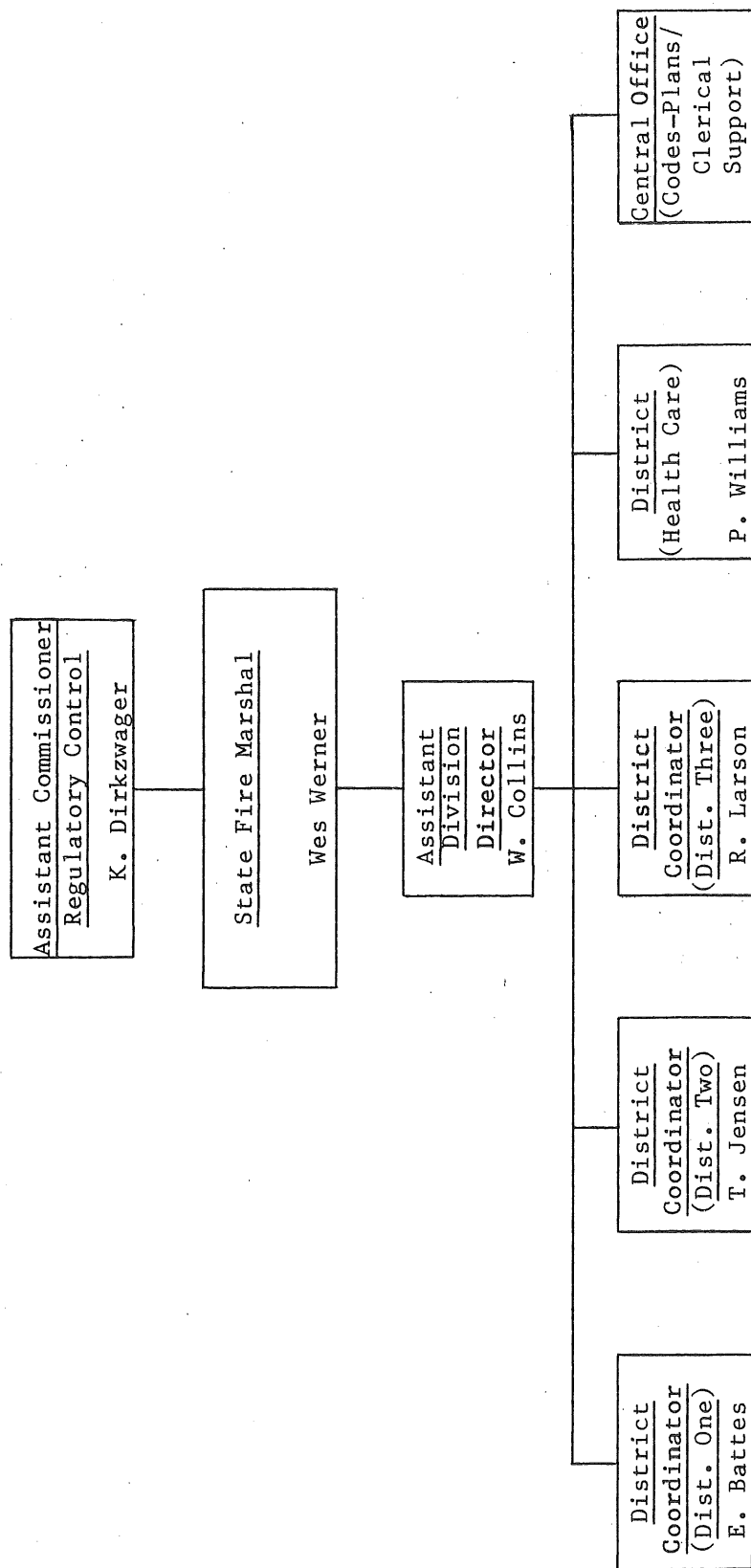
1) The Fire Marshal maintains a record of all fires occurring in the state and reports all fires to a national data base. To maintain these systems the Fire Marshal uses the services of the Information Services Bureau (ISB) of the Department of Administration [616]. This dependence has resulted in hardship for the Fire Marshal Division. Last year, for example, ISB accidentally erased Fire Marshal data accumulated over a six month period. The Fire Marshal had to have the data re-entered and was re-billed for ISB's mistake. In another incident, due to an ISB error, the Fire Marshal had to pay \$2,000 for ISB's data processing errors.

The JSIS staff proposes that the Fire Marshal Division be provided with sufficient hardware and staff resources to perform its own data processing work. The staff of the Fire Marshal could perform the data entry work needed to maintain the state and federal fire reporting systems. Computer time could be rented from the University of Minnesota or from ISB. A systems analyst could be temporarily assigned from ISB to the Fire Marshal Division if necessary.

Because the Fire Marshal places a higher priority on his own information system needs than ISB places on them, the work could be done faster and probably with fewer errors if the Fire Marshal Division performed the

FIGURE 6

STATE FIRE MARSHAL ORGANIZATION CHART, 1980



work of upgrading and maintaining the data base.

2) The Fire Marshal Division cooperates with the Bureau of Criminal Apprehension in the investigation of fires suspected to have been caused by arson or criminal negligence. The Fire Marshal also uses the BCA's laboratory for analysis of materials in these matters. However, excessive delays, often up to six months, have been experienced by the Fire Marshal in receiving results from the BCA's lab. This is not due to negligence or lack of cooperation by the BCA's staff, but rather to the fact that the BCA does not have sufficient laboratory personnel to perform arson analysis in a timely manner.

Since results from laboratory work are an important part of any arson investigation, the JSIS staff proposes that funds be made available for the BCA to hire an additional lab technician. This person's first priority would be analysis of materials in arson investigations, and secondarily for non-arson analysis for the BCA.

3) Minnesota law mandates that the Fire Marshal annually inspect the 5,000 hotels in the state, dry cleaning establishments, nursing homes, hospitals, rooming houses, movie theaters, and all installations where petroleum products and natural gas are manufactured or stored. Because of the large number of mandated inspection responsibilities, it has been increasingly difficult for the Fire Marshal Division to perform all inspections with the present staff complement. In particular, it is not possible for the Fire Marshal annually to inspect all 5,000 hotels in the state. In 1980, the Fire Marshal performed a total of 1,163 inspections, 800 of which were hotel inspections. This creates a problem in that the statute concerning hotel inspections is not being carried out. As a result, the state was sued recently on the ground that damages and loss of life from a hotel fire may not have occurred if the Fire Marshal had inspected the hotel in the previous year. Although the state supreme court ruled in favor of the Fire Marshal in this case, the problem will persist.

The legislature must take action in one of two ways. First, the legislature could increase the staff of the Fire Marshal by at least ten positions, which would permit annual hotel inspections as mandated by current law. This would maintain the level of protection for hotel patrons desired by the legislature. However, given the present fiscal constraints,

this may not be a realistic alternative. Therefore, a second alternative would be for the legislature to amend MINN. STAT. Chapter 299F.46 to mandate inspections every three years rather than annually. This would make it less likely that the state could be sued. It would not change the level of protection that hotel patrons in Minnesota are receiving, because inspections are not now being carried out annually. The amended statute would reflect the reality of the Fire Marshal's capacity to perform inspections. If the legislature wishes more frequent hotel inspections, it will have to provide additional staff for the Fire Marshal Division.

5. Emergency Services Division

a. Powers Duties, and Responsibilities, Chapter 12

The Emergency Services Division is responsible for preparing a comprehensive plan and program for the civil defense of Minnesota. In accordance with this plan and program, the Division is authorized and empowered to procure supplies and equipment, institute training and public information programs, and take all other preparatory steps necessary to ensure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need. The Division is also authorized and empowered to make such studies and surveys of the industries, resources, and facilities in Minnesota as necessary to ascertain the capabilities of the state for civil defense and to plan for the most efficient emergency use of industries, resources, and facilities.

Further, the Emergency Services Division is responsible for planning emergency responses to accidents at fixed nuclear facilities. This plan includes:

- (1) Purchase of equipment for state and local units of government;
- (2) Development of a detailed nuclear emergency response plan for areas surrounding each nuclear fission electrical generating plant;
- (3) Training of state and local emergency response personnel in areas such as radiological instrument use;
- (4) Development of accident scenarios and exercises for nuclear emergency response plans;
- (5) Provision of any other specialized response equipment necessary to fulfill the plan.

Emergency Services must also develop methods by which responses to the impacts of natural and man-made disasters can be made effectively with the appropriate federal, state, and local resources. Mitigation activities involve training for the handling of hazardous materials spills.

To carry out its functions, Emergency Services must coordinate all emergency management activities with other state agencies and with local units of government.

b. Organization Structure and Expenditure Information

The director of the Emergency Services Division is appointed by the Commissioner of Public Safety. In an emergency, however, the Governor may take direct charge of the Division.

The director employs two assistant directors to aid him in management of the Division. The full-time equivalent staff of 36 is classified as follows: two managerial, 19 class-A professionals, one class-C technical, and 14 class-C office workers.

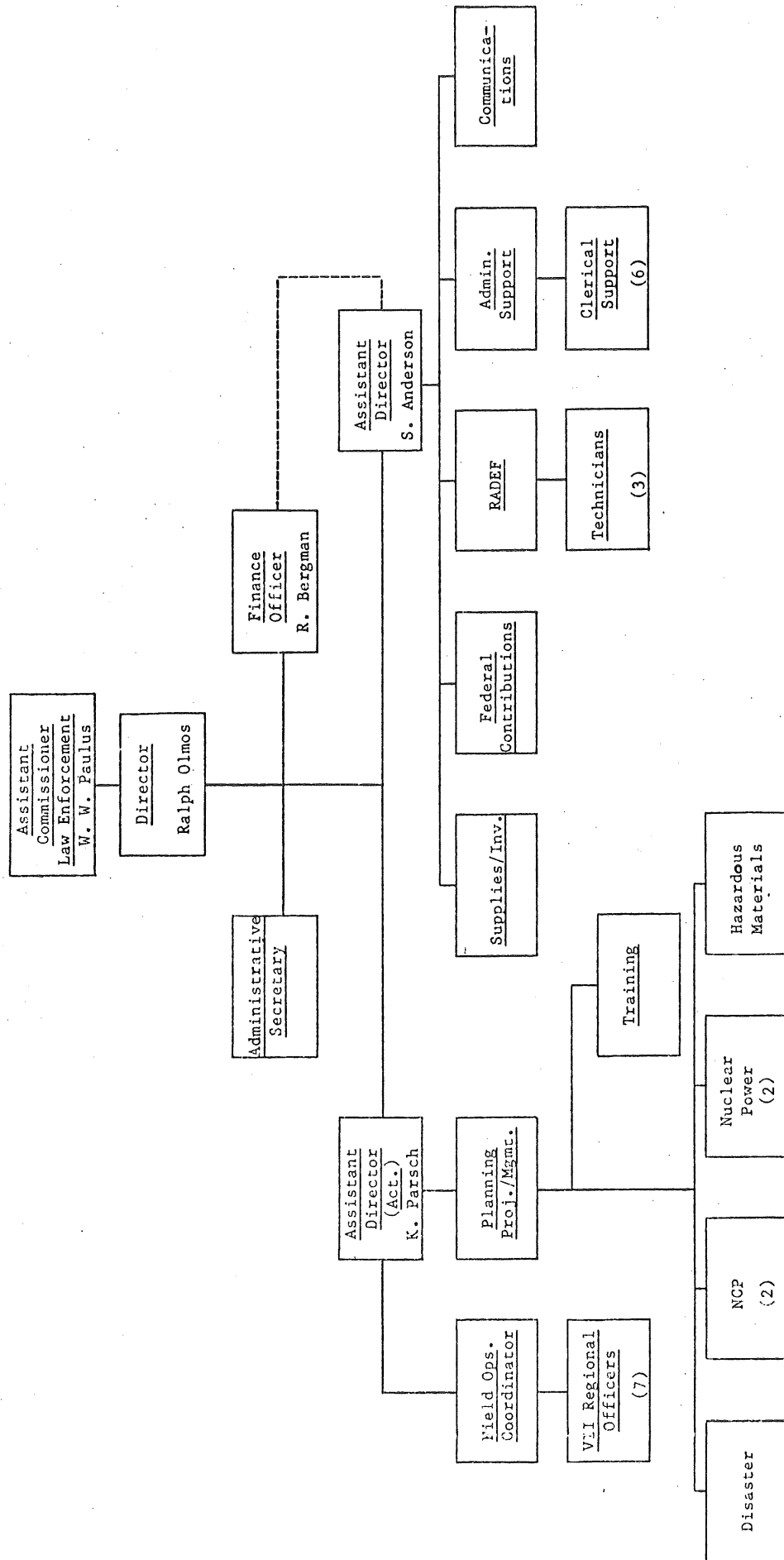
Total Fiscal Year 1980 expenditures were \$2,180,183, of which \$1,668,661 came from federal sources and \$511,522 from the State of Minnesota. Of this total, \$756,430 went for personal services, salaries, and wages; \$74,204 went for rents and leases; \$1,102,110 went for claims and grants to governmental units needing assistance in setting up emergency response plans and to provide assistance for recovery from natural disasters. The remainder of Emergency Services expenditures went for miscellaneous expenses. The organization chart for the Division is in Figure 7.

c. Organizational Problem Areas and Corrective Proposals

During the JSIS staff's interviews with the staff of the Emergency Services Division, two basic organizational problems were discovered. The JSIS staff is aware that many positive changes are presently under way within Emergency Services, therefore the corrective proposals offered below are intended to support and supplement those changes, and to furnish an additional perspective on the operations of the Division.

1) The primary function of Emergency Services is to develop comprehensive plans for civil defense, nuclear preparedness, and natural disaster response for the State of Minnesota [845-854]. This requires cooperation and coordination among local, state, and federal levels of

FIGURE 7
EMERGENCY SERVICES DIVISION ORGANIZATION CHART, 1980



government. For example, Emergency Services administers grants to local emergency services operations, works closely with other state agencies such as the Pollution Control Agency, the Department of Health, and the Department of Transportation, and operates programs mandated by the Federal Emergency Management Agency (FEMA).

Despite this interagency and interjurisdictional contact, Emergency Services is only now beginning to develop and implement sophisticated and long range plans for civil defense, natural disasters, and energy crises. One cause of this delay in long range planning has been the high turnover rate of management for the Division. Emergency Services has had five directors in the past five years, which supports the impression held by many that the Division is susceptible to political manipulation. The lack of continuity in management may be primarily responsible for the fact that consistent management direction has not emerged, making long range planning and coordination unlikely. Moreover, resulting confusion over work roles at times has led to low levels of employee morale and reductions in efficiency and effectiveness, neither of which are conducive to comprehensive emergency planning.

Clearly, directorship of Emergency Services needs continuity. The JSIS staff proposes that the Emergency Services enabling statute be changed to mandate that the director be appointed by the Commissioner of Public Safety for a term of two years which could be renewable. The Emergency Services statute should also indicate that malfeasance, neglect of duty, or inefficiency in office be the only conditions for removal of the director. This would lead to more stable management by permitting the director sufficient time to develop division plans, and yet would assure that the director would be responsible to the Commissioner and to changing emergency services needs.¹

2) Despite the problems in leadership turnover, Emergency Services and Public Safety are in the process of developing a comprehensive emergency management (CEM) plan for Minnesota. CEM is a relatively new concept

¹The proposal assumes that the director will still report to the Commissioner of Public Safety. A fixed term for the director may not be necessary if the major organizational change discussed below in part is implemented.

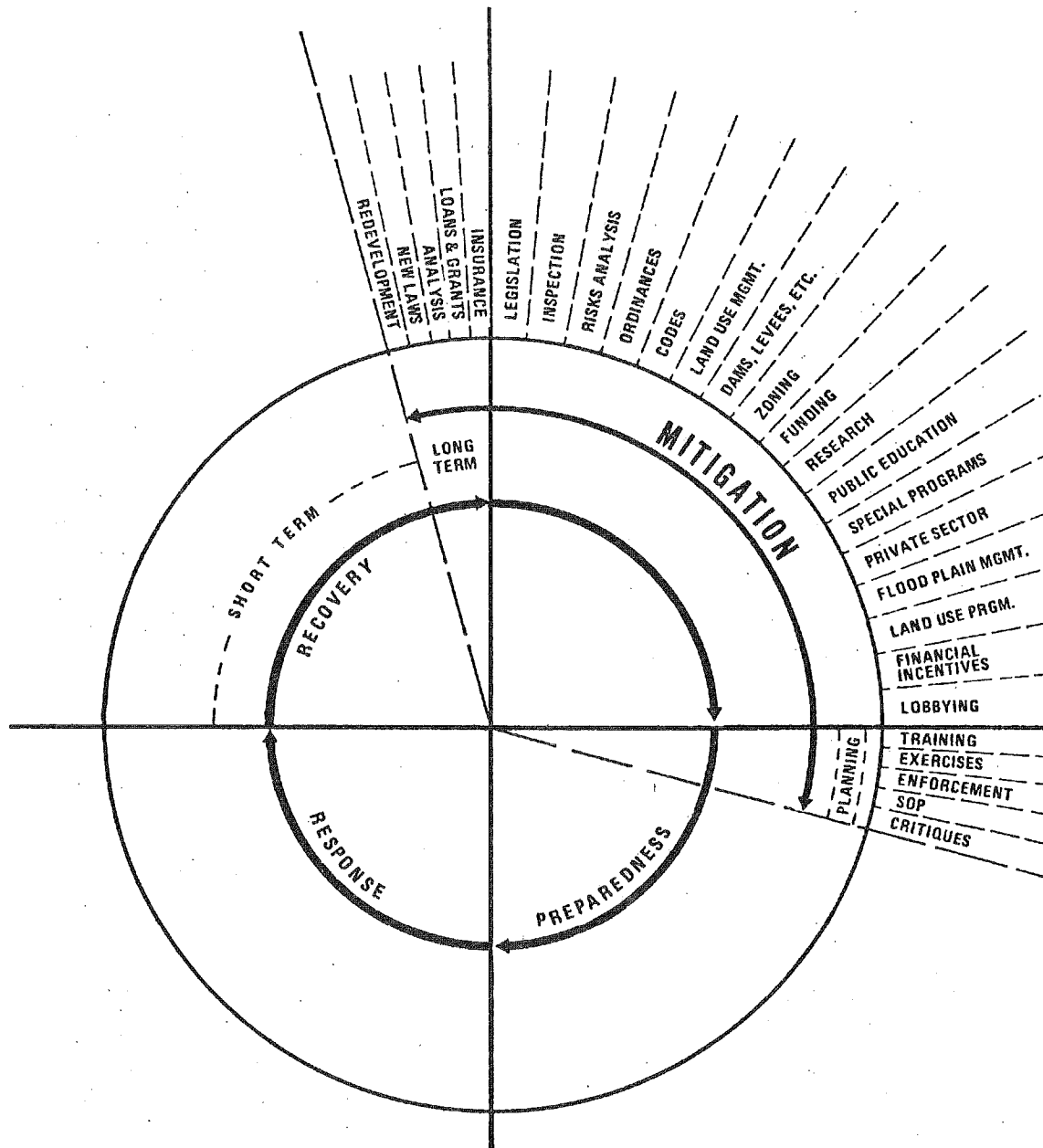
which delineates a state's responsibilities and capabilities for managing all emergencies through the coordination of agencies at all levels of government. The plan is "comprehensive" in the sense that all four phases of emergency management--mitigation, preparedness, response and recovery--are implemented to prevent emergency situations and to reduce the potential for severe damage and injury in emergencies that do occur. The four phases flow in a continuous cycle as the chart in Figure 8 illustrates. Critical in the cycle is the mitigation phase, which involves "activities, measures, plans, or research which will reduce or eliminate the impact (i.e., human misery and economic disruption) from the occurrence of disasters."¹ Effective mitigation leads to preparedness, well-executed emergency responses, smooth recovery, and improved mitigation where changes can be based on experience.

The JSIS fully supports the CEM concept because it enhances cooperation and coordination of state agencies that must act together in emergencies. However, implementation of such a complex and comprehensive plan will require a high level of cooperation and coordination among the agencies that must execute the plan. The implementing body, Emergency Services, must possess a great deal of clout and influence to achieve the necessary coordination. The JSIS staff seriously question whether Emergency Services, at present only a small unit within the mammoth Department of Public Safety, is capable of developing or wielding the influence necessary to implement a CEM plan for Minnesota. The two alternatives discussed below possibly could provide Emergency Services with clout and influence to implement a CEM plan by employing fuller participation of the involved agencies in the planning process.

The first option is to create an Emergency Services Advisory Council with the following possible membership: Representatives from the Department of Health, Department of Transportation, Pollution Control Agency, Department of Military Affairs, Department of Public Welfare, Department of Public Safety, the legislature, local emergency services operations, the general public, and any other agency whose involvement is crucial to the development of a CEM plan. The Governor or his designee would also

¹ Pennsylvania Emergency Management Agency, *1979-80 Annual Report* (Harrisburg, PA: 1980), pp. 16-17.

FIGURE 8
COMPREHENSIVE EMERGENCY MANAGEMENT CYCLE



serve on the Council. The Council's role would be purely advisory: the Emergency Services staff would be required to present all plans and planning efforts to the Council, which would review what the staff proposed and also provide input into the plans as they are developed.

The Emergency Services staff and director would still report directly to the Commissioner of Public Safety and would be a part of Public Safety's administrative structure as at present. The practical effect would be that the statute would mandate the Emergency Services staff to report periodically to the council on staff activities and to present all plans to the Council for review and comment. In this way, those affected by the plans would be involved in all aspects of the planning process with the potential that they would actually execute their portion of the plans.

A more substantive option for change is to create a Board of Emergency Services. The Board's membership would be identical to that of the Council proposed above, but the Board would exert direct control over the staff. The Board would select a chairperson and an executive director, who would be directly responsible to the Board.¹ The director would continue with the same basic duties currently being carried out by Emergency Services: developing emergency plans and training persons to respond to emergencies.

The major difference from the current situation is that the Board would monitor the staff's activities *and* give final authorization to all plans. Agencies and all levels of government affected by the plans would, therefore, participate to a high degree in all phases of plan development. This would provide greater assurance of interagency cooperation and coordination, which is precisely what implementation of a comprehensive emergency management plan requires.

Current day-to-day operations of Emergency Services need not be heavily disrupted by creation of such a Board. The new agency could still be attached to Public Safety for administrative purposes. However, the

¹This may somewhat insulate the director from the political vicissitudes that the position has experienced in the Department of Public Safety. It may not be necessary to institute a fixed two-year term of appointment for the director if the Board is constituted as described in this section.

executive director would report to the Board rather than the Commissioner of Public Safety, and the Board would determine its own budget request and submit it directly to the Governor and the legislature. The disadvantage of the Board proposal is that it may reduce staff accountability because members of the Board may not have the time to supervise Emergency Services on a day-to-day basis.

6. Liquor Control Division

a. Powers, Duties, and Responsibilities, Chapter 299A.02

Chapter 340 of the *Statutes* provides for the regulation of the sale of intoxicating liquor in Minnesota. The Commissioner of Public Safety is given responsibility in Chapter 299A.02 for administering and enforcing Chapter 340 except for those provisions reserved to the Commissioner of Revenue (which relate to liquor taxation). The Public Safety Commissioner has the power to require periodic factual reports from all licensed importers, wholesalers, and retailers of intoxicating liquors. He is authorized to make rules to assure the purity of intoxicating liquors, the true statement of their contents, and the proper labeling thereof with regard to all forms of sale. Subpoenas may be issued, served, and enforced in matters relating to these duties.

The primary goal of the Liquor Control Division is to administer and enforce the Minnesota liquor laws and rules uniformly. Its staff works in four areas: 1) licenses and permits, 2) inspection and enforcement, 3) labels and imports, and 4) general support. The licensing section processes and issues wholesale, retail, manufacturer, and common carrier licenses. It approves licenses for off-sale, retail, and municipal liquor stores and clubs, on-sale licenses in seven cities, and county licenses. The licensing section also maintains a register and list of all licenses issued and processes alcoholic beverage advertisements proposed for publication in Minnesota. Over 5,000 liquor licenses are issued and approved each year. The inspection and enforcement section enforces liquor laws and regulations. Preliminary inspections for initial licenses are conducted, as are periodic inspections of all licensed liquor retailers, wholesalers, and manufacturers. Annually, activities of this section are allocated to 500 preliminary inspections, 800 compliance inspections, and 125 investigations.

The label and import section registers brands of liquor which may be sold in Minnesota and maintains records of manifests on the shipment of liquor in the State.

The general support section, containing the directorship and assistant directors, promulgates rules and regulations, prepares new legislation, furnishes information to local officials, licensed dealers, and the public, and maintains a library of federal laws, state regulations, and Attorney General opinions concerning liquor control. General support also maintains distillery and wholesale price filings; daily, weekly, monthly, and annual reports; daily deposits of license fees; and a master file on all Minnesota liquor licenses.

b. Organization Structure and Expenditure Information

Total Fiscal Year 1980 expenditures for the Liquor Control Division were \$443,289 of which \$365,982 went for personal services, salaries, and wages. The remaining expenditures were for miscellaneous materials, contracts, and rent. As of Fiscal Year 1980, the full-time equivalent staff of the Liquor Control Division consisted of two managers, three class-A professionals, six class-C technical workers, and seven class-C office workers for a total staff of 18.¹

Formerly an independent department reporting directly to the Governor, the Liquor Control Commission was created in 1934 to regulate the liquor industry and the consumption of intoxicating liquor. It is presently a division within the Department of Public Safety, a status it was given in 1975. The director of the Liquor Control Division is appointed by the Commissioner of Public Safety. The division's organization chart is in Figure 9.

c. Organizational Problem Areas and Corrective Proposals

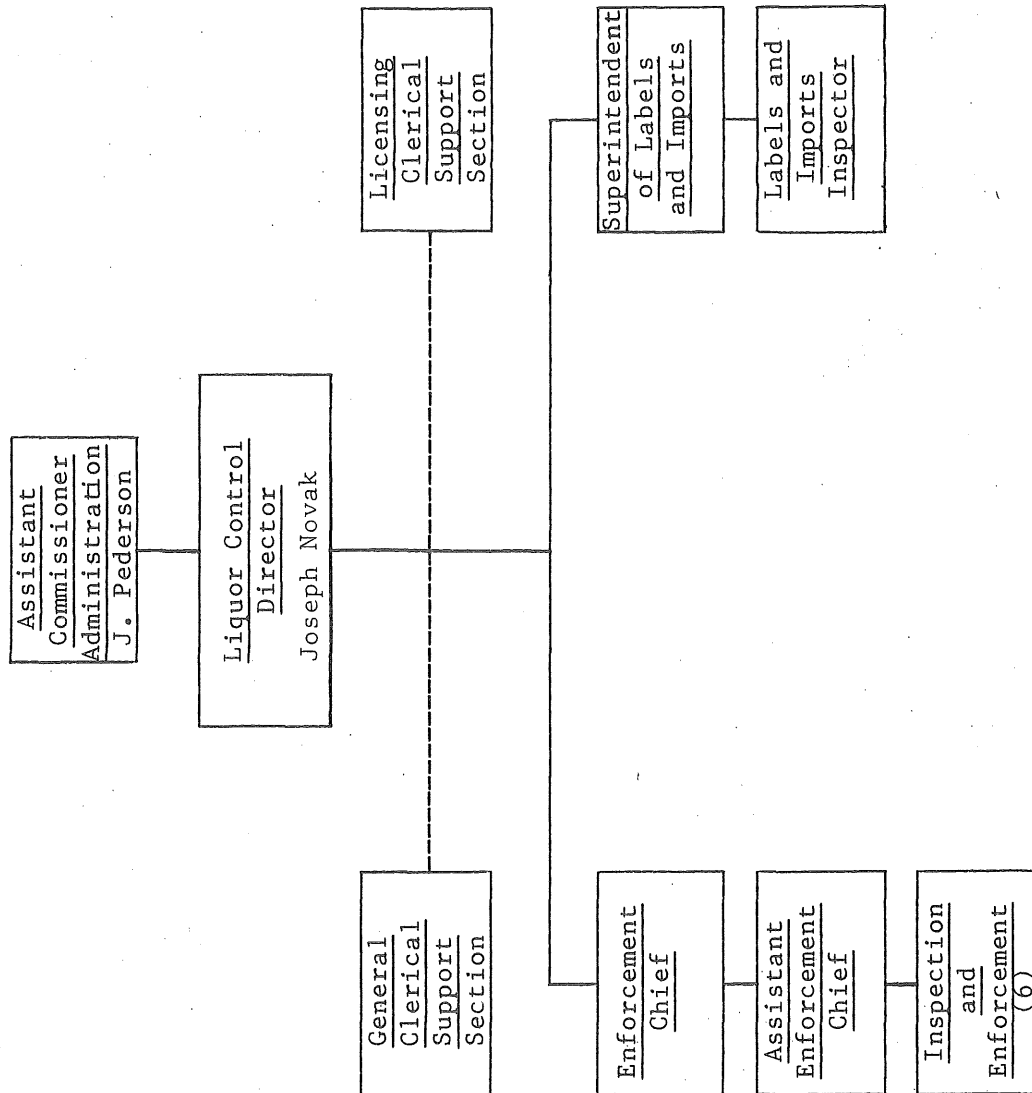
In addition to the JSIS, two other recent studies have analyzed the Liquor Control Division. The first study to analyze Liquor Control extensively was the "Evaluation Report" submitted by the Office of the Legislative Auditor.² This report evaluated Liquor Control from three

¹ This represents a substantial decrease in staff from previous years. In 1970 the division had a F.T.E. complement of 35.

² Program Evaluation Division, Office of the Legislative Auditor, "Evaluation Report on Liquor Control Division--Department of Public Safety," April, 1979.

FIGURE 9

LIQUOR CONTROL DIVISION ORGANIZATION CHART, 1980



perspectives: (1) uniformity--is the Liquor Control Division promoting uniform liquor law enforcement throughout the state? (2) filling the gaps--is the state liquor regulation function providing essential services unavailable at the local level? and (3) managerial efficiency and effectiveness.

Major conclusions of the report are divided into three areas. First, the report stated that Liquor Control licensing activities have little positive impact on the uniform enforcement of state liquor laws and regulations, that the forms management process is inefficient, that license renewal procedures are cumbersome, and that duplications and omissions are found in division files.

The second major area of conclusions reached by the study was that agents lack a standardized approach to inspection activities. It was the study team's opinion that division management provided insufficient guidance concerning what to look for in compliance inspections. The results are that agents look for different things in doing inspections; no common procedure exists for determining which establishments are inspected and when; there is no common method of recording the results of inspection.

The study's third conclusion was that investigation activities do not result in the delivery of essential and expert services not already available to local authorities. Other findings were that there are problems of uncoordinated contact with local officials, diminishing participation in trials and hearings, inoperant goals, poorly managed resources, and a lack of management control and accountability.

The most radical proposal of the study was that the possible termination of all or part of current state liquor control activities be given consideration by the legislature: "If it can be determined by the legislature that liquor law enforcement may be safely left to local communities, the decision follows to abolish the inspection and enforcement activities of the LCD."¹

In response to the Legislative Auditor's report, the Department of Public Safety denied the allegation that liquor control activities have

¹ Ibid., pp. 32-33.

little impact on the liquor industry. The viewpoint of the Department was that without statewide controls, any uniformity of licensing and inspections would undoubtedly disappear as local government does not have the resources to enforce liquor laws. At the same time, DPS did acknowledge that the state's impact on the growing liquor industry has lessened in recent years because of reductions in liquor control funding and personnel.

DPS also agreed with some of the administrative recommendations found in the report and immediately undertook steps to implement them. To do this, and to identify other problem areas, DPS conducted an internal management study of the Liquor Control Division.¹ Commissioner of Public Safety Edward Novak stated the following concerning the internal study:

An internal program study was conducted to refine the recommendations, develop implementation schedules and identify additional areas for improvements . . . increased accountability and control have been established through improvements in the division's record keeping. A training program for the field agents is under development. Their position descriptions have been revised. The department is instituting a management information system to evaluate the outcome of liquor agent activities. After reviewing the information produced by this system, it will be possible to make better informed decisions concerning the actual and potential value of alternative agent activities. It is still too early to realize the impact of these changes.²

Considered apart from the studies and issues discussed above, the JSIS interview data for the Liquor Control Division revealed organizational problem areas which relate to the functions of training [646-647] and data processing [635]. These problems are associated with the implementation of recommendations made by the previous studies. A third organizational problem area relates to legislative policy regarding the state's liquor control function.

- 1) Liquor Control conducts training for local law enforcement agencies

¹Department of Public Safety, Office of Planning and Analysis, "Internal Management Study of the Liquor Control Division," 1979.

²"Evaluation Report of the Liquor Control Division," Letter from Edward Novak to Donald Moe, chairman of Legislative Audit Commission, pp. 42-43.

throughout the state, liquor industry officials, veterans clubs, and other clubs [646-647]. These groups are trained in licensing and violations procedures and in evidence collection. Some liquor control training is conducted upon request from local law enforcement in a manner independent of Bureau of Criminal Apprehension (BCA) training schedules. For example, no liquor control training was listed on the BCA "Schedule of Classes for Career Development 1980-81." Independence of this sort constitutes fragmentation of the training function and may indicate that the BCA needs to coordinate and schedule liquor control training for law enforcement and other interested groups.

The JSIS staff proposes that the administration of liquor control training be entirely integrated in the BCA training unit. It may also be possible for a BCA trainer to develop the expertise needed to conduct liquor control training which would relieve liquor control of its training responsibilities. The JSIS staff proposes that this alternative be assessed.

2) Liquor Control officials have said that they lack the resources to carry out their responsibilities, which may have resulted in past ineffectiveness. An accurate assessment of effectiveness may be difficult, however, because the Division also has lacked a systematic means of measuring effectiveness. Consequently, the Legislative Auditor's report recommended that the Division begin to develop a management information system which can be used for appraisals of inspector performance. The Division has begun to implement this recommendation by automating the information from "off-sale" license inspections made by the Division [635].

Three problems remain however. First, the Division is entirely dependent on DPS' Office of Planning and Analysis to develop computerized files and reports. While this is the sort of service a centralized unit should perform for one of the Department's divisions, the Liquor Control Division may need additional expertise at the division level to deal with the present system and to conceive and suggest new uses for automated data processing. This would involve the provision of more training to existing Liquor Control personnel, whose expertise cannot be expected to be in the data processing field. Second, if the management information system is to be fully capable of evaluating the effectiveness of Liquor Control inspections, also coded into the computer should be the inspections

of on-sale liquor establishments which the Division's agents inspect but the Division does not license. (The inspections are done to develop uniformity throughout the state.) Third, in order to include all inspections on the computer, and to achieve maximum use of the system, consideration should be given to providing the Division with additional data processing funds. Without the above changes, it may not be possible to determine whether the Liquor Control inspections activity is efficiently run, or whether it has an impact on the liquor industry. Appraisals of inspections are a critical determinant in evaluating the Division's operations.

Although many of the recommendations suggested by previous studies are in the process of being implemented, the JSIS staff has identified areas (above) in which the Division is having problems with implementation. The JSIS staff proposes that a follow-up study of the Division be conducted to examine further ways in which previous recommendations can be more effectively implemented. Further analyses of change in the Liquor Control Division, however, may need to be delayed until a revised legislative policy position relative to liquor control is formulated.

3) In a response to the Legislative Auditor's report, DPS encouraged the legislature to "review and revise the statutory mandates which govern the state's liquor control function."¹ Given the problems uncovered in the various studies of the Liquor Control Division, and the problems with chapter 340 (which are further discussed below), the JSIS staff strongly urges the legislature to review legislative policies relative to state liquor control.

Chapter 340, the chapter which outlines state liquor control laws, is obsolete. Most of the laws therein were written in 1934 or earlier. For example, the laws in the chapter refer to the responsibility of street car conductors to remove drunks from streetcars and put them in jail. However, past actions by the legislature indicate an unwillingness to make a comprehensive policy decision with regard to state liquor control activities. Instead, the legislature has dealt with the question by providing the Liquor Control Division with fewer and fewer resources, rather than by resolving the issue of the appropriate role of the Division, if any, in state liquor

¹Department of Public Safety, "Internal Management Study of the Liquor Control Division," p. 50.

control activities.

The legislature should decide whether it wishes to continue the state's role in liquor control and regulation via the Liquor Control Division. At a minimum, it appears that several basic liquor control activities need to be maintained: Investigation of violations (such as sale of liquor to minors) which requires undercover expertise where the investigator cannot be known by the local operator as a law enforcement officer; testing for liquor product purity; and maintaining a control repository at the state level of all licenses which have been approved by the state or are approved by the state subsequent to approval and issuance by local jurisdictions. Several options for relocation of these functions have been discussed in the past. The JSIS staff will repeat them here:

The Bureau of Criminal Apprehension could investigate violations of liquor control laws since it already investigates alleged violations of other laws.

Testing for liquor product purity could be done by the Department of Health or the Department of Agriculture, since both of these agencies have expertise in chemical quality inspection.

The Department of Commerce could maintain the licensing activities of the Liquor Control Division and become a central state repository for liquor license information.

In summary, legislative action with respect to the Liquor Control Division should be taken in two areas. First, the legislature should evaluate present liquor control laws and develop a new and comprehensive state liquor regulation policy. Second, assuming that the legislature wishes to continue the Liquor Control Division's present functions, appropriate allocations should be provided to the Division to implement the administrative improvements mentioned above.

C. DEPARTMENT-WIDE ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

1. Introduction

According to principles of administration, organizations should be structured according to their purpose, managers and staff performing like functions should be in the same organizational unit, and the units should have specific goals which relate directly to achievement of the organization's overall purpose. The 1968 study which led to creation of the

Department of Public Safety attempted to apply these principles. However, the internal management study of Public Safety in 1976 by the Department of Administration found a lack of unity among the components of the Department of Public Safety. The intent of the internal reorganization recommendations proposed by the management study was:

. . . to cause, no matter how artificially at first, frequent meetings and discussions of problems and plans for the future; to develop a recognition throughout the department of what "those people" in the other organization blocks are all about . . . the purpose of this structure is to assist the commissioner in developing his team, where all the players understand the goals, the rules, and what each is expected to do."¹

It is the JSIS staff's general impression that the purposes hoped for in the above quote cannot be realized fully with the present DPS administrative structure. Divisions of the Department act as independent agencies as most of them once were. This independence of action among divisions may be caused by the fact that the Department's expressed purpose--safety and convenience for the public--is too broad. There is little about a purpose of "safety and convenience" that suggests a specific configuration of organizational units and therefore it is very difficult to decide which agencies should be brought together to achieve the purpose. As indicated in section A, the organization of the current DPS differs from the organization suggested by the Public Administration Service--apparently because of disagreement about which organizational units contribute most to the vague purposes of safety and convenience.

Clearly, the purpose of most government agencies is to provide "safety" to the public. The Department of Corrections defines its purpose as protection of the public. The Pollution Control Agency keeps the public safe from pollution. The Department of Transportation provides safe roads. The Metropolitan Transit Commission provides safe buses for public transportation, and no one would deny that the Departments of Health and Military Affairs provide safety for the public. If the purpose of the DPS is "public safety," should not the agencies listed above also be included in the Department? The same logic holds for the purpose of "convenience." The purpose of convenience is, or at least should

¹Department of Administration, "Internal Management Study of the Department of Public Safety," 1976, p. 8.

be, one of the primary purposes of all government agencies which serve the public.

In addition to the purposes of safety and convenience, the Department of Public Safety has a third purpose: criminal justice. The Bureau of Criminal Apprehension, State Patrol, Capitol Security, and the Fire Marshal all contribute to the criminal justice functions of law enforcement and investigation.

The vagueness of the purposes of safety and convenience caused the decision makers who formed the Department of Public Safety to create a "holding company" for diverse organizational units. The purposes of the Department--safety and convenience--need better operational definitions if they are to provide departmental divisions with an orientation toward department level priorities, goals, and missions.

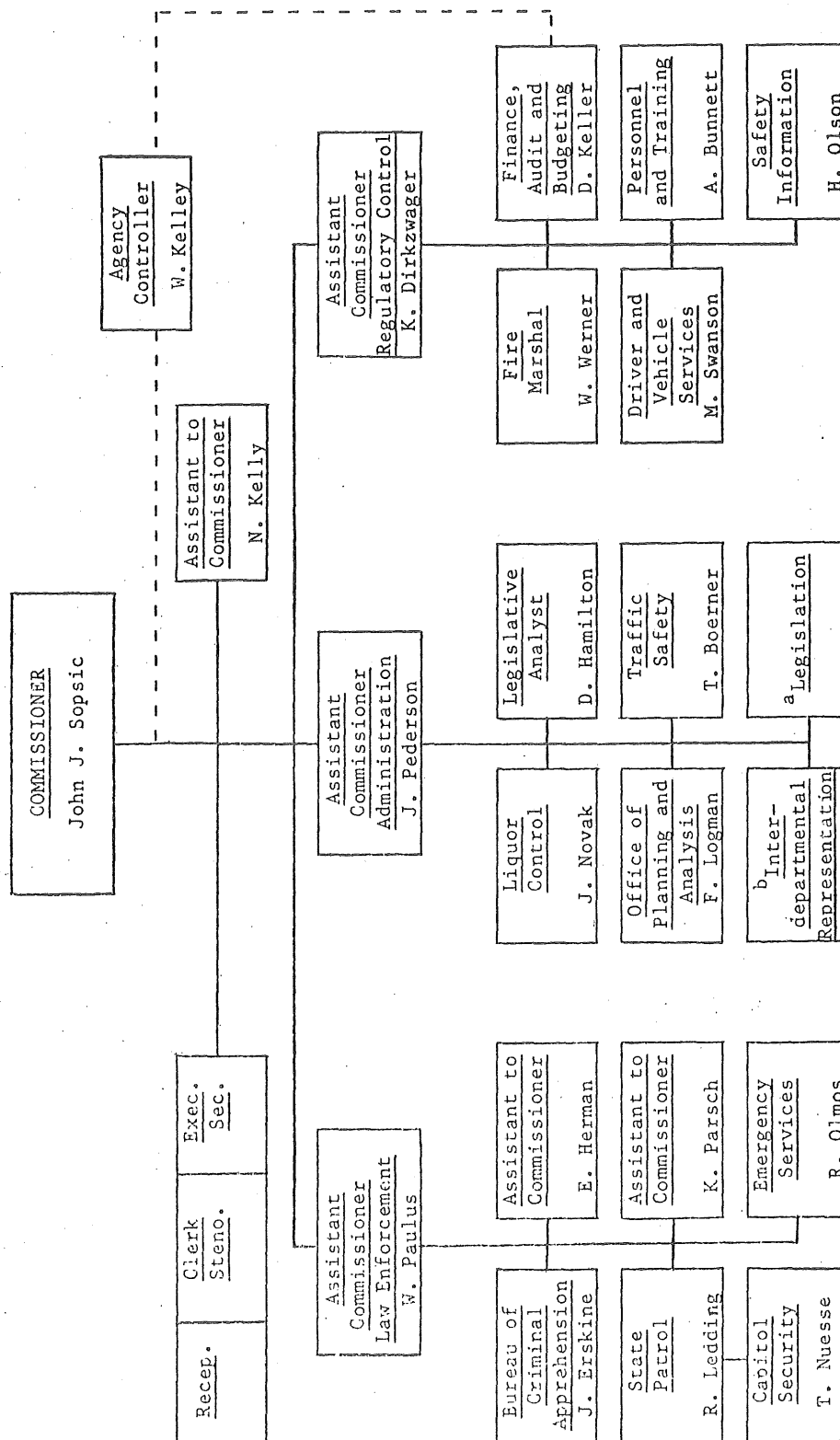
The JSIS staff have determined that several internal changes to the current DPS organization structure would enable the Department to more easily develop department level purposes and divisional orientations toward these purposes. Section 2 describes these internal reorganizational recommendations. Without implementation of these recommendations, it may be difficult for the Department to achieve better overall coordination and integration.

Though the recommendations described below in section 2 could improve the cohesiveness and integration of the Department, they deal only with internal administration and not with the Department's role in the criminal justice system. Section 3 describes proposals for the reassignment of the Department of Public Safety's components to new agencies with more narrowly defined purposes. These new agencies, if created, could contribute to system level integration and coordination of the criminal justice system, to clearer functional delineation of the divisions, and to greater accountability and administrative responsiveness.

2. Internal Reorganization of the Department of Public Safety

a. As the detailed organization chart in Figure 10 illustrates, the Department of Public Safety has three "assistant to the commissioner" positions. The assistant to the commissioner--public relations is responsible for responding to media requests about departmental activities and for writing speeches for the Commissioner or coordinating these activities

FIGURE 10
DEPARTMENT OF PUBLIC SAFETY ORGANIZATION CHART, 1980



^aLegislative Preparation, Implementation; and Budget Presentation
^bCrime Control Planning Board and User Advisory Council

so that the Commissioner has accurate information appropriate for his speaking engagements. Of the two "assistant to commissioner" positions located in the Law Enforcement Section, the assistant to the commissioner for rural affairs is responsible for advising and participating in the formation and execution of departmental policy of the safety problems of rural Minnesotans. It is the JSIS staff's opinion that these two assistant positions could be located in a newly created Office of Public Relations and Information which would include the functions of these assistants and the Safety Information Office. The Office of Public Relations and Information would be headed by an individual reporting directly to the Commissioner.

The third assistant to the commissioner is responsible for developing methods of improving important services to the public through merger of existing functions, use of shared facilities, and other economic measures requiring cooperation among divisions so "new service products" meeting real public needs can be offered at reasonable costs to the taxpayer. Since these functions are also performed by the Office of Planning and Analysis which is charged with "in-house" management and organizational studies, this assistant to commissioner position should be integrated into the Office of Planning and Analysis.

The Emergency Services Division is not involved in the performance of a law enforcement function, yet it reports to the assistant commissioner in charge of law enforcement. This may be because the Division must coordinate the emergency response activities of the State Patrol and other law enforcement agencies. A more likely explanation, however, is that the Emergency Services Division does not logically "fit" anywhere in Public Safety. It is not a law enforcement function, nor is it a regulatory or administrative function. As an earlier section of this chapter suggests, it may be desirable, for purposes of planning and inter-agency cooperation, to have Emergency Services supervised by a council or board rather than the Commissioner of Public Safety. However, if Emergency Services remains in the Department of Public Safety, at least two options exist: (1) the director could report to the assistant commissioner in charge of law enforcement and investigation, or (2) he could report directly to the Commissioner.

b. The Administration Section provides not only administrative functions to the rest of the Department, but also Liquor Control and Traffic

Safety, both of which are line functions. Traffic Safety compiles statistics and other information on traffic safety to be used for public information and for improving traffic safety. Traffic Safety also is responsible for distributing federal grant money to traffic safety programs which are planned and administered by local agencies. Since the director serves as an "administrative arm" of the Commissioner for this function, the JSIS staff recommends that the director report directly to the Commissioner of Public Safety. Reporting to the Commissioner, rather than to an assistant commissioner as is currently the case, should not prove to be a supervisory burden for the Commissioner. Traffic Safety has been a smoothly run operation for several years and does not require direct day-to-day supervision.

There are several options for relocation of the Liquor Control Division. Although it is not a law enforcement or investigation function, it could be moved to this division to receive supervision. This is the option shown on the organization chart of the proposed DPS. However, it might also report to the assistant commissioner in charge of planning and analysis. This would remove some of the burden of supervision from the assistant commissioner of law enforcement and investigation.

Another option for the Liquor Control Division would be to abolish it and continue its most important functions in other state agencies. Investigation of liquor law violations could be performed by the BCA. Testing for liquor products purity could be done by the Department of Health or the Department of Agriculture since both of these agencies have expertise in chemical quality inspections. The Department of Commerce could maintain the licensing activities of the Liquor Control Division and become a central state repository for liquor license information. If liquor control functions were redistributed, the Department of Public Safety would be relieved of its administration and the span of control for an assistant commissioner in charge of the proposed Law Enforcement and Investigation Division would be narrowed.

c. The Regulatory Control Section of DPS is in fact an administrative section with one licensing unit (Driver and Vehicle Services), one investigation/regulation unit, and several administrative functions. Location of these diverse functions in one section under the leadership

of an assistant commissioner is likely due to the background of the assistant commissioner. The JSIS interviews show that he has had experience as a fireman, is a past director of Driver and Vehicle Services, and as director of Driver and Vehicle Services gained considerable expertise in the areas of personnel, finance, and budgeting. However, it may be possible to reorganize this section for increased accountability to the Commissioner's Office, and for a more rational grouping of functions.

The JSIS staff recommends that a true administrative services section be created, that the Fire Marshal report to the assistant commissioner in charge of Law Enforcement and Investigation, that the Director of Driver and Vehicle Services report directly to the Commissioner, and that an administrative section be created which consists only of Finance, Auditing, Budgeting, Central Supply, and Personnel.

d. Chapter XIV of this *Staff Final Report* offers proposals with regard to creation of a public safety training division. The reader should refer to that chapter for a detailed discussion of integrated public safety training, but let it be said here that the training division director would report directly to the Commissioner or an assistant commissioner who has agencywide responsibilities. The training director would have full authority and the budget to implement an integrated training program for the Department of Public Safety.

The changes discussed thus far for the internal structure of Public Safety are reflected in Figure 11.

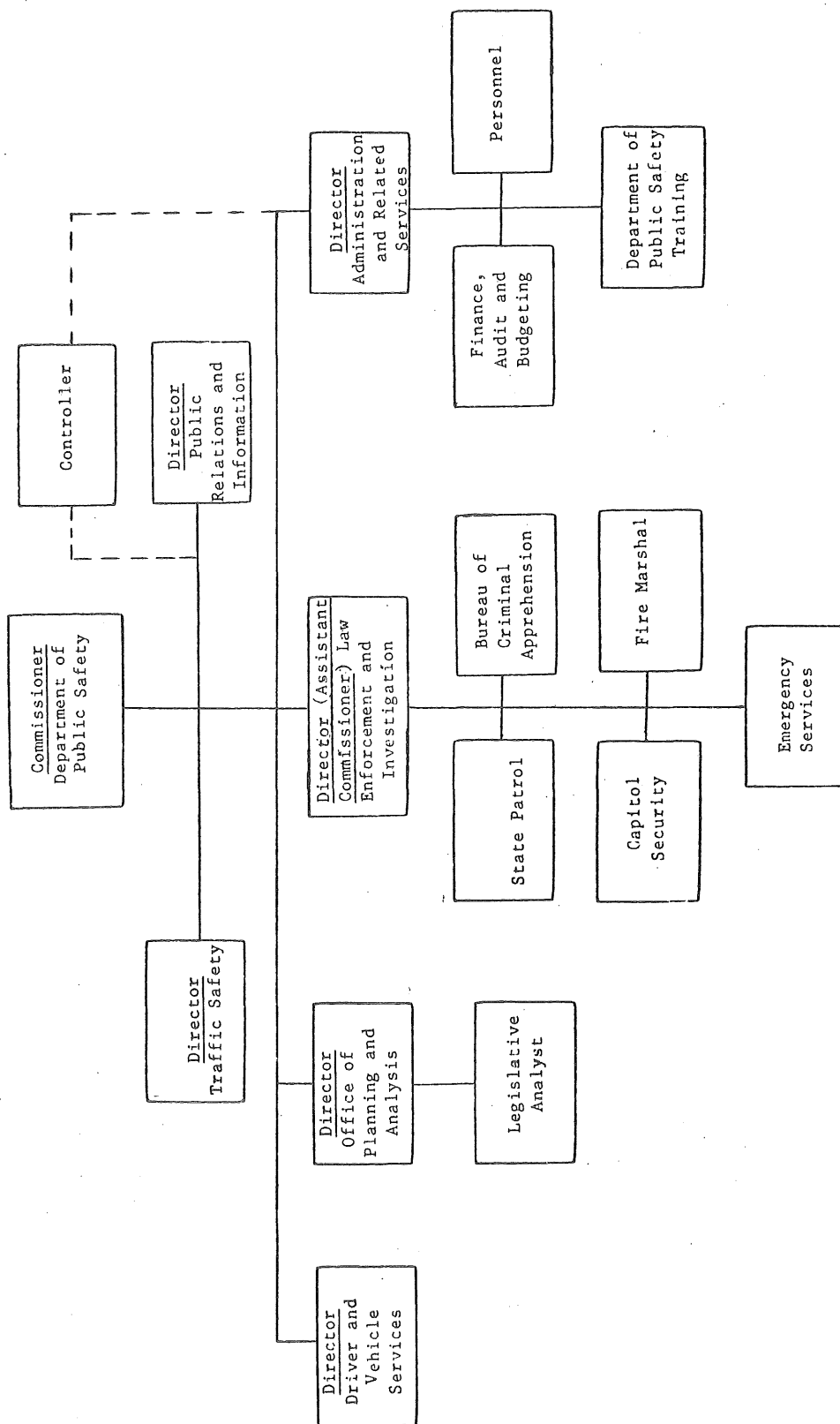
3. Reassignment of the Department of Public Safety's Organizational Units

The diverse organizational units in the present Department of Public Safety need not be located in a single administrative structure to achieve the purpose of "public safety." A redistribution of the units of the Department of Public Safety would best achieve the goals of the Department's individual units and the purposes of the new organizations in which the JSIS staff will now propose they belong.

a. Sixty percent of the Department of Public Safety's line function expenditures for Fiscal 1980 were for the criminal justice related divisions of State Patrol, Bureau of Criminal Apprehension, Capitol Security, Fire Marshal, and Liquor Control. Because of the "holding company" status of the current Department of Public Safety structure, the Department may not

FIGURE 11

ORGANIZATION CHART FOR DEPARTMENT OF PUBLIC SAFETY: JSIS STAFF PROPOSAL



be able sufficiently to coordinate the criminal justice divisions with the other criminal justice agencies and units. The JSIS staff therefore proposes that a new Department of Law Enforcement and Investigation be created. The commissioner of the new department could concentrate on developing and improving these criminal justice functions and on the relation on these functions to the rest of the criminal justice system. Also, the Department of Law Enforcement and Investigation could easily be integrated as a division of the Department of Justice proposed in Chapter XV.

b. The Emergency Services Division could be supervised by the Minnesota Emergency Management Board proposed earlier in this chapter. If necessary, it could be attached to the Department of Law Enforcement and Investigation for administrative purposes.

c. The JSIS staff proposes that the Driver and Vehicle Services Division and the Office of Traffic Safety be integrated into a new Department of Driver and Vehicle Services. The fact that the Division has a director *and* an assistant commissioner who spends much of his time managing the division suggests that it may be important enough to demand administration as a distinct department (or, as mentioned earlier, a distinct division within DPS).

However, if further analysis of the interdependencies that exist between Driver and Vehicle Services and the criminal justice function shows that separation would impair these interdependencies causing seriously reduced service levels, it may be necessary to include it as a part of the criminal justice system.

d. The JSIS staff has suggestions for reassignment of several ancillary service functions which are attached to the present Department of Public Safety for administrative purposes. The JSIS staff proposes that the Crime Victims Reparations Board be moved to either the Workers Compensation Division of the Department of Labor and Industry or to the Tort Claims Division of the Attorney General's Office. The JSIS staff proposes that the Board of Private Detective and Protective Agent Services be moved to the Department of Commerce. Perhaps the Civil Air Patrol could be attached to the Department of Law Enforcement and Investigation for administrative purposes.

The proposed organization charts for the Department of Law Enforcement and Investigation and the Department of Driver and Vehicle Services are in Figures 12 and 13.

FIGURE 12

ORGANIZATION CHART FOR DEPARTMENT OF LAW ENFORCEMENT
AND INVESTIGATION: JSIS STAFF PROPOSAL

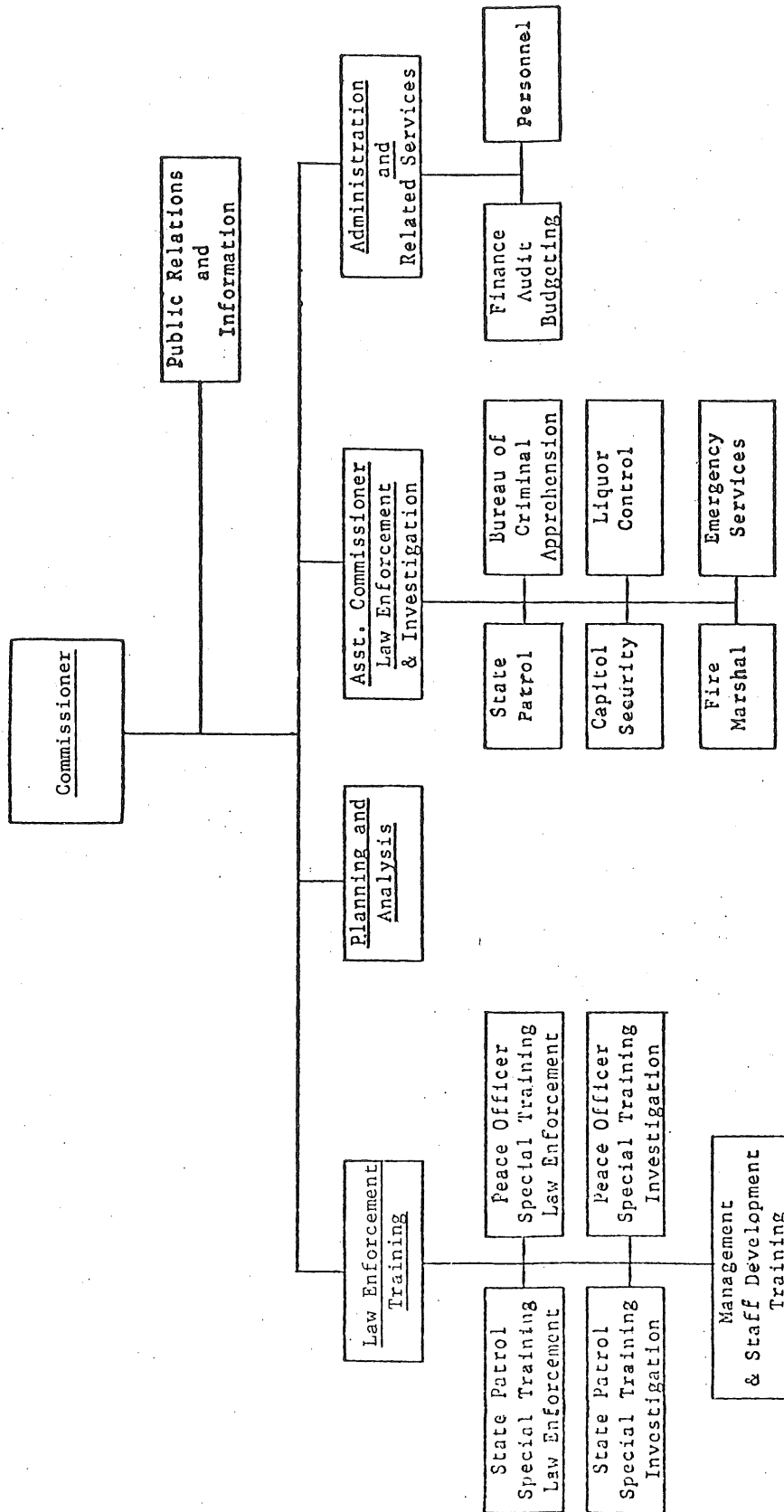
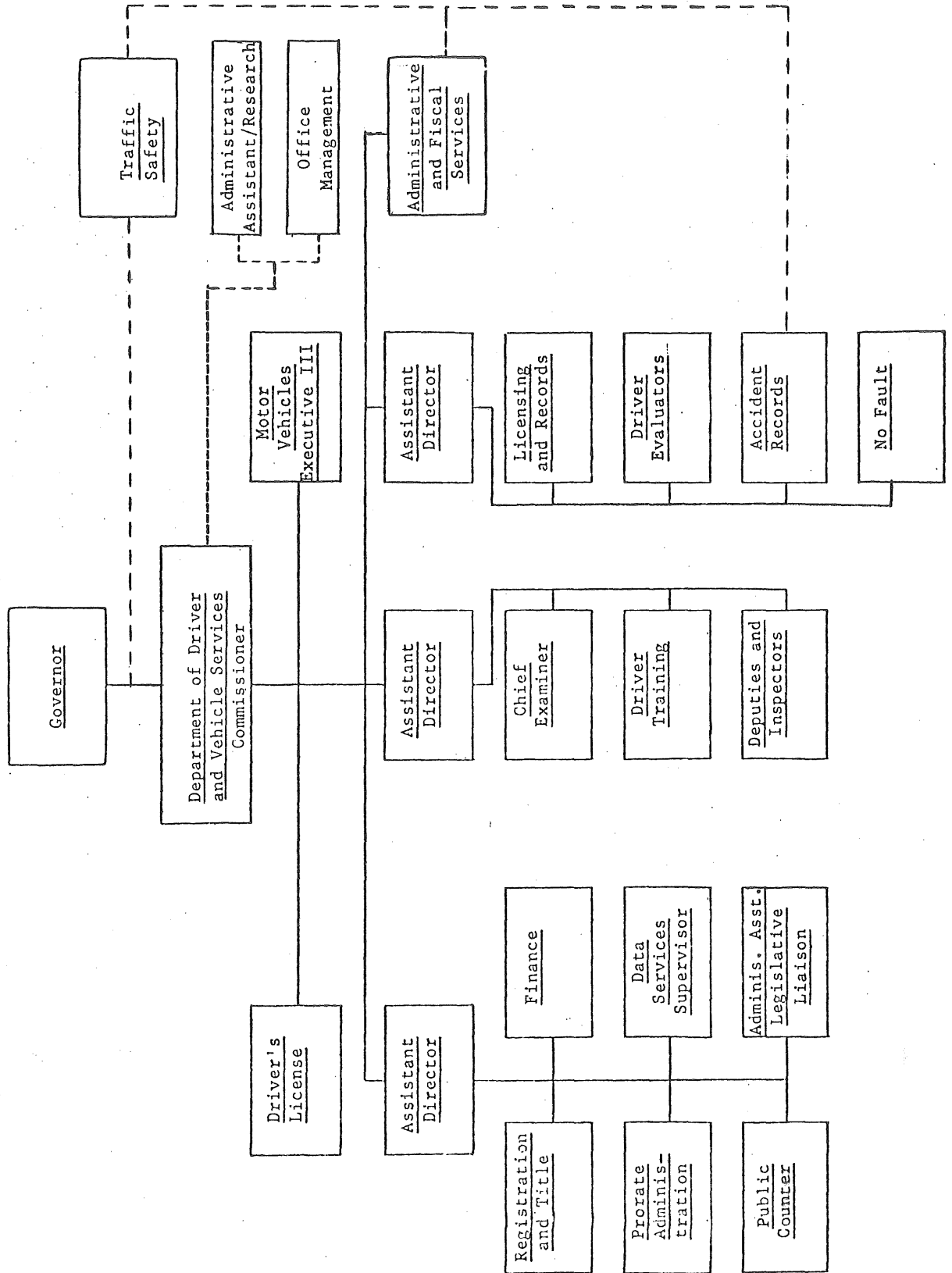


FIGURE 13
 ORGANIZATION CHART FOR DEPARTMENT OF DRIVER AND
 VEHICLE SERVICES: JSIS STAFF PROPOSAL



CHAPTER III

DEPARTMENT OF CORRECTIONS

A. INTRODUCTION

The Department of Corrections chapter is divided into three parts. Section B introduces the powers, duties, and responsibilities of the Commissioner, department-wide organizational structure and expenditure information, and some general comments on the history and nature of the Department. Section C discusses the organization structure and expenditure information, and the organizational problem areas and corrective proposals which pertain to the four divisions of Corrections: Policy and Planning, Community Services, Institution Services, and Management. Section D delineates department-wide problem areas and corrective proposals.

B. DEPARTMENT-WIDE INFORMATION

1. Powers, Duties, and Responsibilities of the Commissioner

Chapter 241.01, subd. 3a delineates the general powers, duties, and responsibilities of the Commissioner as follows: (a) to accept persons committed to him by Minnesota courts for care, custody, and rehabilitation; (b) to determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions, rules, and regulations for their employment, conduct, instruction, and discipline within or without the facility; (c) to administer department money and property; (d) to administer, maintain, and inspect all state correctional facilities; (e) to transfer authorized positions and personnel between state correctional facilities; (f) to utilize state correctional facilities in a manner he determines to be most efficient; (g) to organize the Department and employ personnel he deems necessary to discharge the functions of the Department, including a chief executive officer for each facility under his control who shall serve in the unclassified civil service and may be removed only for cause; (h) to define the duties of these employees and to delegate to them any of his

powers, duties, and responsibilities subject to his control and the conditions he prescribes; (i) to develop annually a comprehensive set of goals and objectives designed to establish clearly the priorities of the Department which shall be reported to the Governor and the state legislature commencing January 1, 1976.

The remaining powers, duties, and responsibilities of the Department of Corrections (hereinafter referred to as the Department) can be divided into five general categories of functions:¹ (1) correctional facility operation; (2) probation and parole services to adult and juvenile offenders; (3) Community Corrections Act administration; (4) correctional facility licensing and inspection; and (5) victims services.

The Department is responsible for the operation of state correctional facilities designed for the care, custody, and rehabilitation of juvenile and adult offenders committed to the Commissioner of Corrections by the courts of Minnesota. The Commissioner must determine the place of confinement of persons committed to his care and prescribe reasonable conditions, rules, and regulations for their employment, conduct, instruction, and discipline inside and outside the facility. Consequently, the Commissioner must administer, maintain, and inspect all state correctional institutions and establish a training program and an operational research program which will assist him in the development of more effective treatment programs for the correction and rehabilitation of persons found delinquent or guilty of crimes.²

The Department provides services to adult and juvenile offenders released on parole or probation.³ The Commissioner appoints parole agents who provide supervision and surveillance, assists parolees and probationers in obtaining employment, and conducts investigations of inmates under their supervision at the request of the Commissioner. (Adult probationers are

¹ The Department is mandated to perform a wide range of activities. All need not be enumerated in this section, but it is sufficient to say that all mandated activities fall within one of the major functional categories described in this section.

² Chapter 241.01, subds. 3a and 5.

³ Chapter 243.09, subd. 1.

under supervision at the request of the district courts, and juvenile probationers are supervised by the juvenile courts.) If the Minnesota Corrections Board believes that a person or parolee is dangerous or has violated the conditions of his parole, the Corrections Board may have that person returned to the institution. The Commissioner recommends to the Corrections Board when an inmate may be conditionally released for participation in vocational or educational programs or for employment, and supervises inmates while they are on this work release.¹

The Department administers grants to assist counties in the development, implementation, and operation of community-based corrections programs including, but not limited to, preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care, and treatment of persons convicted of crime or adjudicated delinquent.² To ensure that counties use state and federal funds in a parsimonious manner, the Department provides consultation and technical assistance to aid counties in developing local corrections planning.³

The Department inspects and licenses all correctional facilities throughout the state. Rules are promulgated establishing minimum standards with respect to the management, operation, and physical condition of persons detained or confined therein. As of September 1, 1980, no private or public organization legally responsible for the operation of a correctional facility may operate the facility unless it is licensed by the Commissioner.⁴

The Department is mandated to give financial and technical assistance to programs which aid battered women and victims of sexual attacks. It is also mandated to contract financial and technical assistance with other organizations for the operation of crime victim crisis centers.⁵

¹Chapter 244.065.

²Chapter 401.01, subd. 1

³Chapter 401.03.

⁴Chapter 241.021, subd. 1

⁵Chapter 241.51-.58.

2. Organization Structure and Expenditure Information

The Department was created in 1959 through the integration of several correctional agencies--Youth Conservation Commission, State Board of Parole, and the institutions administered by the Department of Welfare--into a single agency devoted only to the function of corrections. Presently, four major divisions constitute the Department: Policy and Planning, Institution Services, Community Services, and Management.

The Department maintains a full-time equivalent staff of 15 persons classified as managers, 385 as class-A professional staff, 126 as class-B skilled trade staff, 690.20 as class-C service staff, 16.35 as class-C technical staff, 118.95 as class-C office staff, and 7 as class-C operative staff, for a total staff complement of 1,679. Total Fiscal Year 1980 expenditures were \$68,587,600 of which \$66,600,700 came from the state and \$1,986,900 came from the federal government. Figure 14 represents the Department's organization chart.

C. DIVISION INFORMATION

1. Policy and Planning Division

a. Organization Structure and Expenditure Information

The Policy and Planning Division is headed by an assistant commissioner who supervises the directors of Interstate and Federal Compacts, Planning for Women Offenders, Juvenile Planning, Hearings and Appeals, Research and Information Systems, Legislative Liaison, and Juvenile Releases. Except for Research and Information Systems, the units basically consist of one person with clerical and intern assistants. The organization charts for the Policy and Planning Division, and for Research and Information Systems are shown in Figures 15 and 16.

Total Fiscal Year 1980 expenditures for this division were \$1,393,100. Of this amount \$942,900 went for personnel services, salaries and wages, \$409,700 for expenses and contracted services, \$185,500 for data processing, \$142,700 for care of persons, and the remaining for miscellaneous services and materials. The full-time equivalent employees of the division included two managers, 16 professionals, and 33.8 office workers for a total Fiscal Year 1980 F.T.E. staff of 51.8.

FIGURE 14

DEPARTMENT OF CORRECTIONS ORGANIZATION CHART, 1980

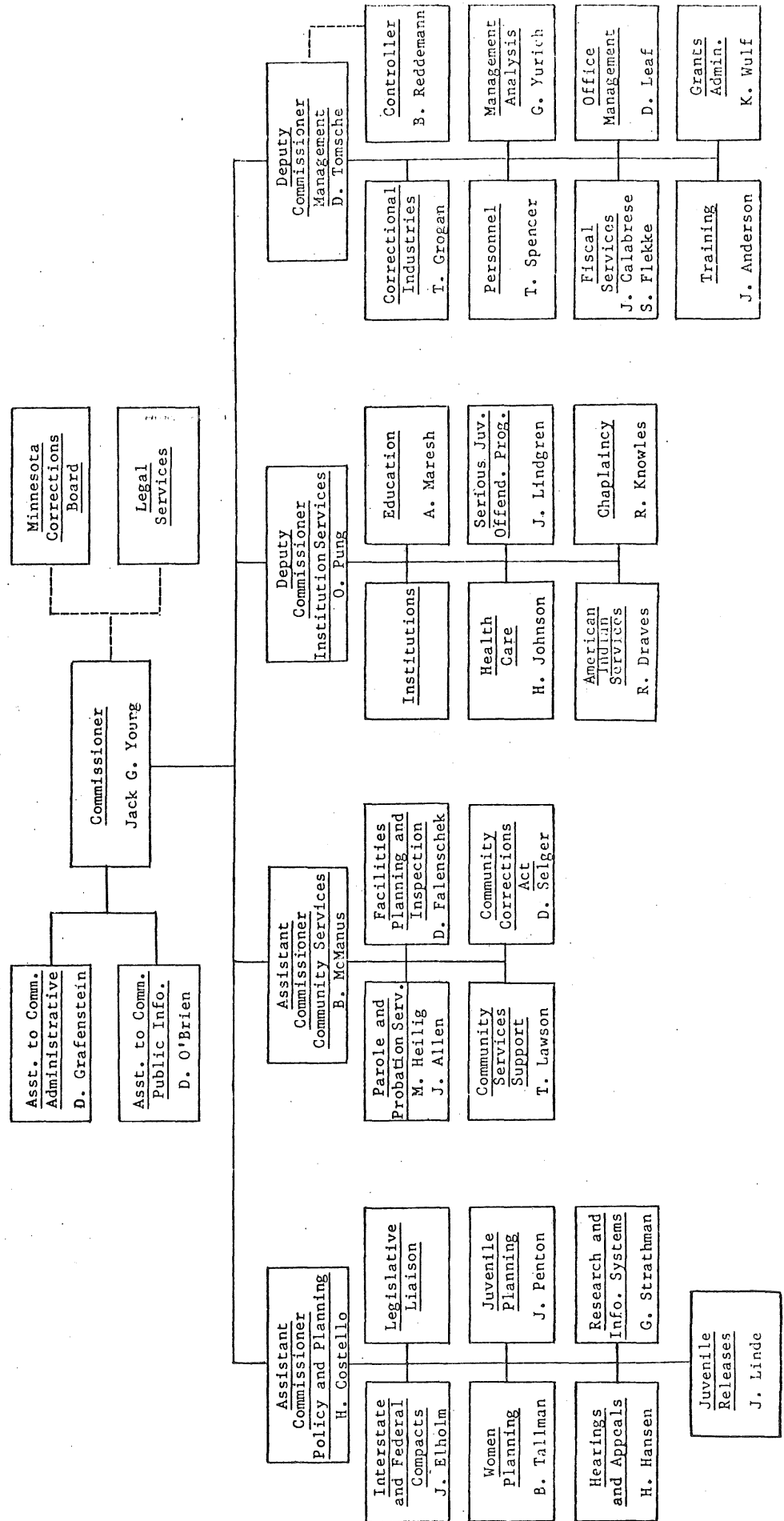


FIGURE 15
 PLANNING AND POLICY DIVISION ORGANIZATION CHART, 1980

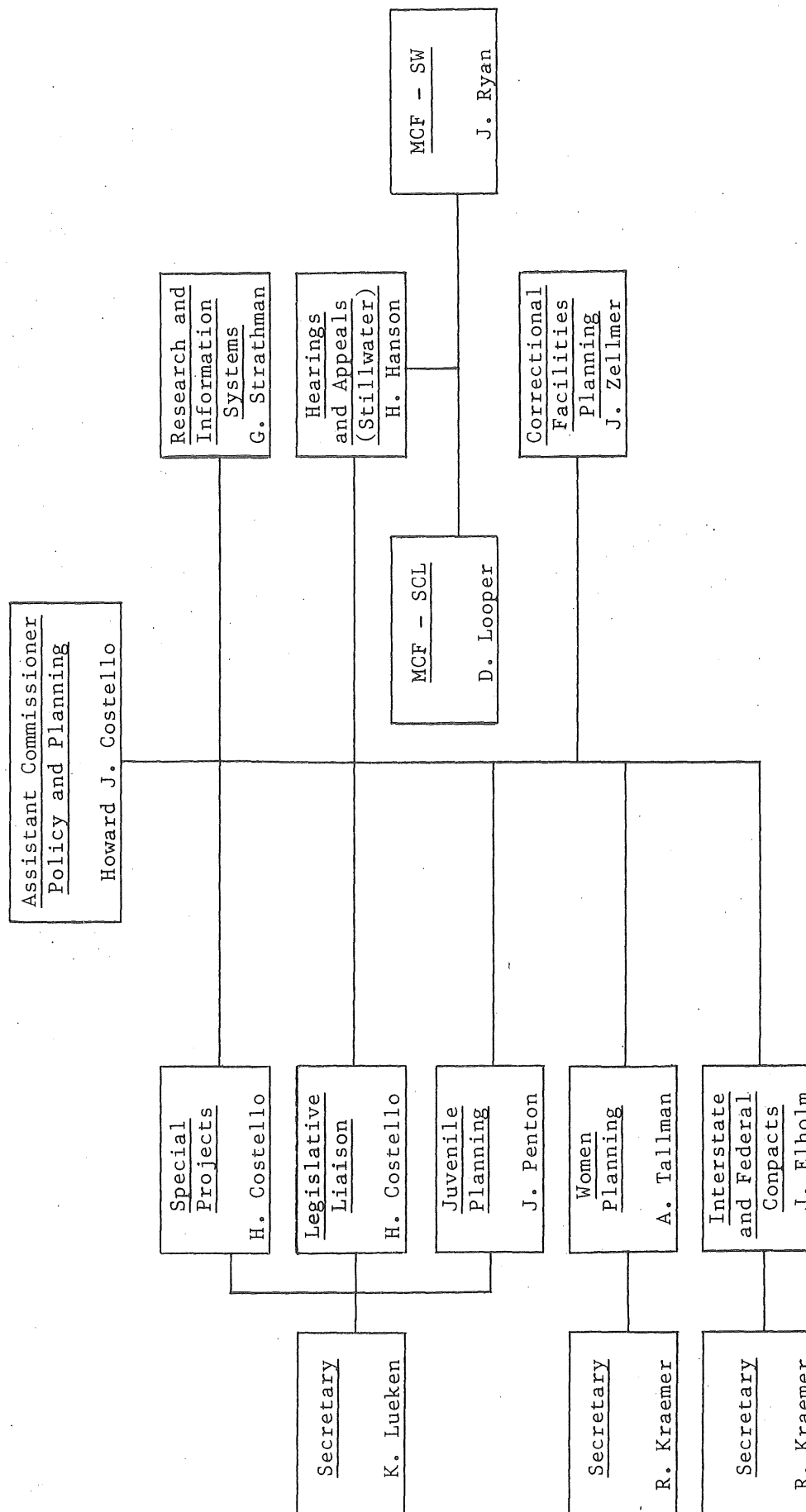
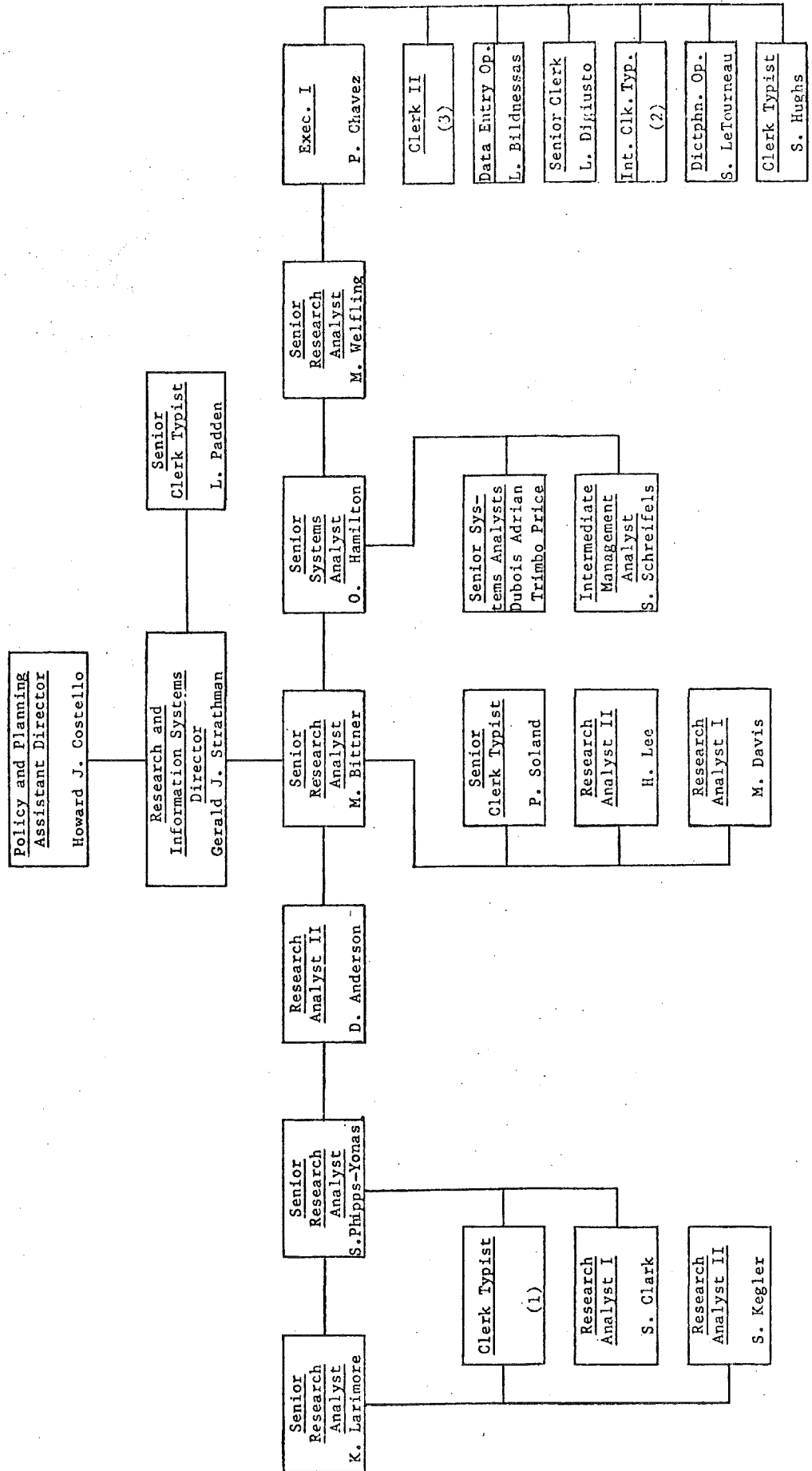


FIGURE 16
RESEARCH AND INFORMATION SYSTEMS ORGANIZATION CHART, 1980



b. Organizational Problem Areas and Corrective Proposals

1) Under the Community Services Division, proposals are made to move victims services to the Department of Public Welfare. If victims services are moved to another agency, it must also be decided which agency should evaluate victims programs.

Obviously, the Department of Corrections has developed victims research experience and has victims services data available. It may be possible, therefore, for the Department to continue the evaluation of victims programs. Another reason for maintaining victims research in the Department of Corrections is that the evaluation may be done more objectively if the program is administered by the Department of Public Welfare.

However, there are also drawbacks which could lead one to argue against retaining victims research in the Department of Corrections. In particular, the Department's primary research responsibilities relate to the corrections function, and in times of scarce resources victims research may become less of a priority than corrections research.

If victims research is going to be performed by a criminal justice agency, it should be performed by an agency which is objective and which would be likely to place a continued high priority on the research. The JSIS staff proposes that this research be performed by a system level planning and research agency such as the Crime Control Planning Board and that the statutes be changed to reflect the altered research responsibilities.

2) A second organizational problem area in this division concerns the Department's method of juvenile releases. For the reasons developed below, the JSIS staff recommends that Juvenile Releases become independent of the Department's operating divisions and that it occupy a semi-autonomous position similar to that of the Minnesota Corrections Board.

Juvenile Releases has as its origins the Youth Conservation Commission (YCC), formed in 1947. The YCC consisted of a full-time chairman and part-time lay members; it was abolished in 1973. As of January 1, 1974, the Commissioner of Corrections was given legal power and responsibility for the release of juveniles. From 1974 to 1976, release of juveniles was done on a case-by-case basis at each institution. Responsibility for making release decisions was delegated to Department staff, who were organized in three-member action panels consisting of two institutional staff members

and one field staff member. An action panel was created at each of the juvenile facilities (Red Wing and Sauk Center).

Because action panel decisions were based on minimal guidelines, and because disparities were evident, new release criteria were initiated in 1976 which set maximum lengths of confinement for certain offenses. When these criteria proved insufficient, additional juvenile release guidelines were instituted in September of 1980. These guidelines will more clearly define the various offenses committed by juveniles and the time necessary to effect positive behavior changes. The guidelines also make Department staff and juvenile court judges more aware of the dispositional alternatives available for juveniles committed to the care of the Commissioner of Corrections.¹

The composition of the action panels was also changed recently. Whereas there used to be an action panel at each juvenile facility, now one action panel hearing officer is responsible for all juvenile release matters at juvenile facilities.

To enhance the improvements in juvenile releases discussed above, the JSIS staff recommends that juvenile release responsibilities become more autonomous of the operational divisions of the Department. As long as the juvenile releases hearing officer is a member of one of the four operating divisions, there is a possibility that his ability to make fair and equitable decisions could be drawn into question.

The JSIS staff is aware of the concern that it may not be desirable for juvenile releases to develop the full appearance of a formal parole process. Juveniles do not commit crimes; they commit offenses, and a formal parole board may present the appearance of the juvenile having committed a crime. But it may also be true that due process rights of juveniles and adults are not inherently dissimilar and that juveniles should have a hearing board similar to that of the adult parole board. The JSIS staff proposes two alternatives which would provide for greater autonomy of the juvenile release authority.

¹The information in the preceding two paragraphs is taken from a discussion draft on "Juvenile Releases Guidelines: Implementation Manual," (St. Paul: Department of Corrections, July 21, 1980).

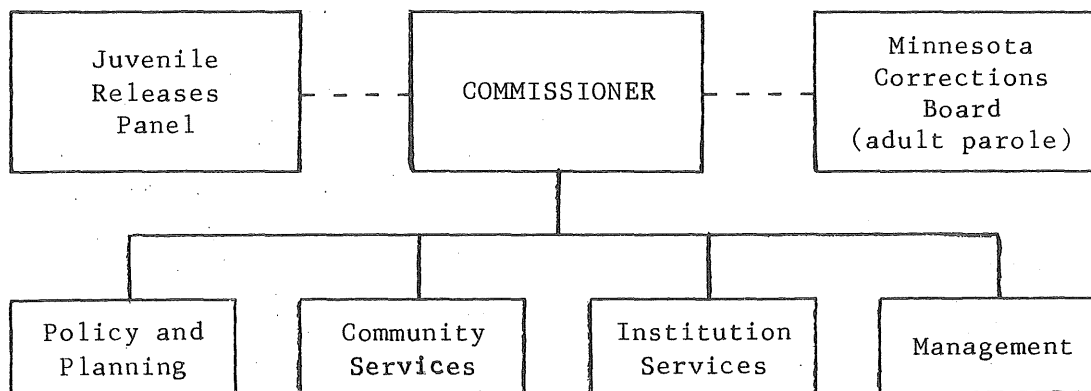
A quasi-autonomous board responsible for juvenile releases could be created with authority similar to the Minnesota Corrections Board. The Commissioner of Corrections would appoint a chairman who would be a Department employee, the remaining members would be appointed by the Governor.

A board membership of three might be suitable given the workload of juvenile releases. If the current single hearing officer is able to handle all juvenile release matters, a full-time juvenile parole board of three members would be more than adequate. This option has a disadvantage in that it could cost the state more money for juvenile releases.

Another option, perhaps more workable, would be for the Commissioner to appoint a panel of three full-time members who would report directly to the Commissioner. Panel members would not be employees of the Department's juvenile facilities, but they should be Department staff familiar with juvenile justice. This proposal is not a radical departure from the present situation. It creates a single panel for all three facilities (as at present), but it lessens the chance for arbitrary decisions by one hearing officer. At the same time, the Department would be able to guarantee that juvenile release or parole decisions are made in accordance with the special requirements of juvenile justice. Figure 17 illustrates the placement of the Juvenile Releases Panel under this option.

FIGURE 17

JUVENILE RELEASES PANEL: JSIS STAFF PROPOSAL



2. Community Services Division

a. Organization Structure and Expenditure Information

The Community Services Division includes four organization units: Correctional Facilities Planning and Inspection; Parole and Probation Services; Community Corrections Act; and Community Services Support. The organization charts for these units are shown in Figures 18-20.

State Fiscal Year 1980 expenditures for the Community Services Program were \$15,723,600. Of the total \$3,232,100 went for personnel services, salaries, and \$11,024,700 went for claims and grants. The remaining went for miscellaneous materials and services. Full-time equivalent for the division included 76.5 professionals, three managers, 12 service and technical, and 80.1 office for a total full-time equivalent of 172.6.

b. Organizational Problem Areas and Corrective Proposals

1) One area in need of reorganization is that of services to crime victims. An increased desire to respond to the plight of the victim has led to the creation of various victims services. These services generally have been imposed on the criminal justice system without a coherent view as to the most appropriate organizational location. The result has been that services for crime victims are often located in organizational positions which are not compatible with maximum utility for the victim.

In Minnesota, victim services are located in the Department of Public Safety and the Department of Corrections. The program located in the Department of Public Safety will be discussed first, along with the JSIS staff's proposals for reorganizing the program. Then the victims services housed within the Department of Corrections will be described, followed by the justification for reorganizing these services.

Chapter XII of this *Staff Final Report* concerns the operation and organizational problems of the Crime Victims Reparations Board. Attached to the Department of Public Safety for administrative purposes, the Board is essentially an investigatory body which provides compensation (if funds are available) to injured victims of crime. Because the Board is of an investigatory nature similar to an insurance mechanism or a tort claim procedure, the JSIS staff proposes that it be moved out of the Department of Public Safety. A more appropriate location would be the Workers Compensation Division of the Department of Labor and Industry or the Tort

FIGURE 18
COMMUNITY SERVICES DIVISION ORGANIZATION CHART, 1980

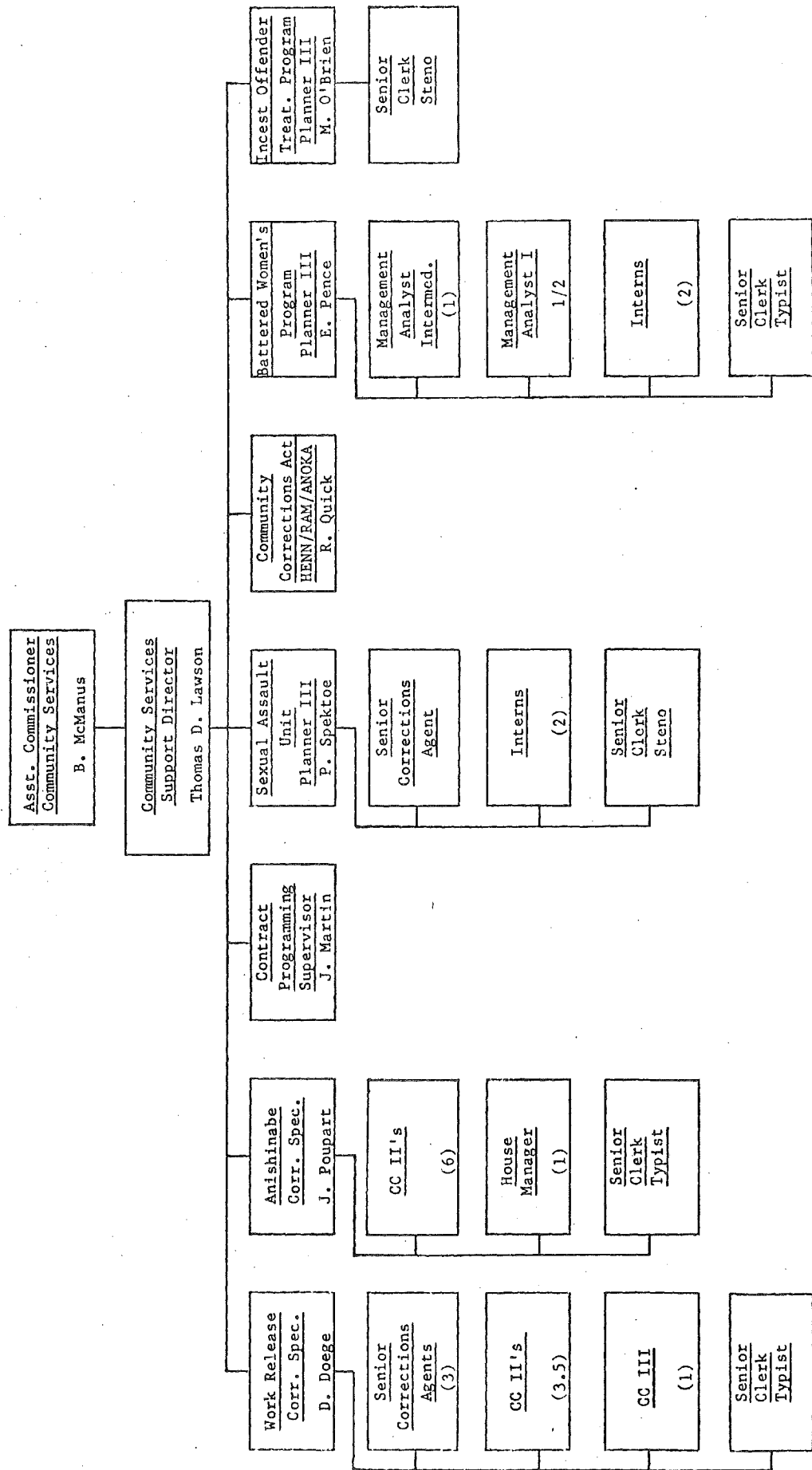


FIGURE 19

PAROLE AND PROBATION SERVICES ORGANIZATION CHART, 1980

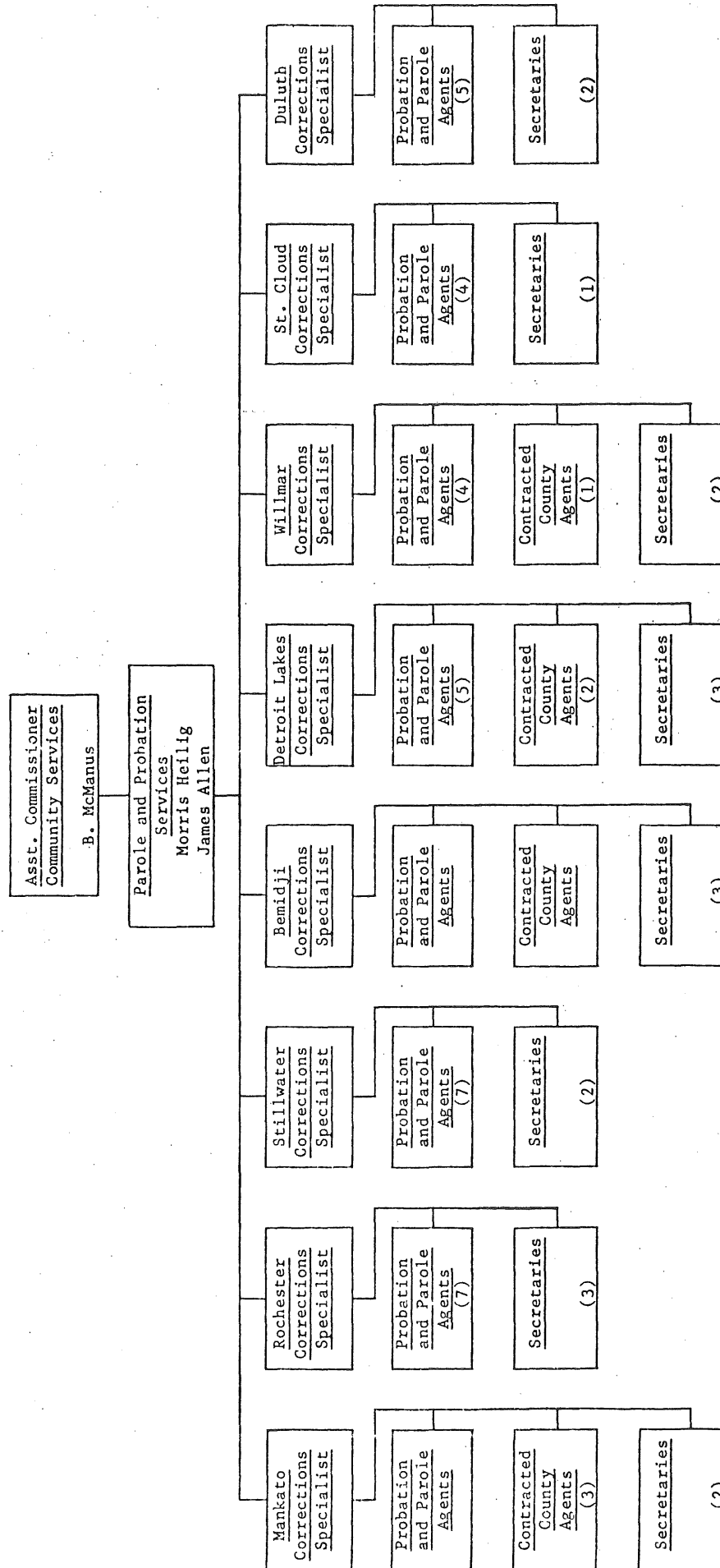
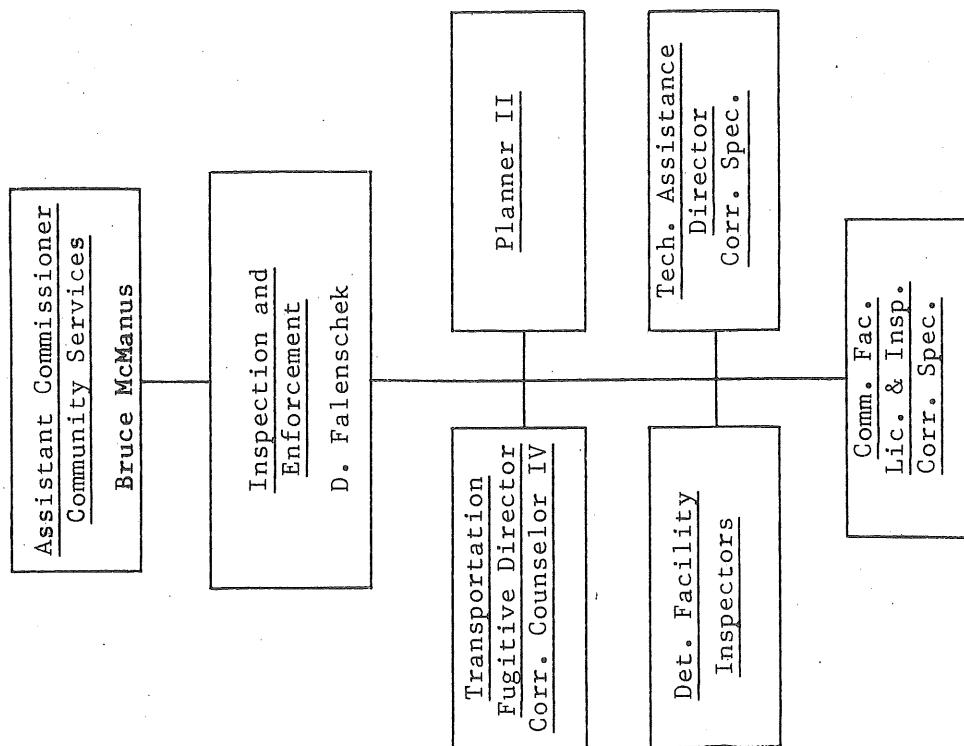


FIGURE 20
INSPECTION AND ENFORCEMENT ORGANIZATION CHART, 1980



Claims Division of the Attorney General's Office. Either agency would have the required investigatory skills. This would not solve the problem of deficient funding of the Board, but it would assure that those funds which are available are efficiently and effectively distributed.¹

The Department of Corrections has three major victims programs located in the Community Services Division. The Victims of Sexual Assault program provides a referral service and direct victim assistance in areas throughout the state. Local communities are assisted in establishing such programs for victims. Health care, human service, criminal justice, and education professionals are instructed on the need for these services. Minnesota currently has over 20 victims of sexual assault centers.

The Community Services Division also includes the Battered Women program which supervises and provides funding for 14 shelters for battered women (and funds three treatment programs for violent offenders). The shelters for battered women offer safe housing for battered women and their children, and medical, police and legal counseling and advocacy. The staff of the shelters also provide community education programs for persons interested in programs for battered women. A Task Force guides all efforts of the state to aid battered women. It consists of metropolitan and nonmetropolitan members, individuals from civic and professional organizations, and representatives of the black, American Indian, and Hispanic/Latin communities.

The Correctional Service of Minnesota, a private organization, contracts with the Department of Corrections for the operation of two crime victim crisis centers in the state. The centers offer intervention to crime victims, provide referral services to other agencies in the community or state, investigate the possibilities for insurance or other financial assistance, provide transportation if needed, offer education to victims about the criminal justice system, and encourage programs which will reduce victimization.

¹A bill has been introduced in the 1981 session of the legislature which would move the Crime Victims Reparations Board from the Department of Public Safety to the Department of Corrections. For all the reasons cited in this section on victims services, this change should not be made.

The problem with the Victims of Sexual Assault program, the Battered Women program, and the Crime Victim Crisis Centers is their organizational relationship to the Department of Corrections. The organizational relationship has negative consequences for the operation of the programs which may prevent them from achieving full effectiveness.

That the JSIS staff interviews with Department personnel found victims services to be a low priority is not surprising. Since the purpose of the Department is to correct the offender, and the purpose of victims programs is to assist victims of crime, the purpose of the Department and the purpose of victims programs are not in harmony. One would expect the Department to place a higher priority on offenders when that is its primary purpose. Yet the understandable low priority on victims may lead to reduced effectiveness for victims programs.

For example, the Department may be hesitant to support strongly new victims programs or increased funding for existing programs when the Department may prefer that corrections programs receive those funds. Conversely, in a time of retrenchment the Department might be more willing to permit victims programs to be cut than it would offender related programs.

As public awareness of victims grows, agencies responsible for victims services will need to respond forcefully and dramatically to new and rapidly changing victims issues. The low priority of victims programs in the Department of Corrections may reduce the likelihood that the Department will be a strong advocate on behalf of victims. Therefore, the JSIS staff proposes that statutory responsibility for victims services be moved from the Department of Corrections to the Department of Public Welfare.

It is the JSIS staff's opinion that the purpose of Public Welfare's social services division is consistent with the provision of victims services; several of its activities are already in the area of victims services. For example, Public Welfare has a unit which is responsible for aiding county welfare agencies in the enforcement of the Reporting of Vulnerable Adults Act, Chapter 625.557. In conjunction with the Act, the Commissioner of Public Welfare is mandated to "establish an aggressive program to educate those required to report, as well as the general public." According to officials in Public Welfare, battered women definitely fall under the auspices of the Vulnerable Adults Act. Moreover, Public Welfare currently

provides funding to counties for victims services through the Community Social Services Act and through the Public Assistance Act. It would appear that this represents fragmentation in funding victims programs between the Department of Public Welfare and the Department of Corrections.

Some have argued that victims services should remain in the Department of Corrections because the Department of Public Welfare allegedly is not as organizationally lean or efficient as Corrections. If this allegation is true, Public Welfare should be "cleaned up" rather than deny the agency the opportunity to carry out programs which relate directly to its legislatively mandated mission.

Another argument often used against moving victims programs to Public Welfare is presented in terms of the need to deal with the victim in the criminal justice system. Because the victim's initial search for help and contact with the authorities may lead the victim to another criminal justice agency (e.g., police or prosecutors), the agency which deals with the victim should have a firm working relationship with other criminal justice agencies, as the Department of Corrections does at present.

This is not a sound argument for two reasons. First, the Department of Public Welfare could just as easily interact with criminal justice agencies and does so at the present time. Second, and perhaps more important, the Department of Corrections does not actually operate the victims programs discussed in this section. The victims services are actually provided (with funding and assistance from the Department of Corrections) by agencies with a distinct welfare or social service orientation. No one has questioned whether these agencies are fully capable of referring a victim to the appropriate criminal justice agency.

While it is not appropriate for the Department of Corrections to be responsible for strictly victims programs, it is proper for the Department to be involved in several activities which impact on the victim *and* on the offender. Restitution contracts are administered by the Minnesota Corrections Board (for persons sentenced for crimes committed on or before April 30, 1980) or by the parole agents who work for the Department (for persons sentenced for crimes committed on or after May 1, 1980). Since restitution affects the victim but requires control or supervision over the offender, restitution activities are corrections related and

appropriate to a corrections agency. One such program, Incest Offender Treatment, located in the Community Services Division of the Department, involves participation of families as well as treatment of offenders. It should remain in the Department of Corrections, as should the treatment programs for violent offenders which are located in the same division of the Department.

Because the JSIS staff believes that continued location of victims programs in the Department of Corrections retards the further development of such programs, and because the Department of Public Welfare is increasingly involved in victims services through various statutes, the JSIS staff proposes that responsibility for victims services be statutorily moved to the Department of Public Welfare. The advantages of doing so, to summarize, are threefold. First, it would streamline the Department of Corrections and permit it to focus on the offender. Second, it would help the Department of Public Welfare perform its function of establishing a plan for the provision of community social services as mandated in Chapter 256E. Third, and most important, it would increase the probability that state government will be able to respond effectively to the needs of victims.

2) A second problem area in the Community Services Division concerns the need to better coordinate the inspection of local correctional facilities in the state. At the present time, the Facilities, Planning, and Inspection Unit reviews and approves plans for renovation or construction of a new correctional facility to determine whether they meet correctional standards. Conflicts have developed among building codes, fire regulations, health regulations, and corrections standards, contradictory orders and signals have been received by county and municipal authorities because they must deal with a number of separate agencies in the licensing and inspection process.

The solution to the problem may be to designate the Department of Corrections' Facilities, Planning, and Inspection Unit as the fulcrum for coordinating the different inspection efforts of the agencies affecting correctional facilities licensed by the Department. Each of the inspecting agencies would be required to send all reports and orders to the Facilities, Planning, and Inspection Unit, which would act as an arbiter if the agencies are sending conflicting compliance orders to the staff of a local

correctional facility. This coordination would depend on the Department of Corrections' ability to mandate certain actions and involvement by other state and local agencies. Amendments to Chapter 241.021 would be necessary to indicate that the Department has statutory authority to coordinate all inspections of local correctional facilities and to act as an arbiter when conflicts arise. Specifically, the statute should designate that all inspection reports be submitted to the Department. At a minimum, this would allow the Department to be fully aware of potential conflicts or problems between inspection agencies and correctional facilities.

3. Institution Services Division

a. Organization Structure and Expenditure Information

Institution Services consists of the nine correctional facilities, the units of Health Care, American Indian Services, Education, Serious Juvenile Offenders, and Chaplaincy.

Total Fiscal Year 1980 expenditures for this program were \$47,863,200. Since these expenditures include the nine institutions where the majority of corrections employees are located, \$30,857,200 of the total went for personnel services, salaries and wages. About \$4,502,600 went for expenses and contracted services, \$2,423,900 for professional and technical services, \$7,365,300 for supplies and materials, and \$2,751,200 went for non-expense disbursements. The remaining expenditures went for miscellaneous materials and services. The Institution Services Division consists of 15 managers, 384.1 professionals, 126 skilled trades, 690.2 service, 16.35 technical, 118.95 office, and seven operative for a total full-time equivalent staff of 1,357.6.

b. Organizational Problem Areas and Corrective Proposals

The JSIS staff discovered no significant organizational problem areas with this division. However, it should be emphasized that it was beyond the scope and means of the JSIS staff to identify possible problem areas with the Department's correctional facilities.

4. Management Division

a. Organization Structure and Expenditure Information

The Management Division consists of correctional industries, personnel, fiscal services, training, controller, management analysis, and office management.

Total Fiscal Year 1980 expenditures for this division were \$3,607,700. Of this total \$1,294,900 went for personal services and wages, \$617,800 for expenses and contracted services, and \$1,416,600 for miscellaneous materials and services. The full-time equivalent staff for the division is 58.2: nine managers, 20.2 professionals, one service, one technical, and 27 office workers.

b. Organizational Problem Areas and Corrective Proposals

From a systemwide perspective, training is a highly fragmented function of the criminal justice system. Chapter XIV of this *Staff Final Report* offers corrective proposals which would integrate training from all of the criminal justice agencies into a criminal justice training bureau. It is in that chapter that corrections training, including a proposal to integrate training within the Department of Corrections, is fully described and in which proposals are made to integrate corrections training into a training bureau.

Other than training, the JSIS staff detected no serious organizational problem areas in the management division.

D. DEPARTMENT LEVEL ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The JSIS staff became aware of a communication problem between the divisions of the Department of Corrections, which relates to the promulgation of policy by any of the divisions that impact on the other divisions. Before any division finalizes a department-wide policy, all division heads should have full opportunity to review the proposed policy, comment on it, and present alternatives if necessary. The JSIS staff detected that this may not always be happening with all departmental policies arising out of the operating divisions. If this continues to be a problem, the Commissioner of the Department of Corrections should further investigate coordination and communication mechanisms with respect to policy implementation.

In general, the JSIS staff found the central office of the Department of Corrections to be exceptionally well organized. This reflects the Department's reputation as a leader and a model among state level corrections agencies.

CHAPTER IV

OMBUDSMAN FOR CORRECTIONS

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 241.41-.45

The Ombudsman for Corrections was created in 1973 to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections. Upon a complaint or request, or on his own initiative, the Ombudsman may investigate any action of the Department of Corrections, the Corrections Board, the Board of Pardons, and regional correction or detention facilities. In these matters, he is mandated to address himself to actions which might be contrary to law or regulation, unreasonable, unfair, arbitrary, inefficiently performed, or inadequately explained. He has statutory authority to examine the records and documents of these agencies and facilities, to enter and inspect their premises at any time, and to subpoena any person to appear, give testimony, or produce documentary or other evidence the Ombudsman deems relevant to a matter under his inquiry. To execute these powers, the Ombudsman may bring an action in an appropriate state court to provide for their operation, and he may use the services of Legal Assistance to Minnesota Prisoners for legal advice.

After completing his investigation, the Ombudsman is required to make his recommendations to the agency involved. He may request that the agency inform him of the actions taken regarding his recommendations. The Ombudsman is also mandated to suggest to the Governor and the legislature statutory changes where he observes that there is such a need.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

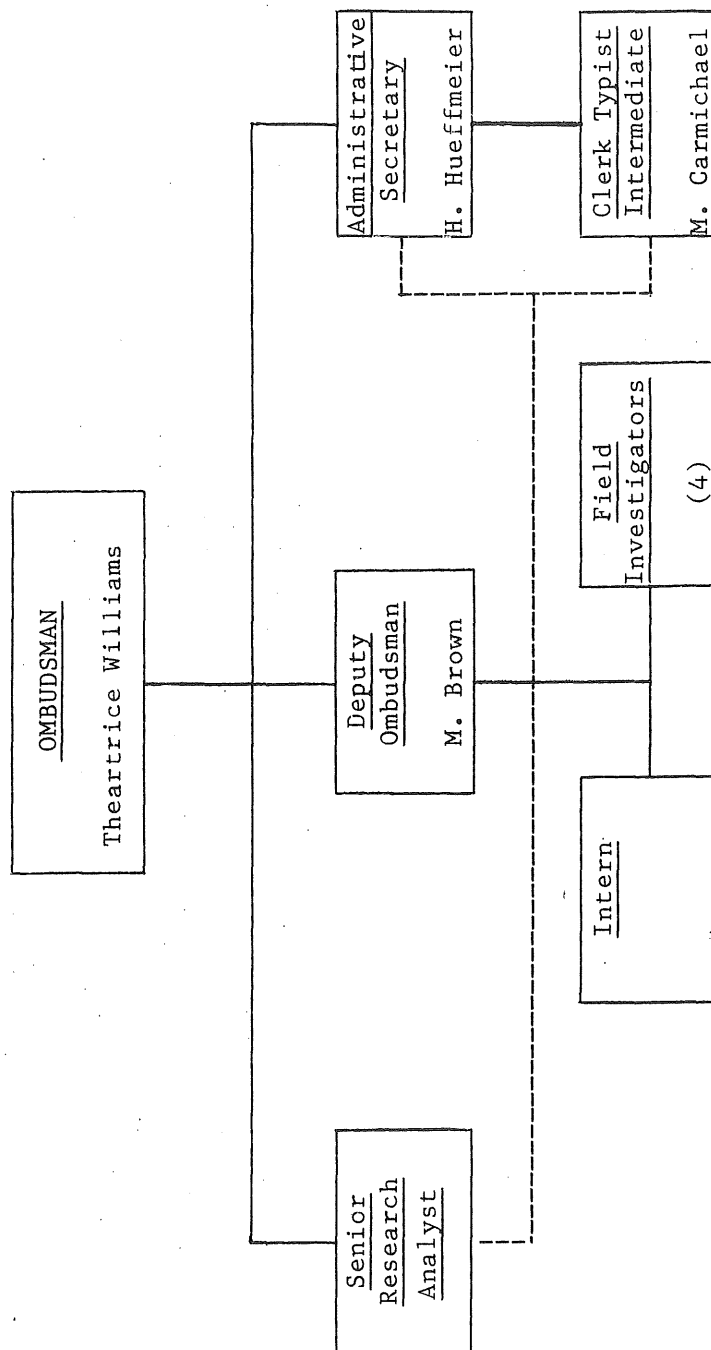
The Ombudsman is selected without regard to political affiliation and serves at the pleasure of the Governor in the unclassified service of the state. He must be competent to analyze questions of law, administration, and public policy. As of Fiscal Year 1980, the Ombudsman's

full-time equivalent staff consisted of two managers, four class-A professionals, and two clerical personnel. Total Fiscal Year 1980 expenditures were \$225,524, all of which were provided by the State of Minnesota. Figure 21 presents the Ombudsman's organization chart.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The JSIS staff used the activity questionnaire to interview the Ombudsman and his staff on nine administrative service and support functions containing 34 activities [154-160, 484-510]. All activities either met the organizational standard that decision control and resource control should be located at the level of impact, or could be explained by the Ombudsman's position as an investigator of the actions of corrections related agencies.

FIGURE 21
 OMBUDSMAN FOR CORRECTIONS ORGANIZATION CHART, 1980



CHAPTER V
CORRECTIONS BOARD

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 244.08

Since Minnesota's sentencing guidelines went into effect May 1, 1980, the Corrections Board has a dual set of statutory powers, duties, and responsibilities.¹ One set relates to persons sentenced for crimes committed on or before April 30, 1980, while the other relates to persons sentenced for crimes committed on or after May 1, 1980.

For persons sentenced for crimes committed on or before April 1, 1980, the Corrections Board annually reviews adult felons in custody or on parole.² With a few exceptions (concerning persons sentenced for murder), the Board may parole any person sentenced to confinement in the state prison, the state reformatory, the Minnesota correctional facility for women, or other correctional facilities of the Department of Corrections.

Parole decisions for persons sentenced for crimes committed on or before April 30, 1980, are guided by a matrix. Patterned after the matrix employed by the U.S. Parole Commission, the Corrections Board's matrix was implemented in 1976. "Minnesota became the first state parole board in the nation to implement empirically developed parole guidelines to

¹ See Chapter VI on the Sentencing Guidelines Commission for a fuller discussion of the guidelines.

² Persons on probation are supervised by the courts and the Department of Corrections. "The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the Commissioner of Corrections, or in any case by some other suitable and consenting person." MINN. STAT. Chapter 609.135. "Paroled persons, and those on probation under the supervision of the Commissioner of Corrections pursuant to 609.135 may be placed within or without the boundaries of the state at the discretion of the [Corrections] Board or of the Commissioner of Corrections, and the limits fixed for such persons may be enlarged or reduced according to their conduct." MINN. STAT. Chapter 243.05. The Commissioner of Corrections, not the Corrections Board, has operational responsibility for persons on probation when so ordered by the court.

structure their parole granting discretion."¹ The parole matrix for decision making is based on the severity of the offense and the risk of failure while on parole. The sentencing grid developed and promulgated by the Sentencing Guidelines Commission in 1980 is in some ways similar to the Corrections Board's matrix. Both use the severity of the committing offense as a factor; both take into account criminal history; both have been used to reduce disparity. The Corrections Board's matrix has reduced disparity in parole decisions made by the Corrections Board.² This matrix is still applicable to persons sentenced for crimes committed on or before April 30, 1980, and is separate from the sentencing guidelines grid of the Sentencing Guidelines Commission.

Upon being paroled or conditionally released, such persons remain in the legal custody and under the control of the Board subject at any time to return to an institution. It is the Board's duty to keep in communication with all persons on parole and their collateral contacts through agents of the Department of Corrections. The Board may grant final discharge to any person on parole, issue warrants for the arrest of parole violators, and conduct due process parole revocation hearings. The Board has the power to conditionally release an inmate to work at paid employment, to seek employment, or to participate in a vocational training or education program.

The sentencing guidelines eliminate the possibility of a traditional parole for persons sentenced for crimes committed on or after May 1, 1980. With regard to these persons, the Corrections Board now has statutory responsibilities in several areas.

First, the work release program is still in effect. The Board may conditionally release an inmate to work at paid employment, to seek employment, or to participate in vocational training or education, if the inmate has served at least one-half of his term of imprisonment as reduced

¹Dale Parent, "Minnesota's New Sentencing Guidelines Legislation," *Hennepin Lawyer*, September-October, 1978, p. 15.

²Ibid.

by good time.¹

Second, inmates sentenced for crimes committed on or after May 1, 1980, serve a supervised release term upon completion of their sentence as reduced by good time. According to Chapter 244.05, sec. 5, subd. 2:

The Minnesota Corrections Board shall promulgate rules for placement and supervision of inmates serving a supervised release term. The rules shall provide standards and procedures for the revocation of supervised release and shall specify the period of revocation for each violation of supervised release. Procedures for the revocation of supervised release shall provide due process of law for the inmate.

In order to accomplish this task, the Corrections Board has developed a process in coordination with the staff of the Department of Corrections to review inmates who have entered an institution under the terms of the sentencing guidelines. An evaluation by the inmate's institution classification team, as well as by the Board, will determine the needs assessment which is essential for a successful supervised release term for the inmate and the community. An initial hearing is conducted by the Corrections Board within 90 days of an inmate's commitment to the institution under the guidelines. A personal appearance reentry review hearing is held approximately 60 days before his mandatory release date. This reentry review sets the supervised conditions as imposed by the Board under the sentencing guidelines law.

Another aspect of the Corrections Board's responsibilities takes

¹Meaningful good time is a new concept introduced coincidentally with implementation of the sentencing guidelines as an incentive to good conduct and conformance with prison disciplinary rules, now that parole denial is no longer a threat. "An inmate's term of imprisonment shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offenses rules promulgated by the commissioner [of corrections]. If an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of his term of imprisonment after the violation without earning good time." MINN. STAT. Chapter 244.04, subd. 1. In effect, the commissioner (through a hearing board of Department employees) can take away future good time, but he cannot take away good time that is already accumulated.

effect when the person begins serving a supervised release term:

If an inmate violates the conditions of his supervised release imposed by the Minnesota Corrections Board, the Board may: (1) continue the inmate's supervised release term with or without modifying or enlarging the conditions imposed on the inmate; or (2) revoke the inmate's supervised release term and imprison him for the appropriate period of time. The period of time for which a supervised release term may be revoked may not exceed¹ the period of time remaining on the inmate's sentence.

There is a third area in which the Board has responsibilities for persons sentenced for crimes committed on or after May 1, 1980. The Board may grant an extraordinary discharge to an inmate for health problems or any extraordinary circumstances with the approval of the Board of Pardons.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

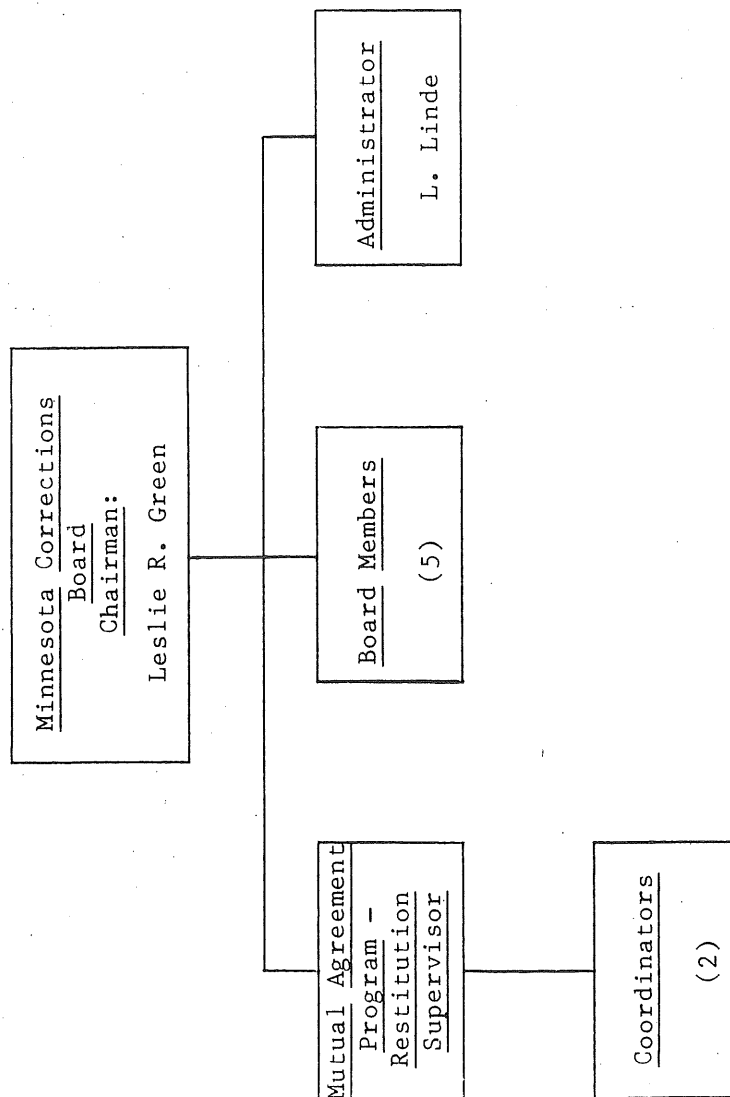
Prior to 1974, Minnesota had part-time juvenile and adult parole boards, which, it was felt, were unable to develop the necessary expertise and understanding of the corrections process. The Corrections Board came into existence on January 1, 1974, as the state's first full-time paroling authority. Four of its five members are appointed by the Governor. The fifth member, the chairman, is an officer of the Department of Corrections and is appointed by the Commissioner of Corrections. At the end of Fiscal Year 1980, the Corrections Board had a full-time equivalent staff of 11.5: five Board members, who are classified as managers, 4.5 class-A professional staff, and two class-C clerical staff.

Staff activities center on four areas: five full-time Board members (and an administrative secretary) who investigate and make final decisions regarding the matters under the Board's jurisdiction, one staff member who conducts the Mutual Agreement Program (MAP) and restitution activities, two secretaries who work for the Board, and a full-time administrator who coordinates the activities of the Board. The organization chart for the Board is in Figure 22. Total Fiscal Year 1980 expenditures were \$318,000, funded entirely by the State of Minnesota.

¹ MINN. STAT. Chapter 244.05, subd. 3.

FIGURE 22

CORRECTIONS BOARD ORGANIZATION CHART, 1980



The Mutual Agreement Program (MAP) was designed to improve rehabilitation efforts, through a:

. . . three party contract between the Minnesota Corrections Board which provides an early release date for inmates, the Department of Corrections which provides rehabilitative programs, and the inmate who promises to do the work.¹

However, MAP applies only to persons sentenced for crimes committed on or before April 30, 1980.² All persons sentenced for crimes committed on or after May 1, 1980, cannot receive an early release simply because they participate in a rehabilitation program. Likewise, neither can an inmate sentenced for a crime committed on or after May 1, 1980, receive an early release simply because he enters into a restitution contract in which he agrees to repay his victim.

The functions and responsibilities of the Corrections Board are summarized below:

For persons sentenced for crimes committed on or before April 30, 1980.	:	For persons sentenced for crimes committed on or after May 1, 1980.
<hr/>		
1. Granting and revocation of parole; initial review, special review, annual review, reentry review.	:	1. Supervision of inmates serving a supervised release; initial review, reentry review, revocation of supervised release.
2. Work release program	:	2. Work release program.
3. Mutual Agreement Program and restitution contracts.	:	3. Grant extraordinary discharge; special review.

¹Minnesota, *Guidebook to State Agency Services*, 1979-80, p. 75.

²While the Mutual Agreement Program discussed in MINN. STAT. Chapter 244.02 does apply to persons sentenced for crimes committed on or after May 1, 1980, early release does not result if the inmate successfully completes the program. Nor can future good time be taken away if an inmate does not agree to participate in the program. Also, the MAP described in 244.02 is under the supervision of the Commissioner of Corrections.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The JSIS staff interviewed the staff of the Corrections Board on the administrative service and support functions of planning, policy, research, accounting, and budgeting [072-083, 431-436]. Inquiries were made into the line operations, functions, and responsibilities as well. From the interviews and from subsequent research it became apparent that two basic organizational problems exist.

1) The first organizational problem area concerns research that is done for the Corrections Board. The Corrections Board is closely tied to the Department of Corrections. The Commissioner of Corrections appoints the chairman of the Corrections Board, the administrator for the Board works full-time with the Department, parole agents who are employees of the Department work for the Board, and the Commissioner provides personnel, supplies, equipment, office space, and other administrative services necessary to fulfill the Board's functions. The JSIS staff's observation is that interagency cooperation between the Department and the Board is generally good. The one administrative problem encountered in this relationship deals with the research provided to the Board by the Department. An employee of the Department's Research and Information Systems Unit is assigned on a half-time basis to perform research for the Board on topics such as how many inmates are abiding by their MAP contracts, parole revocations, inmate population, crimes committed while on parole, etc. [431-436]. With the present relationship concerning the research function, the Board occasionally experiences delays when research requests are made.

The solution to this problem may be to assign a Department of Corrections employee to the Corrections Board for this purpose on a full-time basis. The JSIS staff would also urge the Commissioner of Corrections to examine the interdependencies between the Department and the Board in greater depth, as this may uncover other administrative problems in this relationship.¹

¹Recall from the first chapter of this *Staff Final Report* that an organizational problem will exist if managers do not have sufficient control over administrative resources so that they can make decisions.

2) The second organizational problem area concerns the role of the Corrections Board in view of the sentencing guidelines. Through its supervision of the parole process, the Corrections Board once exercised near absolute control over the length of time an inmate would be incarcerated, the conditions under which he would be released, and the decision to reimprison him for misconduct while on parole. As noted earlier, the role of the Corrections Board has changed with the onset of the sentencing guidelines. Under the guidelines, judges sentence according to the guidelines in handing down the original sentence or file written reasons for not doing so. The actual time of imprisonment that an inmate serves is based on the length of the original sentence minus good time he accumulates while in prison. He is automatically released after this time has elapsed. The Corrections Board has no say in whether he will be released; the Board's role in this process is that of promulgating rules for supervised release terms and ordering the reimprisonment of persons who violate the provisions of supervised release.

For persons sentenced for crimes committed on or before April 30, 1980, the Corrections Board may still grant and revoke parole (and execute initial, annual, special, and reentry reviews), and may still administer MAP contracts, restitution contracts, and work release programs. But when those persons all leave the system, as one day they will, the Board's responsibilities will be limited to overseeing the work release program, setting the conditions for supervised release, revoking the supervised release of persons who have violated the conditions of their release, and granting extraordinary discharges with the approval of the Board of Pardons. Below, the JSIS staff will offer what it perceives as the feasible options for the future existence of the Corrections Board.

a) One option would be to let the Board continue indefinitely with its current membership and staff. However, when all "pre-May 1" inmates leave the system, the parole function and MAP will no longer be operational. The Board will still be responsible for supervised release. However, the Board's work load under its supervised release responsibilities may be a decrease from its work load when the Board had parole releasing responsibilities. The JSIS staff proposes that the Minnesota legislature study the Corrections Board's work load under its supervised release responsibilities to determine whether the work load will continue

to require a full Corrections Board and staff.

b) Regardless of the Corrections Board's work load under supervised release, it may have to continue to exist in one form or another because of U.S. Supreme Court opinions concerning due process for inmates in parole revocation proceedings (which can be extended to include supervised release revocation proceedings). The U.S. Supreme Court has held that parole revocation procedures must be handled in a manner which guarantees an inmate's right to due process, which means that they must be handled by an impartial board.¹ In order to have an impartial hearing and fulfill the other requirements of due process, a neutral and detached organization will have to be utilized for the revocation of any individuals on parole (based on "pre-May 1" releasing procedure) and individuals released on supervised release (based on "post-May 1" releasing procedure). For this reason, the JSIS staff believes that it is not a viable option to abolish the Corrections Board, since an impartial organization will have to oversee revocation procedures; the Corrections Board already has autonomy and expertise in this area, and it would be wasteful and counter-productive, and perhaps unconstitutional, to abolish it. In addition to the need to guarantee due process rights, an organization meeting similar autonomy requirements will probably have to exist to fulfill various contractual obligations with inmates. Inmates who have entered into contracts with the Board for release were incarcerated under the statutory expectation that they would receive a parole from the Corrections Board. Legally, it may not be possible to transfer this responsibility to someone else.

¹" . . . the minimum requirements of due process . . . include (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole." *Morrissey v. Brewer*, 408 U.S. 471, 489 (1971). Also see *Gagnon v. Scarpelli*, 411 U.S. 778 (1973), which held that due process also requires the appointment of counsel for such hearings when fundamental fairness so requires; Sheldon Krantz, *The Law of Corrections and Prisoners' Rights* (St. Paul: West Publishing, 1976); Ann Ginger, "Due Process or Whatever's Fair" *Hastings Law Journal* 25, March, 1974.

The Sentencing Guidelines Commission is statutorily mandated to review the powers and duties of the Corrections Board under the sentencing guidelines and make recommendations to the legislature on the appropriate role of the Board. For the reasons cited above, the JSIS staff suggests that the functions of the present Corrections Board will have to be maintained. From the perspective of the JSIS staff, the only real question is whether the size of the staff complement and Board membership will need to be maintained given its responsibilities under supervised release.

CHAPTER VI

SENTENCING GUIDELINES COMMISSION

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 244.09

The Minnesota Sentencing Guidelines Commission was established by the legislature in 1978 to:

promulgate sentencing guidelines for trial court judges. These guidelines will be advisory to the trial court judge, and will establish: (1) the circumstances under which imprisonment of the offender is proper; and (2) a fixed presumptive term of imprisonment for those offenders for whom imprisonment is proper. In addition, the Sentencing Commission may promulgate sentencing guidelines for those offenders for whom imprisonment is not proper, and may make specific reference to such sanctions as restitution, fines, community work orders, confinement in a local jail or correctional facility, etc.¹

The Commission was required to take into consideration current sentencing and release practices and available correctional resources. The bill creating the Commission stated that the guidelines would take effect May 1, 1980, unless the legislature provided otherwise, which it did not.

Since the guidelines have taken effect, the Commission is required to study their impact. It is also mandated to serve as a clearinghouse and research unit on sentencing practices and is charged with recommending changes in the criminal code, criminal procedures, other aspects of sentencing, and matters related to improvement of the criminal justice system. The Commission is also required to review the powers and duties of the Corrections Board and make recommendations to the legislature on the appropriate role, if any, of the Board under the guidelines.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

The Sentencing Guidelines Commission consists of nine members, each of whom is appointed for a four-year term. The members are the Chief

¹Minnesota's Sentencing Guidelines Commission, "Minnesota Sentencing Guidelines Law: A Summary."

Justice of the state Supreme Court or his designee, two district court judges appointed by the Chief Justice of the Supreme Court, one public defender appointed by the Governor upon recommendation of the State Public Defender, one county attorney appointed by the Governor upon the recommendation of the Board of Governors of the County Attorneys Council, the Commissioner of Corrections or his designee, the chairman of the Corrections Board or his designee, and two public members appointed by the Governor. One of the members is designated by the Governor as chairman.

At the end of Fiscal Year 1980, there were seven full-time equivalent staff members working for the Commission: six class-A professional staff (including the director) and one class-C office staff. (At present the F.T.E. staff is 6.5.) The organization chart in Figure 23 outlines the present configuration of the agency. Total Fiscal Year 1980 expenditures for the Sentencing Guidelines Commission were \$221,700, of which \$211,000 came from the State of Minnesota and \$10,700 came from the federal government.

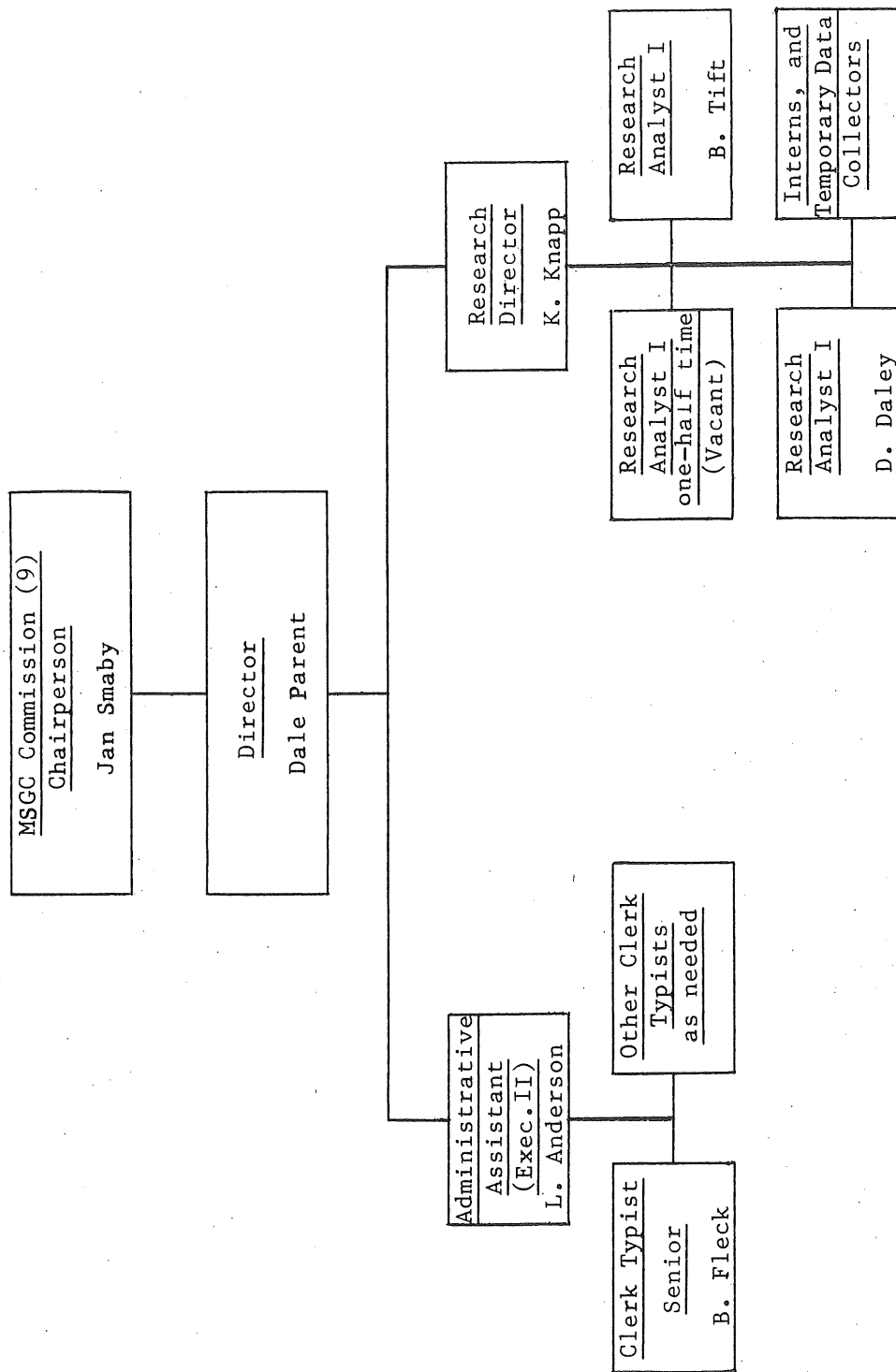
C. BACKGROUND ON THE SENTENCING GUIDELINES COMMISSION AND THE SENTENCING PROCESS

Sentencing guidelines in Minnesota grew out of a climate in which prevailing sentencing and parole practices throughout the United States were being subjected to more frequent criticism. Statistical studies found that judges often imposed grossly disparate original sentences for the same offense and offender characteristics.¹ Actions of parole boards which determine the actual time of incarceration were also criticized as being guided by insufficient standards.² According to advocates of change

¹E.g., John Hogarth, *Sentencing as a Human Process* (Toronto: University of Toronto Press, 1971).

²E.g., M. Kay Harris, "Disquisition on the Need for a New Model for Criminal Sanctioning Systems," 77 *West Virginia Law Review* 263, 297 (1975), noted in Andrew von Hirsch and Kathleen J. Hanrahan, *Abolish Parole?* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1978), p. 1. See also Jessica Mitford, *Kind and Usual Punishment: The Prison Business* (New York: Vintage Books, 1974), esp. pp. 88-94. Minnesota's Corrections Board (the parole board) responded to this criticism by formulating standards to guide parole decisions: "After eighteen months of research, planning, and development, on May 1, 1976 Minnesota became the first state parole board in the nation to implement empirically developed parole guidelines to structure their parole

FIGURE 23
SENTENCING GUIDELINES COMMISSION ORGANIZATION CHART, 1980



in sentencing practices, negative consequences stem from what they consider to be the vast and unchecked powers of judges and parole boards. The indeterminate sentence structure, they argue, results in uncertainty both in terms of whether an offender will be imprisoned if convicted and in terms of time of incarceration for those imprisoned. It is argued that this uncertainty contributes to feelings of anxiety and hostility among convicted felons and inmates, which results in "game playing" where the convicted attempt to manipulate the sentencing and parole decision making process to achieve the best result for themselves.

Opponents of attempts to change sentencing practices argue that many schemes which purport to reduce disparity are in fact insensitive to important differences in offenders and in offenses. In addition, they argue that attempts to reduce disparity will not provide enough gradation in punishment to be fair to either the offender or to the public.

In considering disparities in the sentencing process, it must be realized that:

disparity was not something that emerged solely from the decisions of judges and parole boards. It [disparity] is, rather, the product of the discretionary decisions of a large number of participants in the sentencing process--police, prosecutors, defenders, probation agents, judges, correctional officials, parole boards, and parole agents.¹

Before an examination of the organizational problem areas and corrective proposals for the Sentencing Guidelines Commission is undertaken, therefore, it is necessary to summarize the sentencing process in the State of Minnesota.²

granting discretion. These guidelines have been in effect for over two years, and evaluations have shown that they have reduced disparity in parole decision making by the Minnesota Corrections Board." Dale Parent, "Minnesota's New Sentencing Guidelines Legislation," *Hennepin Lawyer*, September-October, 1978, p. 15. Therefore, the Corrections Board had taken administrative procedures to place substantial limits on its discretion before the sentencing guidelines went into effect.

¹Response by the Sentencing Guidelines Commission to the first draft of the JSIS report, December 23, 1980, p. 3.

²For more detail on sentencing practices, see C. Paul Jones, *Jones on Minnesota Criminal Procedure*, 3rd. ed. (St. Paul: Mason Publishing Co., 1970) and the Minnesota Sentencing Guidelines Commission's *Report to the Legislature*, January 1, 1980.

After a person is arrested for a crime (which may involve wide discretion on the part of the arresting officer), the prosecutor can follow through on the decision to charge the suspect with the original offense or he can plea bargain with respect to the sentence or the charge.¹ The county attorney therefore has broad discretionary power; the managerial and policy role of the judge may have shifted to the prosecutor.²

After the prosecutor, the next decision maker is the judge. Since May 1, 1980, judges are to follow the guidelines promulgated by the Sentencing Guidelines Commission unless they have "substantial and compelling reasons" not to do so. If a judge does not follow the guidelines, he "shall make written findings of fact as to the reasons for departure from the sentencing guidelines in each case in which the court imposes or stays a sentence that deviates from the sentencing guidelines applicable to the case."³

The last major actor in the sentencing process is the Minnesota

¹Generally, plea negotiation is "an express agreement between the defendant and the prosecution, often arrived at after a process of bargaining in which each side endeavors to secure the best arrangement possible." However, this "express agreement" is not true in all plea negotiations. For a fuller explanation, see National Advisory Commission on Criminal Justice Standards and Goals, *Report on Courts* (Washington, D.C., 1973), pp. 42-45.

²"Historically the prosecutor is a latecomer to the administration of criminal justice. The office of the public prosecutor became a major feature in the administration of criminal justice after the American Revolution. But it was not until the end of the last century, with the growth of major urban areas and a concomitant explosion in the work load of the urban criminal courts, that the significance of the prosecutor in the administration of justice began to emerge. Until that time, the key figure was the judge. The prosecutor had only to act as a lawyer trying cases, frequently on a part-time basis." Institute of Criminal Law and Procedure, "Plea Bargaining in the United States," Phase I Report, 1977, p. 54. In the September 21, 1980, issue of the *Fargo-Moorhead Sunday Forum*, Clay County District Court Judge Gaylord Saetre stated that "judges have had less to do with imposing sentences than many people think. The plea bargaining process has determined what sentences would be used in recent years."

³MINN. STAT. Chapter 244.10, subd. 2. Also, "an appeal to the Supreme Court may be taken by the defendant or the state from any sentence imposed or stayed by the district court according to the rules of criminal procedure for the district court of Minnesota." MINN. STAT. Chapter 244.11.

Corrections Board.¹ The Board is primarily responsible for parole decision making for persons sentenced for crimes committed on or before April 30, 1980, and for supervising and setting conditions for supervised release for persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota legislature attempted to deal with the problem of disparities in the sentencing process in 1975 and 1976, when a determinate sentencing bill was introduced. This would have limited judicial discretion regarding the sentence duration of those imprisoned and would have eliminated the Corrections Board's role for persons sentenced under the new law. The bill introduced in the 1976 session was passed by both houses of the legislature but was vetoed by the Governor.

Further seeking to reduce disparities in the sentencing process, the legislature created the Sentencing Guidelines Commission in 1978. The Commission's guidelines were submitted to the legislature in January, 1980, and since the legislature took no action, the guidelines went into effect May 1, 1980 (as the 1978 statute had prescribed).

The guidelines' grid establishes presumptive recommendations with respect to two aspects of sentencing decisions: (a) whether the offender should be imprisoned or given a stayed sentence; and (b) the duration of pronounced sentences. With regard to the duration of the sentence, the grid indicates the number or range of months for which a judge may sentence a person without the sentence being deemed a departure from the guidelines. Sentence lengths recommended by the guidelines depend on a criminal history index and the severity of the offense.² The guidelines are intended to increase the probability that a "person offender"--one who has committed a crime against people rather than property--will be imprisoned, compared to past practice. In summary:

. . . the legislation provides that persons sentenced to prison for felonies committed on or after May 1, 1980,

¹The Corrections Board's powers and duties are fully described in Chapter V of this *Staff Final Report*.

²Minnesota Sentencing Guidelines Commission, *Report to the Legislature*, January 1, 1980, p. 38.

will serve the sentence given by the judge, reduced by good time. Thus, under the sentencing guidelines, judges, and not the Minnesota Corrections Board, will control the term of imprisonment.¹

D. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

If sentencing disparity is to be reduced, it should be reduced among all actors in the process. Specifically, there must be some way to reduce disparity in the actions of county attorneys who have wide discretion in deciding who is sentenced and for what.² However, the sentencing guidelines were designed to deal with disparity only at the later stages of the process--trial court judges and the Corrections Board. In addition, sentencing guidelines may have transferred extra discretionary power to the prosecutor. For these reasons, the JSIS staff offers a brief summary of the problem and some constructive alternatives which are aimed at alleviating disparities in all phases of the sentencing process. The JSIS staff realizes that the Sentencing Guidelines Commission is aware that there is a need to assess plea bargaining practices in the context of sentencing guidelines; the Commission's staff is studying this question and expects to make its report to the legislature in 1982. It is felt by the JSIS staff, however, that all decision makers should begin to consider this issue immediately. The comments below are presented as a means of stimulating discussion on whether the scope of the sentencing guidelines should be broadened to include county attorneys, or whether other changes in the criminal code or criminal procedure are warranted.

The JSIS staff learned from its interviews that data collected on implementation of the sentencing guidelines indicates that judges are departing from the dispositional recommendation in the guidelines in about 6% of the cases; durational departures occurred in about 16% of these cases. Several members of the judiciary have told the JSIS staff that departure rates would be higher if a considerable number of county

¹ Ibid., p. 11.

² The actions of county attorneys have been demonstrated to exhibit disparities. For example, in Minnesota, "the proportion of cases that are plea bargained varies greatly across the sampled counties." Crime Control Planning Board, Statistical Analysis Center, *The Final Report of the Plea Negotiation Study*, March, 1979, p. iii.

attorneys did not extensively use plea bargaining. In effect, county attorneys can determine the crime for which a person is convicted through their use of plea bargaining, by reducing or dropping charges in order to obtain a guilty plea. Prosecutors have a strong impact on the presumptive sentence which is presented to the judge and on which the judge must decide to comply with or depart from the guidelines.

In the late 1970s in Minnesota, approximately two-thirds of all cases involved a plea agreement.¹ Plea bargaining has certain advantages for prosecutors. It reduces the time and preparation the prosecutor must spend on each case, since it may be easier to prove guilt on a lesser charge, or he may not have to prove guilt at all. Also, plea bargaining ensures that a "guilty" offender will go to prison, as the prosecutor does not have to risk the possibility, however remote, that the defendant will be found innocent or a mistrial declared. However, plea bargaining may also tend to eliminate the presumption of innocence, the assumption that a person is innocent until proven guilty--there are strong incentives which compel a person to admit guilt to a lesser charge.

In summary, disparities in the sentencing process exist at all stages, including those involving county attorneys. It appears to the JSIS staff that the best method for successfully reducing disparity would be one in which county attorneys--along with judges--should be required to follow some kind of guidelines. In effect, as mentioned

¹Ibid. "Roughly 90 percent of all convictions are the result of a guilty plea, and three-fourths of all guilty pleas are the result of a plea bargain." While sentencing guidelines may have reduced plea bargaining over the duration of the sentence, it has not been eliminated. For those sentences which are stayed on the basis of the guidelines, sentence bargaining can still occur with respect to the conditions of the stayed sentence, such as fines, restitution, length of stay, treatment, or length of confinement in a local jail or workhouse. Thus, for the 85% of the felony cases for which the guidelines establish a presumption in favor of a stayed sentence, sentence negotiation is still significant. For those cases for which the guidelines establish a presumption in favor of a sentence, sentence negotiation can continue for a duration within the limited ranges provided by the grid. "Response of the Sentencing Guidelines Commission to the JSIS staff's second draft," March 9, 1981, p. 2. Plea bargaining over the charge is not addressed by the sentencing guidelines.

above, county attorneys are making sentencing decisions when they engage in plea negotiation. Attempts to reduce disparity without including all the major actors in the sentencing process may result in only partial success. The JSIS staff therefore offers several options for dealing with this problem.

1) The legislature could pass several statutes which would abolish plea bargaining altogether. The legislation could be modeled after directives issued by the Attorney General of the State of Alaska or those of the Philadelphia District Attorney's Office. In both jurisdictions plea bargaining was banned outright by the directives. However, plea bargaining did not stop--its locus was merely shifted to another area.¹

¹ It is not necessary for the purpose of this report to go into great detail on what happened when plea bargaining was banned in Philadelphia and Alaska. Generally, the Alaska experiment began with the Attorney General's belief that sentencing should be divorced from a decision on whether there will be a trial and whether an individual is guilty. The Attorney General distinguished between charge plea bargaining and sentence plea bargaining: charge plea bargaining is an agreement to reduce the crime for which a person is charged, while sentence plea bargaining is an agreement that the prosecutor will push for a reduced *sentence* if the person admits his guilt. The Attorney General's policy to abolish plea bargaining was directed at sentence plea bargaining, since he believed that sentencing is solely the function of the judge--not the prosecutor.

The Attorney General's directive attempted to deal with the problem of charge plea bargaining not by eliminating it, but by declaring that reduction of a charge should not occur simply to obtain a plea of guilty.

His directives were effective in reducing sentencing plea bargaining. However, little change occurred in the pattern of charge adjustments. For further information on plea bargaining in Alaska, see Michael E. Rubenstein, Teresa J. White, and Steven H. Clarke, "The Effect of the Official Prohibition of Plea Bargaining on the Disposition of Felony Cases in Alaska Criminal Courts, Final Report," prepared for the Alaska Judicial Council.

In Philadelphia, a ban on charge plea bargaining and sentence plea bargaining resulted in a shift of bargaining to whether a defendant would waive his right to a jury trial and choose a bench trial instead. "Since bench trials can be completed in a matter of minutes, they serve substantially the same purpose as guilty pleas." Charles E. Silberman, *Criminal Violence, Criminal Justice* (New York: Vintage Books, 1980), p. 378.

Since it appears unlikely that plea bargaining in one form or another can ever be totally eliminated (leaving aside the question of whether it *should* be eliminated), it appears to the JSIS staff that this is not a viable option.¹ It should be pointed out that the problem is not simply that of the prosecutors exercising discretion, but that there are no guidelines on that discretion.² Thus, attempting to abolish plea bargaining might be "overkill"--a mismatched solution to the problem of plea bargaining.³

2) A second alternative would be for the legislature to enact a law directing the Sentencing Guidelines Commission to promulgate guidelines for plea bargaining at the charge plea bargaining as well as the sentence plea bargaining points in the process.

a) The first option for guidelines would be for the Commission to use the present sentencing guideline grid to prohibit any charge negotiating by county attorneys for serious "person offenders." For example, plea negotiating for individuals who fall within types VIII, IX, and X severity levels of offense could be prohibited.⁴

b) A second option to total abolition of plea bargaining would be for the Commission to promulgate guidelines for uniform charging practices throughout the state. The guidelines could be based on a restriction on the extent to which a charge can be negotiated down from the

¹The argument that a ban on plea bargaining would be undesirable because it would increase the court's caseload is not justified. For example, cases coming to trial did not increase appreciably in Alaska.

²For a further discussion of prosecutorial discretion see William M. Rhodes, "Plea Bargaining: Who Gains? Who Loses?" *Promis Research Project Publication* 14 (Washington, D.C.: Institute for Law and Social Research, May, 1978).

³One argument often used against the abolition of plea bargaining is that it would increase the caseload. However, a study has shown that "there is no relationship between caseload and the amount of plea bargaining." Crime Control Planning Board, *op. cit.*, p. iii.

⁴See Thomas Church, Jr., "Plea Bargains, Concessions, and the Courts: Analysis of a Quasi-Experiment," *Law and Society Review* (Spring, 1976), pp. 377-401.

preliminary charge, for example, depending on the severity of the offense.

Because the guidelines could be made applicable to serious "person offenders," prosecutors would still be able to clear the "junk" cases easily without having to go to trial ("junk" cases being those that are not of high priority for most prosecutors: first offense shoplifting, marijuana possession, etc.). Thus, both options have the advantage that it is unlikely that court dockets would be overfilled if either were implemented. The important difference between either of these proposals and the current guidelines is this: proposals a) and b) separate decision making as to whether an offender should be charged and with what offense he should be charged from the decision making as to what length of sentence the offender should serve. In effect, proposals a) and b) broaden and deepen the impact of the sentencing guidelines by limiting wide discretion on the part of prosecutors and returning the authority for sentencing to judges, who would still be making sentencing decisions under the Commission's present grid.

If the legislature seriously wants to reduce disparities in all phases of sentencing throughout the State of Minnesota, the issue of plea negotiation should be addressed.¹ Alternatives 1), 2a), or 2b) would begin to return sentencing authority to the judiciary. Specifically, alternative 2a) or 2b) would bring county attorneys under the "umbrella" of the guidelines. Although specific action on the question of plea negotiation should await the Sentencing Guidelines Commission's in-depth statistical analysis, it is hoped that the comments in this chapter will sufficiently raise the issue in the minds of key decision makers.

¹One value of the sentencing guidelines is that they have the potential for increasing the legitimacy of the law. Reducing disparities in sentencing and plea bargaining is only one of many ways of increasing the legitimacy of the law. By itself, reducing disparities may not improve "the deterrent power of the criminal law" (Silberman, op. cit., p. 344), but it does have the potential for decreasing criminal violence if it increases the perceived legitimacy of the law.

CHAPTER VII

BOARD OF PARDONS

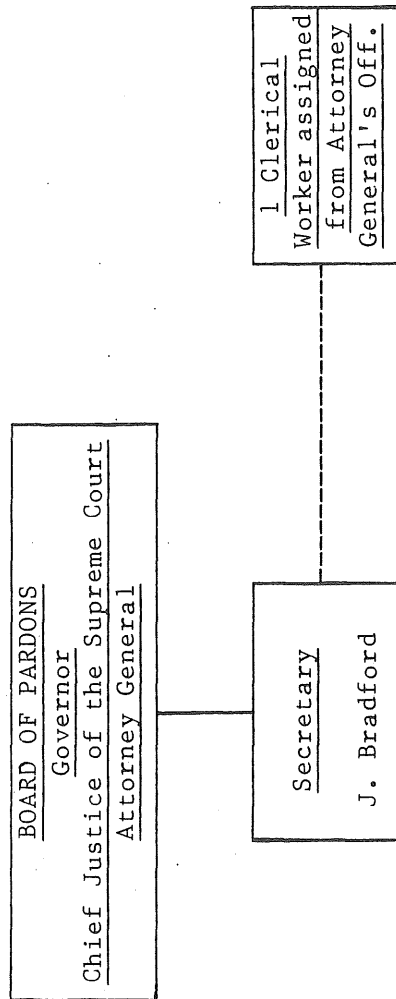
A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 638

Constitutionally established (Article V, Section 7), the Board of Pardons consists of the Governor, the Chief Justice of the Supreme Court, and the Attorney General. The Board may grant pardons and reprieves and may commute the sentence of any person convicted of an offense. The Board may also grant a pardon extraordinary, in which a person who has been discharged of the sentence imposed and who has been law-abiding and of good character and reputation, may have all his civil rights restored and the conviction nullified. It is the responsibility of the Board to hold regular meetings and keep records of petitions received and of pardons, reprieves, and commutations granted or refused, and the reasons for such action. The secretary to the Board is the Commissioner of Corrections or his designee.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

As the organization chart shows in Figure 24, the Board of Pardons has two employees. Both spend part of their time working for the Attorney General's Office; the Secretary to the Board is also the attorney assigned to the Department of Corrections. Approximately 20% of his time is devoted to the Board of Pardons; 20% of his salary is \$8,400. A clerical worker is assigned to the Board by the Attorney General for at most 75% of her time, which would amount to \$12,425. Therefore, a rough estimate of the state's expenditures for the Board of Pardons is \$20,825.

FIGURE 24
BOARD OF PARDONS ORGANIZATION CHART, 1980



C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The Board of Pardons is a small agency with only a part-time staff; it does not perform the administrative service and support functions as defined by the JSIS staff. It would not have been productive to interview the Board's staff with the JSIS activity questionnaire. Instead, discussions were held with the Secretary to the Board, from which it became apparent that there are no organizational problems in the Board's operation. Even if there were problems, it might be outside of the JSIS staff's domain to recommend changes in a constitutionally established agency. The powers, duties, responsibilities, structure, and expenditures of the Board of Pardons are described here simply as a way of more fully delineating the criminal justice system.

CHAPTER VIII
BOARD OF PEACE OFFICER STANDARDS AND TRAINING
(POST BOARD)

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 626.84-.855

A peace officer is defined as an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full powers of arrest, including the highway patrol and state conservation officers.

The POST Board is mandated and authorized to license individuals who wish to become peace officers employed by a political subdivision or state law enforcement agency. Licensure then is contingent not on employment alone, but on the completion of required training and compliance with certain selection standards. Unlicensed personnel are not authorized to practice law enforcement and the POST Board has the authority to seek injunctive relief in such cases.

MINN. STAT. § 626.845 further defines the powers and duties of the POST Board as follows:

1. To certify schools and to revoke such certificates.
2. To certify instructors at peace officer schools.
3. To cause studies and surveys relating to training schools.
4. To consult and cooperate with training schools for the development of in-service training.

MINN. STAT. § 626.843 gives the POST Board authority to promulgate administrative rules for the licensing of peace officers, part-time officers, and constables. In accordance with that statute the POST Board must adopt rules with respect to:

- a. The certification of peace officer training schools.
- b. Minimum courses of study, attendance requirements, and equipment to be required at certified schools.
- c. Minimum qualifications for instructors.

- d. Minimum standards of physical, mental, and educational fitness governing the licensing of peace officers.
- e. Minimum standards of conduct.
- f. Content of basic peace officer education.

The POST Board also has the authority to recommend studies, surveys, and reports and to visit and inspect certified peace officer training schools.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

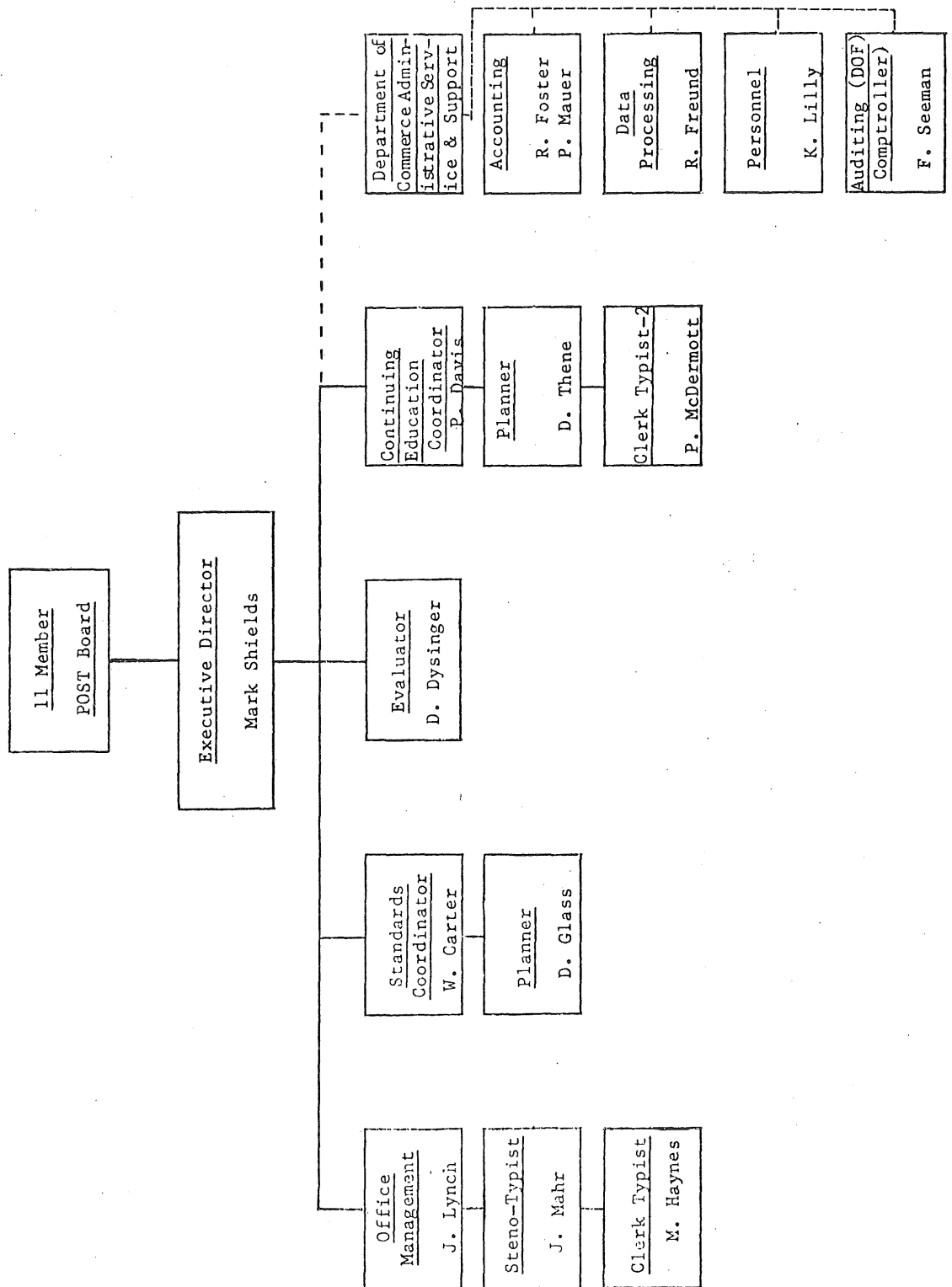
Eleven members, representing the law enforcement profession and the citizens of Minnesota, comprise the POST Board: two county sheriffs appointed by the Governor, four peace officers of municipalities (at least two of whom are chiefs of police) appointed by the Governor, the Superintendent of the Bureau of Criminal Apprehension or his designee, two persons appointed by the Governor who are experienced in law enforcement at a local, state, or federal level and who are not currently employed as peace officers, and two persons appointed by the Governor from the general public. The Board's chairman is appointed by the Governor from among the members.

An executive director is appointed by the Board and serves in the unclassified service of the state at the pleasure of the Board. The executive director hires a staff to carry out the POST Board's statutory responsibilities. Including the executive director, there are (at the end of Fiscal Year 1980) 11 full-time equivalent staff working for the Board: one manager, six class-A professional staff (two of whom are federally funded), and four class-C office staff (one of whom is federally funded). Therefore, eight staff positions are funded by the state and three are funded by the federal government.

The POST Board's total Fiscal Year 1980 expenditures were \$450,406, of which \$402,843 came from the state and \$47,563 came from the federal government. Claims and grants to reimburse local units of government for the basic cost of training new peace officers without any previous training or education amounted to \$199,920. Salaries for the Board's staff totaled \$196,491, and the remainder went for miscellaneous expenses such as rent, materials and supplies, printing, and communication.

The POST Board's organization chart in Figure 25 reflects the agency's structure. It illustrates that the Board receives many of its administrative services (e.g., auditing, accounting, personnel, data

FIGURE 25
POST BOARD ORGANIZATION CHART, 1980



processing) from the Department of Commerce's Administrative Services Division. This is a relationship mandated by Chapter 214 of the Minnesota Statutes.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

With regard to the administrative service and support function of planning [826-829], the JSIS staff discovered two organizational problem areas in which the POST Board does not have sufficient control over resources. These problems relate to the state's classification of planner positions and to the flow of planning information to the POST Board from local law enforcement agencies.

1) Planners needed for the staff of the POST Board should have a criminal justice background with the ability to develop training manuals and set standards for criminal justice training. Persons classified as planners do not necessarily have these abilities or a criminal justice background. This fact is recognized in only a cursory fashion by the job classifications of the Department of Employee Relations. While subject matter expertise is acknowledged in the "Planner-2" and "Planner-3" categories in the areas of health, chemical dependency, environmental affairs, and developmental disabilities, there is no recognition of criminal justice planning expertise until the level of "Planning Director-Criminal Justice" is reached. This is one level above the "Planner-3" classification and is reserved for the highly paid directors of criminal justice planning units.

The POST Board requires intermediate level planners who have a criminal justice background. However, when they request a list of available planners from the Employee Relations Department, the job classifications are such that the Board can only receive a list of all planners, who may or may not have the required criminal justice background. The Board's staff must then sift through this list to extract applications of those persons with apparent criminal justice expertise. It would expedite the selection process significantly if the Board had only to consider for employment persons classified as "Planner-Criminal Justice."

The JSIS staff was not told that this is a problem in other criminal justice agencies, but it may well exist throughout the system. The JSIS staff proposes that the Department of Employee Relations consider creation of a job classification for criminal justice planners, as it has done for

other areas of planning expertise. If it is only possible to create such a classification in the "Planner-2" category, then the POST Board should be authorized to hire "Planner-2" rather than "Planner-1" applicants. In summary, the POST Board needs staff who can set standards for criminal justice training, who do not simply have a general planning background.

2) The second problem area with regard to planning concerns an insufficient flow of information needed by the POST Board to make decisions on peace officer training school certification. The Board currently asks that training curricula of schools and programs applying for certification or recertification be sent to the Board 30 days in advance of the Board's scheduled date for a certification decision. This timeline is informal; the Board cannot require that materials be sent in a timely fashion, nor can it deny certification if materials are not received by the date requested. In the past, delayed submissions of training curricula and other materials have impeded rapid certification by the POST Board.

The JSIS staff proposes that the POST Board employ its statutory authority to adopt rules with regard to the deadlines which must be met in submitting training curricula for certification. These rules would mandate explicitly that applicants must submit all materials POST requires within a specified time so that the Board can effectively exercise its certification responsibility.

3) A third problem area concerns the security of the Board's peace officer data base. The POST Board collects information on all peace officers licensed in Minnesota as a result of its licensing activities. This includes information on those officers who are working "undercover" or who for various reasons cannot let their names be known to the general public. The Board's data base on Minnesota peace officers, known and "undercover," is maintained by the Department of Commerce. To access information from the data base, POST uses a computer terminal housed in offices at Commerce.

This is a potential problem area because the sensitive portion of the peace officer information could be used for purposes other than those for which it was intended. Unauthorized persons could learn the Board's entry code, or they could come across computer printouts describing peace officers and the nature of their work. To the best of their knowledge, the POST Board's staff does not think this has happened yet. But as long as

persons other than POST Board staff have access to POST's data base, there is a possibility that the unique criminal justice privacy requirements will not be met.

The JSIS staff therefore strongly supports the POST Board's decision to purchase a computer terminal which will be housed in its own offices and will allow easy access to its own data base. While this may further fragment the criminal justice information "system" in Minnesota, it is currently necessary to provide greater assurance of the confidentiality of peace officer information.

4) The final problem area concerns the organizational location of the Board of Private Detective and Protective Agent Services, which is now housed in the Bureau of Criminal Apprehension (BCA) of the Department of Public Safety. For the reasons developed below, the JSIS staff proposes that this Board be moved out of the BCA. The various proposals for change cited in this section will have an impact on the Department of Commerce and/or the POST Board.

The Board of Private Detective and Protective Agent Services consists of the Attorney General or his designee, the Superintendent of the Bureau of Criminal Apprehension or his designee, a licensed private detective, and two public members appointed by the Governor. The Board's function is to receive and review all applications for private detective and protective agent licenses and to render approval or denial of such licenses.¹ Employees of private security firms are not individually licensed.

This licensing responsibility was performed by the Secretary of State prior to 1969.² It was assigned to the Bureau of Criminal Apprehension with creation of the Department of Public Safety in 1969.³ The present Board was established to oversee this function in 1974⁴ and was attached to the BCA for administrative purposes. At this time, the Board has a secretary and a less than half-time investigator of license applications

¹MINN. STAT. Chapter 326.32-.339 (1978).

²MINN. STAT. Chapter 326.331-.339 (1967).

³1969 Minn. Sess. Laws, Chapter 1129, art. 1, sec. 3, subd. 3.

⁴1974 Minn. Sess. Laws, Chapter 310, sec. 3.

and complaints. The half-time investigator also does other investigative work for the BCA.

Standards upon which licensing decisions are based can be found in the Board's enabling statute. For example, no person may hold a license who has been convicted of a felony; the license holder must be an active participant in the licensee's business; at least one person signing the license application must have a minimum of three years' experience as a detective or protective agent.

a) From the perspective of the JSIS staff, these regulatory and licensing responsibilities are quite similar in nature to those performed by the regulatory and licensing boards housed for administrative purposes in the Department of Commerce. It would appear that Commerce is a more appropriate location for the Board of Private Detective and Protective Agent Services than is the Bureau of Criminal Apprehension, as administration of the Board may draw BCA resources away from its primary function of criminal investigation.

The JSIS staff therefore proposes that the Board be moved to the Department of Commerce for administrative purposes. The Board's secretary would be moved to Commerce. Since investigation of license applications is apparently not a major function, perhaps it could be provided by hiring a part-time investigator or by drawing on the expertise of Commerce's investigation section.

One reason that the Board is presently housed in the Bureau of Criminal Apprehension is the access this permits to criminal history record information, so that license applicants can be checked as to whether they have a criminal history. If the Board were moved to the Department of Commerce, the statute would have to be changed to stipulate that the Board should still have access to criminal history records and files.

b) The analysis in the previous section was predicated on the concept that the Board of Private Detective and Protective Agent Services current, basic statutory responsibilities would be unchanged. There is a real possibility, however, that its licensing responsibilities will be sufficiently enlarged to require a sizable staff. The JSIS staff is raising this issue simply for informational purposes, so that the legislature will be aware of the full range of alternatives. Offered below are comments on the

changes which may take place, and various options for responding to the possible changes.

A bill was introduced in the 1980 legislative session which, if enacted into law, would have mandated minimum training and licensing of individual security guards.¹ The Board of Private Detective and Protective Agent Services would be responsible for licensing security guards, who would have to complete satisfactorily a Board-certified general training course. The bill also called for firearms and first aid training if the security guard would carry or have ready access to firearms.

To execute this licensing responsibility, the Board would have to adopt rules on the certification of security guard training schools and courses and then certify schools and courses complying with standards found in the rules. Schools eligible for certification would include community colleges with law enforcement programs, four-year colleges with criminal justice programs, area technical-vocational schools with law enforcement programs, and any other organization with facilities and instructors qualified to provide security guard training.

S.F. 769 passed the Senate but received no formal action in the House. A modified yet similar bill is likely to be introduced in the 1981 session of the legislature. It further specifies the training requirements which must be met by all security guards: two hours of orientation, two hours on the legal powers and limitations of a security officer, two hours of emergency procedures, two hours on general duties.² Security guards issued a firearm would be required to complete preassignment firearms training. The bill would also mandate annual refresher courses for licensed security guards.

If the changes embodied in both bills outlined above become law, the Board of Private Detective and Protective Agent Services' regulatory responsibilities would increase dramatically. Not only would it license

¹S.F. 769.

²These training requirements are based on the model of preassignment training requirements found on pp. 99-102 of the Report of the Task Force on Private Security, *Private Security* (Washington, D.C.: National Advisory Committee on Criminal Justice Standards and Goals, 1976).

private security agencies as at present, but it would also certify the training courses taken by their security guard employees, and then license each guard. In practical terms, this would dictate the need for the Board to be serviced by a much larger staff with expertise in the area of private security. The Board and its staff could be constituted in any of three ways outlined below. The perceived advantages and disadvantages of each are explained so that decision makers will have a fuller understanding of the options. All three options are based on the premise in the previous section that the Board should be moved to the Department of Commerce for administrative purposes.

(1) The Board could be given additional funding to hire a staff and an executive director with expertise in the private security area. The Board would then have the resources to remain an autonomous decision making body, since "it is felt that proper and meaningful private security regulation can be performed best by an agency whose sole responsibility is that regulation."¹ The chart in Figure 26 (taken from the NAC Task Force on Private Security Report) illustrates that the Board would coordinate its actions with the various other licensing and educational agencies in the state. In particular, it would be essential for the Board to receive technical assistance from the POST Board in developing rules and standards, certifying courses, and licensing security guards, since POST currently has similar responsibilities with respect to peace officers.

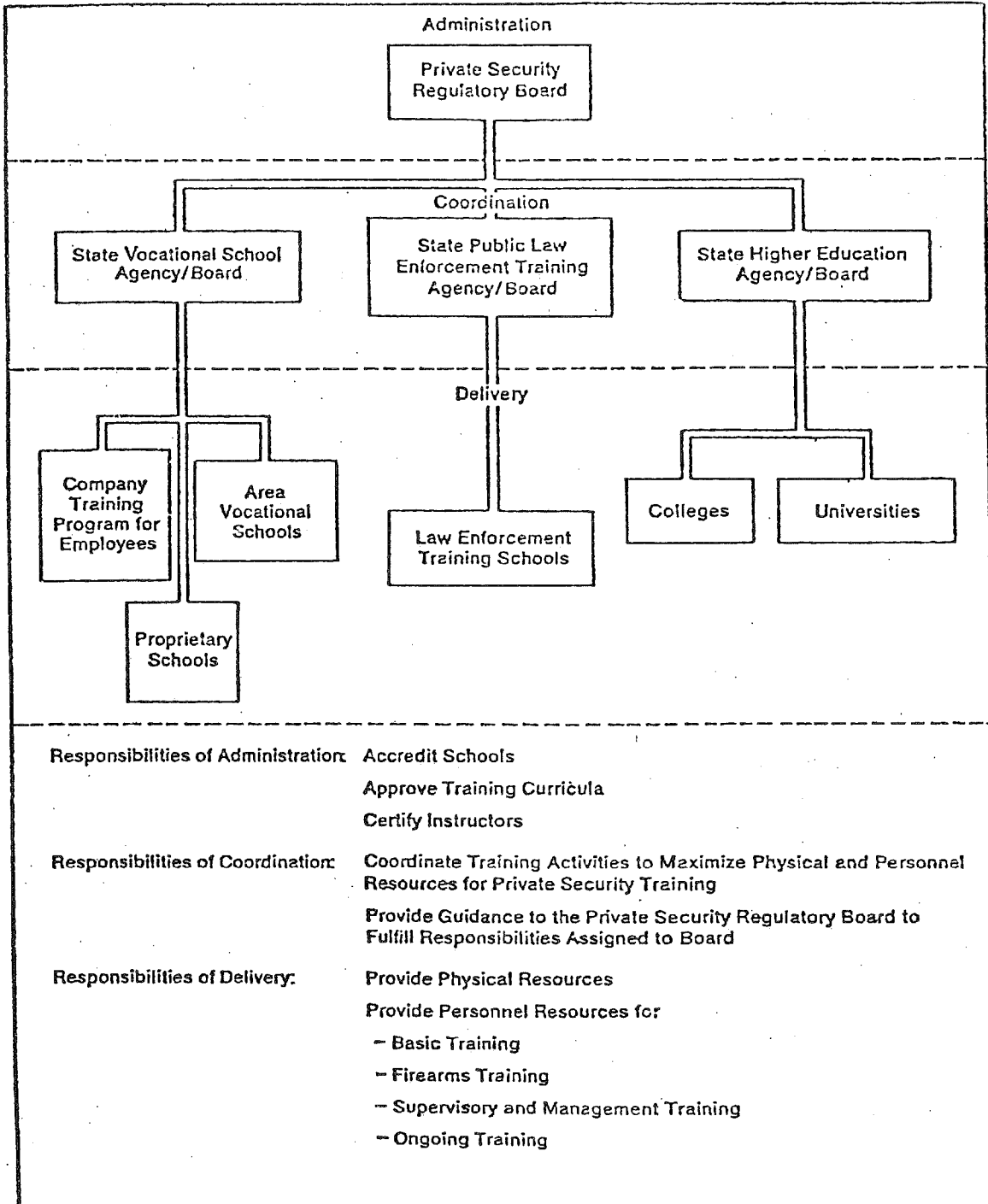
The disadvantage to this approach is the possible overlap it may add to the system. The Board and the POST Board would be certifying many of the same training schools and courses and possibly similar types of firearms training. Given their background in licensing of peace officers, the POST Board's staff members could quickly gain the expertise needed to license security guards.

(2) Another option then could be to integrate the Board of Private Detective and Protective Agent Services with the POST Board. POST would be expanded to include representatives of the detective and security industries. Consequently, a single staff would service the licensing of public law enforcement officers and private security personnel. This

¹Ibid., p. 284.

FIGURE 26

COORDINATING MECHANISM FOR PRIVATE
SECURITY LICENSING: JSIS STAFF PROPOSAL



option should not be attempted, however, unless the POST Board is given additional funding and staff resources. It would be wholly improper to impose extra responsibilities on POST without providing commensurate resources.

The obvious disadvantage of this option is that it destroys the autonomy of the individual boards. Regulatory goals of either board may be too important to submerge them to the goals of a single board. At present, this is clear with regard to peace officers, but it will become increasingly important with regard to private security. Increased regulation, improved standards and training, and more extensive licensing are all likely prospects in the near future for the private security industry. It may be desirable to maintain an autonomous board for these purposes.

(3) A third option, which may be a compromise between the disadvantages of the two prior options, would involve an expanded staff of the POST Board servicing both the POST Board *and* Board of Private Detective and Protective Agent Services. While this violates the principle of unity of command, it may be possible to work out a supervisory relationship acceptable to all concerned. This would require extensive discussion and negotiation on the part of both boards and staffs. If this could be achieved, the two boards would retain their regulatory autonomy and unnecessary administrative overlap in the licensing of private security personnel and public peace officers could be avoided.

CHAPTER IX

OFFICE OF THE ATTORNEY GENERAL--CRIMINAL DIVISION

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 8¹

The Attorney General is mandated to appear for the state in all causes in the supreme and federal courts where the state has a direct interest. Upon the request of a county attorney, the Attorney General shall appear in court in criminal cases when he deems it appropriate. At the written request of the Governor, the Attorney General shall prosecute any person charged with an indictable offense. In all such cases the Attorney General may attend upon the grand jury and exercise the powers of a county attorney. The Attorney General also shall prosecute all assessors and other officials for delinquencies in connection with revenue laws and all bonds of officers and others upon which any liability to the state has accrued.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

The Criminal Division is directly involved in the criminal prosecution function. Its attorneys handle criminal appeals to the Supreme Court, assist local prosecutors in criminal trials, and prosecute particular cases such as those relating to organized crime and white collar crime.²

At the end of Fiscal Year 1980, the Criminal Division had a full-time equivalent staff of 12.75: one attorney-manager, 9.75 class-A professionals (5.75 attorneys and four investigators), and two class-C office staff. All of the Fiscal Year 1980 expenditures of \$532,600 were

¹The Attorney General's statutory powers, duties, and responsibilities are not broken down according to the office's various operating divisions. However, the JSIS staff has extracted those portions of the Statutes which appear to provide the primary authorization for the criminal prosecution functions of the Attorney General's Criminal Division.

²Minnesota, *Guidebook to State Agency Services*, 1980-81, p. 57.

provided by the State of Minnesota. The organization chart for the Attorney General's Office, showing the location of the Criminal Division, is presented in Figure 27.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

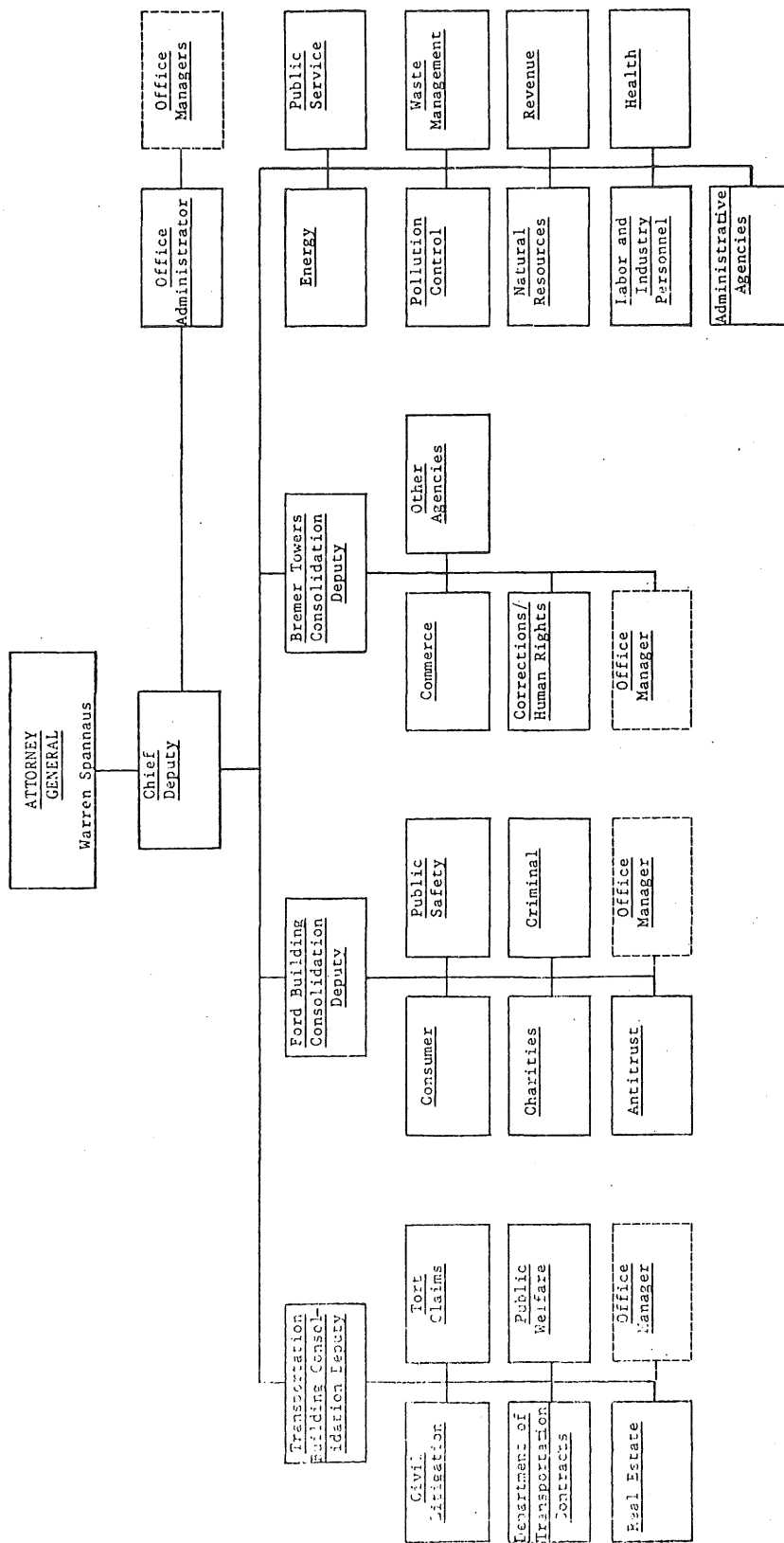
The JSIS staff did not probe the operations of the Attorney General's Office because the Attorney General is a constitutionally mandated and independently elected officer of the state. The Criminal Division is described solely to help the reader understand the state-level executive branch criminal justice system in its entirety.

Beyond the constitutional reasons, the JSIS staff also did not examine the Attorney General's administrative structure because it has recently completed a reorganization which will better centralize the legal services provided by the office to other state agencies. In the past, these services were fragmented in the sense that attorneys were physically housed with and funded through the agencies for which they worked. The recent reorganization will accomplish two goals. First, functionally related attorneys will be housed in a central location, which will permit a sharing of expertise and give the Attorney General greater control over the agency for which he is responsible. Second, all staff attorneys will be funded directly through the Attorney General's budget program. This will increase the accountability of the Attorney General's Office and provide a more comprehensive and accurate reflection of the costs of providing legal services to state agencies. These reorganization efforts are wholly consistent with the organizational standards found in the first chapter of this *Staff Final Report*.

Beyond these few comments, the JSIS staff does not offer an analysis of the operations of the Attorney General's Office. However, examination of other state-level criminal justice agencies led the JSIS staff to conclusions and proposals which, if implemented, would have an effect on the Attorney General's Office. These proposals are explained in Chapter X (County Attorneys Council) and Chapter XII (Crime Victims Reparations Board).

FIGURE 27

OFFICE OF THE ATTORNEY GENERAL ORGANIZATION CHART, 1980



CHAPTER X

COUNTY ATTORNEYS COUNCIL

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 388.19-.20

The County Attorneys Council is charged with responsibility for a variety of functions intended to strengthen the criminal justice system and increase the efficiency of county government. The Council is empowered to provide training and continuing education for county attorneys and their assistants, to gather and disseminate information about changes in state law dictated by statute, court decision, and rule making, and with the cooperation of law enforcement, corrections, and judicial agencies to furnish a series of interdisciplinary seminars to improve the effectiveness of the criminal justice system. Rules necessary to carry out its duties may be adopted by the Council. The Council may charge fees for seminars, workshops, and publications it conducts and produces.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

County attorneys play a vital role in Minnesota's criminal justice system. As prescribed by statute, the county attorney prosecutes violations of criminal law in addition to handling the county's civil disputes. The county attorney is the chief legal officer for the county and as such provides legal advice to county boards and administrators. Responsibilities of the county attorney are therefore significant, and increasing his effectiveness is an important purpose fulfilled by the County Attorneys Council.

As mandated by statute, the County Attorneys Council is composed of Minnesota's 87 county attorneys and the state's Attorney General. Members of the Council annually elect several of their colleagues to fill statutory positions on the Council's governing board. The officials on the governing board include the president, president-elect, immediate past president of the Minnesota County Attorneys Association, secretary, treasurer, and the Attorney General. The Council is authorized by statute to select an

executive director who may hire others as required to execute the Council's responsibilities.

Among other activities, the County Attorneys Council has performed the following for county attorneys:

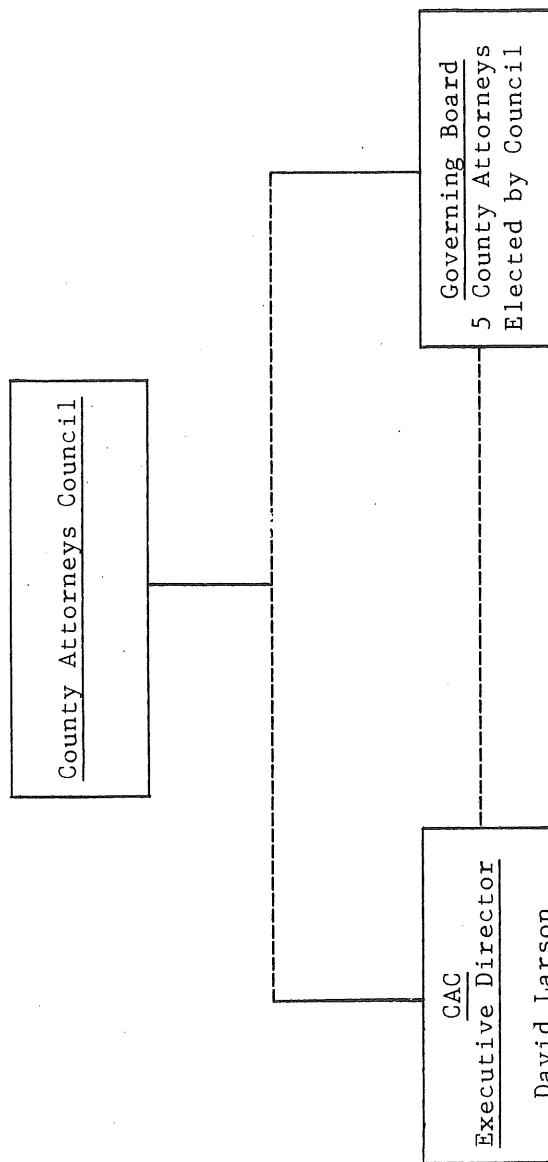
1. Published a 300-page prosecutor's manual.
2. Compiled an annual directory of county attorneys and assistant county attorneys.
3. Prepared public information materials on the responsibilities of county attorneys.
4. Cosponsored 80 hours each year of continuing legal education.
5. Analyzed, interpreted, and disseminated information on new state laws, regulations, court decisions, and policy.
6. Monitored state commissions and task forces whose reports and rulings affect county government or criminal prosecution.
7. Published technical notes and briefing papers on topics such as "Prosecution of Child Abuse Cases" and "Implied Consent Prosecution."
8. Developed training for law enforcement personnel which is presented by county attorneys.

Total Fiscal Year 1980 expenditures by the Council were \$148,961, of which \$77,209 came from the federal government and \$71,752 came from the State of Minnesota. At the close of Fiscal Year 1980, the Council employed a full-time equivalent staff of 4.5: one manager, 1.5 class-A professional, one class-C technical, and one class-C office. The Council's organization chart is in Figure 28.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The JSIS staff met and talked with the staff of the County Attorneys Council on several occasions in the interviewing stage of the project. It was agreed that the Council did not perform, to a significant degree, any of the 11 administrative service and support functions delineated in the JSIS research design. Inquiries were made, however, as to whether there were administrative problems in the Council's operation; there were none. With regard to line function operations, discussions were held with the Council's staff and with other persons familiar with the history and nature of the Council. From these discussions and subsequent research, it became

FIGURE 28
COUNTY ATTORNEYS COUNCIL ORGANIZATION CHART, 1980



apparent to the JSIS staff that there are several issues concerning organizational location and operation of the County Attorneys Council which should be addressed.

1) County attorneys have a close relationship and interdependency, both formal and informal, with the state's Attorney General. Upon request of a county attorney, the Attorney General may appear in court to prosecute criminal cases if the Attorney General deems it appropriate. Upon written request of the Governor, the Attorney General prosecutes any person charged with an indictable offense and in these cases may attend upon a grand jury and exercise the powers of a county attorney. Conversely, if the Attorney General so requests, a county attorney appears for the state in any case instituted by the Attorney General in his county or before the United States Land Office in case of application to preempt or locate any public lands claimed by the state. The informal relationships between county attorneys and the Attorney General are equally close and continuing. Information, advice, memos, and documents are constantly being exchanged between county attorneys and the Attorney General in the criminal and civil areas.

The ex officio role of the Attorney General on the Council and its governing board is a recognition of the strong formal and informal interdependencies between Minnesota's legal officers at the state and local levels. Perhaps the County Attorneys Council, the state mandated link between state and local government with respect to legal affairs, should be located in the Attorney General's office to institutionalize the operational interdependencies.

It is the perception of the JSIS staff that this would not be beneficial. Reduced autonomy of the Council may limit the extent to which county attorneys use the Council's services. The present use is related to county attorneys' belief that the Council exists for and is controlled by county attorneys. They would be less likely to use the Council for legal assistance or confidential matters if it were moved under the control of the Attorney General. Since the value of the Council to county attorneys might decline, there seems little reason to make this sort of functional and organizational relocation.

2) The other issues regarding the County Attorneys Council are of a more substantive nature. To understand the context in which these issues are raised in this chapter, it will be helpful to briefly discuss the history of the Council.

The Council was established in 1973 to upgrade the prosecutorial role of the county attorney. A cosponsor of the Council's enabling legislation told the JSIS staff that he and other members felt there was a lack of uniformity in the prosecution of criminal cases across Minnesota's 87 counties. Also, the perceived imbalance between the resources of prosecutors and defense attorneys was considered to be a hindrance to the adversary system of justice, a process which was made relatively more favorable to the defendant with the development of the district public defender system in 1965. The County Attorneys Council was created to give county attorneys another resource upon which they could draw.¹

In mandating that a state agency exist to provide these services to county attorneys, the legislature was providing state support for a function that was already being attempted to some extent by the Minnesota County Attorneys Association, a private professional organization supplying county attorneys with legislative lobbying and public relations services. Although it would be inappropriate for the state funded Council to employ persons for the purpose of lobbying, the JSIS staff has found that the services of the state Council and the private Association often overlap. Both cosponsor some of the same events. Although they do not cosponsor all seminars, both attempt to educate county attorneys and both interact with the legislature on the same issues. Moreover, the same individuals are highly active in both organizations, and it is not at all clear that there is a distinction between the staff for the Council and the staff for the Association.

¹The Council's legislation apparently was also designed to counter the existence of the State Public Defender created in 1965. That office, however, is involved with in-house disciplinary hearings and civil matters for Minnesota prisoners and appellate reviews in criminal matters. Contact of the State Public Defender with local public defenders is generally informal. Although he is charged by statute to supervise the training of all state and district public defenders, this is an auxiliary function of the office. Responsibilities of the State Public Defender to local public defenders do not begin to approximate the responsibilities of the Council to county attorneys.

Closely related to the question of overlap between the Council and the Association is the issue of state funding for the Council. A co-sponsor of the Council's enabling legislation told the JSIS staff that state funding of the Council was intended to be temporary "to help get it up on its feet." The intent was that state funding would gradually be phased out in favor of more participation by the counties. For the past few years the Council has been funded about half and half with state money and federal Law Enforcement Assistance Administration (LEAA) grants. However, the LEAA funds will not be available for the 1981-83 biennium. In its budget request for the next biennium, the Council has asked that the loss of federal funds be replaced by state dollars. In other words, the Council is requesting an increase in state appropriations.

In summary, it appears that there is overlap in the services provided by the County Attorneys Council and the Minnesota County Attorneys Association. It is also evident that the legislature's intent of the Council eventually being funded by the counties has not been fulfilled. Given these two issues, the JSIS staff would question not only whether the state should increase its appropriation to the Council, but also whether a different organizational structure and funding mechanism for delivery of services to county attorneys might be more appropriate.

Assuming a need for the continuation of these services, and assuming a need for lobbying on behalf of county attorneys, the JSIS staff proposes two options for the County Attorneys Council. First, the legislature could continue to mandate that the Council exist, but the statute could also indicate that the counties fund the Council in a formula prescribed by the legislature. Second, the legislature could abolish the Council. If county attorneys believe its services are important, the Minnesota County Attorneys Association could take over all its functions, operate without a state mandate, and charge its members for the services they receive.

The options would have similar advantages. The legislative intent of funding by the counties would be realized. County attorneys could receive all informational and educational services, as well as lobbying, from a

single organization.¹ Moreover, county attorneys would have further control over the services provided to them inasmuch as they would not be dependent on the state legislative appropriations process.

The major drawback of the state-mandated/county-funded alternative is that it furthers the undesirable situation of state mandates without corresponding state funding. It is not unreasonable, however, that counties pay for a service assisting them directly in the performance of their legal affairs.

These options are not without precedence in the other states. In California, the District Attorneys Association is going to a fee funded system, since the loss of LEAA funding has led to the realization that the state cannot entirely fund educational services to prosecutors. In Wisconsin, Illinois, Pennsylvania, and New York, the county attorneys council or its equivalent is funded by county government. A director of the National Association of Prosecuting Attorneys has told the JSIS staff that there are no states in which strictly state funds are the source of all expenditures by the county attorneys council or its equivalent. If the request of Minnesota's County Attorneys Council is granted in the 1981 session of the legislature, Minnesota will become the only state with such a council funded strictly with state money.

Because the JSIS staff concurs that county legal officers do need assistance in the performance of their duties, it is proposed that the seminars, information, and continuing legal education services currently provided by the County Attorneys Council be continued, although not by the presently state funded Council.

¹This is based on the assumption that while it is not proper for a state financed agency to engage in lobbying, it would be entirely appropriate for an organization which is county financed to lobby on behalf of its members.

CHAPTER XI

STATE PUBLIC DEFENDER

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 611.23-.25

The Minnesota Public Defender provides legal representation without charge to all indigent clients in criminal cases involving appeals to the Supreme Court, post conviction proceedings in district courts throughout the state, and appeals to the Supreme Court from unsuccessful post conviction proceedings and in parole revocation proceedings. Legal services are provided to inmates and parolees regarding their civil legal problems and to inmates in prison disciplinary hearings involving violations of institutional rules and regulations. The Public Defender also supervises the training of all state and district public defenders.

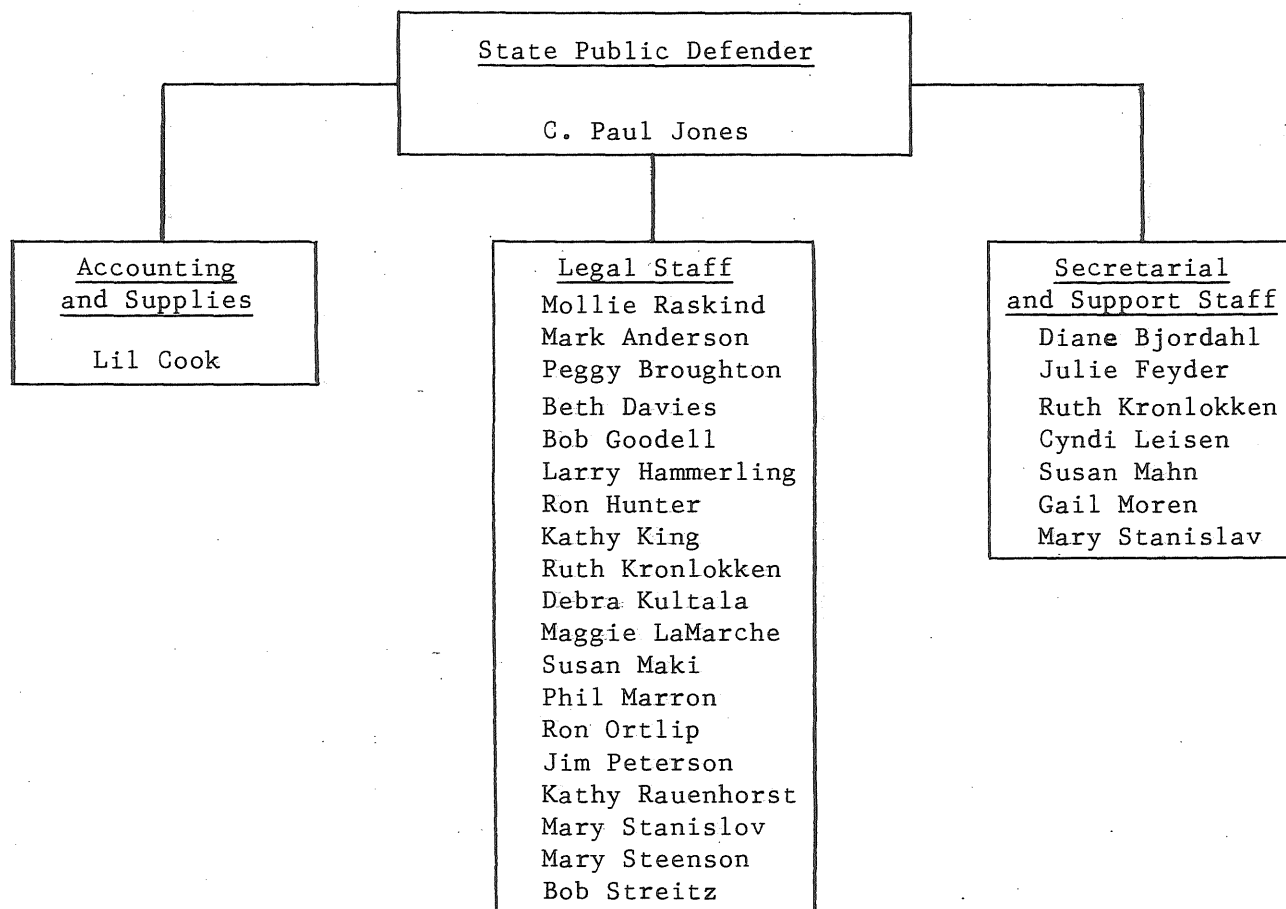
B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

Appointed by the State Judicial Council to a four year term, the State Public Defender is a qualified attorney licensed to practice law in Minnesota. The Judicial Council which supervises the State Public Defender is composed of 11 members, seven of whom are appointed by the Governor (one of whom must be a municipal judge and at least four of the others must be attorneys). The other four members are judges: two district court judges selected by the district court judges at their annual meeting, one probate court judge selected by the probate court judges; the fourth judge is the state supreme court chief justice or his designee.

Figure 29 presents the organization chart for the State Public Defender's office. At the end of Fiscal Year 1980, the full-time equivalent staff consisted of 17 class-A professionals and 8 class-C office staff. Total Fiscal Year 1980 expenditures were \$743,100, of which \$724,200 came from the State of Minnesota and \$18,900 came from the federal government.

FIGURE 29

STATE PUBLIC DEFENDER ORGANIZATION CHART, 1980



C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

The JSIS staff employed its questionnaire to interview the State Public Defender on 27 activities within the six administrative service and support functions of policy, accounting, planning, budgeting, personnel, and training. This interview led the JSIS staff to examine further the functions of budgeting and training.

1) The JSIS staff would like to emphasize a problem with the budgeting process [801-805] which may be a general phenomenon experienced by other small agencies. The Department of Finance's controllers provide technical advice and assistance to agencies in carrying out their budgeting, accounting, and financial reporting responsibilities. They monitor budgeting and accounting activities to ensure that funds are spent in accordance with state appropriations and fiscal policy and assist agencies in the development of biennial budget requests. The controller assigned to the State Public Defender is able to devote only a small percentage of his time to the agency,¹ but this is not a problem. What does appear to be a problem occurs every two years when the budget is being prepared for submission to the legislature. The State Public Defender and presumably other small agencies need someone during this period who has technical familiarity with the budget process and the ability to work on the forms that must be filled out. These small agencies cannot expect the controller to assist them in this task, given his responsibilities to larger agencies. But it seems that what small agencies do need at budget preparation time is a person with skills somewhere in between an accountant and a controller. The JSIS staff raises the issue so that the Department of Finance will more fully examine the extent of the problem and whether revisions are warranted to make the biennial budget preparation process more efficient.

It should be added that this is the type of administrative problem which could be addressed by the Auxiliary Services Division of the Department of Justice model proposed in Chapter XV of this *Staff Final Report*.

¹He is also assigned to 16 other agencies. The JSIS staff learned from him that his time is spent in the following manner: 75% with the Department of Health, 10% with the Department of Veterans Affairs, 5% with the Department of Human Rights, 5% with the Council for the Handicapped, with the remaining 5% divided up about equally among the other 13 agencies.

The Division would concern itself with meeting the administrative needs, such as budget preparation, of relatively small criminal justice agencies like the State Public Defender.

2) The State Public Defender conducts an annual criminal justice course for over 600 defense counsels, prosecutors, police, judges, law students, and other criminal justice professionals. Begun 15 years ago, the course serves as continuing education. It updates practitioners on what they need to know to fulfill their responsibilities, such as United States and Minnesota Supreme Court decisions and new or revised laws. The course is a cooperative effort of the following groups: Minnesota Continuing Legal Education, a Division of the Minnesota State Bar Association; the Minnesota County Attorneys Council; Office of the Minnesota State Public Defender; Bureau of Criminal Apprehension; Office of Continuing Education for State Court Personnel--Supreme Court of Minnesota; and the Office of the Attorney General.

Although the JSIS staff did not look at legal training in particular, it appears that the training provided by the State Public Defender is well coordinated with the agencies cited above. It appears also that this training is well coordinated with the training offered by various other elements of the criminal justice system. Chapter XIV of this report proposes creation of an integrated training bureau for administration of executive branch criminal justice training. If this training bureau were implemented, it would have the responsibility for informally coordinating its training with the State Public Defender's legal training, so that all criminal justice personnel can continue to have the benefit of the relevant legal education.

3) As described above, the State Public Defender is appointed by the Judicial Council, which places the Public Defender in the judicial branch of government. This affords the Public Defender a certain amount of umbrella protection as an agency of the judicial branch, because of the separation of powers principle. However, this also may create the appearance of a conflict of interest when the Public Defender acts as an advocate on behalf of his client before the judiciary of this state. The JSIS staff would therefore question whether the current method is the most appropriate means of selection for Minnesota's State Public Defender.

It is difficult to situate the State Public Defender anywhere in state government without creating a conflict between its purpose and those of other agencies. Zealous advocacy on behalf of indigent defendants and/or inmates may not be compatible with the crime control aims of other government functions. And while the Public Defender placed under the Judicial Council may create the appearance of conflict, locating the Public Defender in the executive branch would create a real conflict. The Public Defender's advocacy role places him in direct opposition to executive branch agencies such as the Department of Corrections and the Minnesota Corrections Board. Reconstituting the State Public Defender as an agency under the direct control of the executive branch would be harmful to the office's required role of advocate.

It is possible to devise an option which would permit the State Public Defender to remain in the judicial branch of government, yet insulated from the executive branch and from direct control by the judiciary. This would involve a statutory change in the decision making body which selects the State Public Defender. In this role, the present Judicial Council would be replaced with a Public Defense Board. The board would be composed of members concerned with the maintenance of an independent public defense system. The bulk of the membership would be attorneys and citizens familiar with the need for advocacy on behalf of indigent persons accused of crime. Judges should be represented because of their understanding of the system, but they should be a definite minority of the Board's members. Appointment to the Board would be by the Governor. The nonjudges on the Board (the majority of the membership) would be selected from a list submitted by the State Bar Association.

The Public Defense Board also would assume the Judicial Council's role of appointing district public defenders after receiving the recommendations of district court judges. As with the State Public Defender, district public defenders would have to demonstrate a desire for zealous advocacy.

In addition to supervision of the public defender system, the Judicial Council has statutory responsibility for "the continuous study of the organization, rules, and methods of procedure and practice of the judicial system of the state, and of all matters relating to the administration of

said system and its several departments."¹ This responsibility for studying the judicial system is now performed by the Judicial Planning Committee, which is appointed by the Supreme Court. In light of the proposed Public Defense Board, therefore, it may be possible to abolish the Judicial Council.

¹MINN. STAT. Chapter 483.01

CHAPTER XII

CRIME VICTIMS REPARATIONS BOARD

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 299B

The Crime Victims Reparations Board allows injured victims of crimes to recover their medical expenses and loss of wages and provides expenses to survivors of deceased victims of crime. The Board has a duty to provide claimants with an opportunity for a hearing and to publicize the availability of such reparations and the methods of making claims. In examining and investigating the claims, the Board has the power to subpoena witnesses, order mental and physical examination of the victim, and grant emergency reparations pending final determination of a claim. The Board decides the amount of economic loss to be compensated, but in no case shall the claim exceed \$25,000.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

The Crime Victims Reparations Board consists of three members appointed by the Governor with the advice and consent of the Senate. One member is designated as chairman by the Governor and serves as such at the pleasure of the Governor. At least one member must be admitted to the Minnesota Bar, and at least one member must be a medical or osteopathic physician licensed to practice in the state.

In Fiscal Year 1980, the Board received 483 formal claims for victims' compensation. All claims were examined; 218 were granted, 121 were rejected, and 144 were not acted upon because of inadequate state funding and staff investigative resources. The highest award was \$23,000 and the lowest was \$2, with an average award of \$2,065.

Total Fiscal Year 1980 expenditures were \$504,930, all of which came from the state. Salaries and wages for personal services constituted \$44,013 of the expenditures; compensation awards amounted to \$450,916; the remainder went toward miscellaneous expenses, contracts, and supplies.

The Fiscal Year 1980 Board full-time equivalent staff included: 1 managerial and 1.5 class-C office. Although the Board functions as an independent state agency reporting directly to the Governor and the legislature, administrative service and support functions are received from the Ancillary Services program of the Department of Public Safety. The Board's organization chart is in Figure 30.

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

1) A fledgling, small-scale program such as victims' reparations needs careful placement in the state's existing organization structure. The chances are increased that the program will be ineffective if it does not use the present functions, processes, and resources of state government wisely. From the JSIS staff's observations, Minnesota's Crime Victims Reparations Board was not created with thoughtful consideration for its location in the system. This is a continuing organizational problem area which is at least partly responsible for the Board's inability to fulfill its mission.

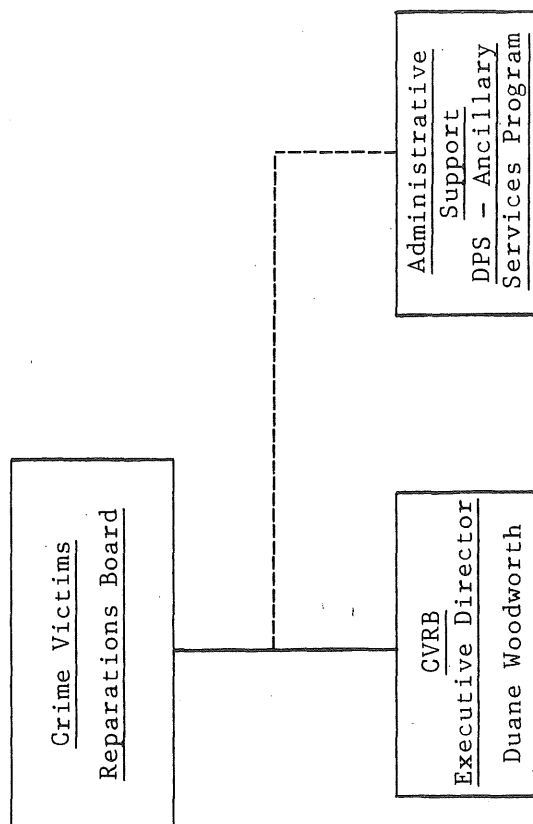
The Board was made an appendage of the Department of Public Safety for administrative purposes. It was given inadequate staff resources to investigate claims for compensating victims of crime and a limited budget to pay the claims. The JSIS staff maintains that the effectiveness of the Board would be increased if it were placed in an existing agency performing similar functions and employing compatible procedures.

There are several places in Minnesota's executive branch meeting this criterion where the crime victims' compensation program could operate more effectively. Depending on the theory one uses to explain the nature and purpose of the crime victims' compensation program, there is a logical and appropriate organizational counterpart for the Board in Minnesota.¹

The first theory is the "welfare theory," which holds that the state has a humanitarian obligation to compensate the victims of crime similar

¹ For these theories, and for much of the reasoning contained in this chapter, the JSIS has relied on an analysis of victims' compensation programs in the United States: Deborah M. Carrow, *Crime Victim Compensation: Program Model* (Washington, D.C.: National Institute of Justice, 1980).

FIGURE 30
CRIME VICTIMS REPARATIONS BOARD ORGANIZATION CHART, 1980



to the way in which social services and public assistance are offered to the poor, the sick, the disabled, and the unemployed. The social conscience of the body politic, not the legal obligation of the state, is one basis for welfare theory. In practice, crime victims compensation statutes enacted under this theory often include financial need and minimum loss standards.

As one might expect, the welfare theory induced several states originally to place their victims' compensation programs in departments of public welfare, California being a notable example. In Minnesota, the theory would suggest that the program be placed in the Department of Public Welfare. This option has received widespread rejection in the states where it has been tried.

"Shared risk" (or "insurance") is the second theory of victims compensation programs. It assumes that persons in an organized society give up the right to respond individually to criminal acts committed against them. Instead, the citizen pays taxes to the government for collective protection of person and property. If the government fails in this protection, the citizen can make a claim which the society pays with community resources.

This theory led Oregon to place its crime victims' compensation program in the State Accident Insurance Commission. Washington located a similar unit in the Workman's Compensation Division of the Department of Labor and Industries. Acceptance of the shared risk theory in Minnesota would dictate assigning the program to the Worker's Compensation Division of the Department of Labor and Industry. Worker's compensation and victims' compensation share similar investigative and adjudicatory procedures. Integrating the two programs would provide a framework for sharing resources and identifying and solving mutual problems.

Bearing some resemblance to the shared risk theory is the "tort claims" theory. The rationale is very similar, but the main distinction rests on how the victimized citizen extracts his compensation from the state. The tort claims theory postulates that there is a social contract between the state and the citizen, who agrees to give up his right to avenge personally criminal acts committed against his person and property. In return, the state assumes the obligation to protect the citizen.

If the state fails, it has violated the social contract and must permit itself to be sued for damages. The difference between the shared risk theory and the tort claims theory, then, is that under shared risk taxes are collected to provide for the eventuality of victimization, whereas under tort claims the state is sued for not meeting its obligation of protection.

The tort claims theory has persuaded four states to place their victims' compensation programs in the judicial system with either the attorney general or district (county) attorneys providing many of the investigative and record keeping services involved. Illinois, for example, put its victims' compensation program in the Illinois Court of Claims, with the Attorney General administering the program, providing investigative services, and maintaining records.

Although Minnesota does not have a constitutional or legislative court of claims, suits against the state are filed in District Court under state tort claims procedures (MINN. STAT. Chapter 3.736). In these proceedings, the Tort Claims Division of the Attorney General's office represents the state. Minnesota's victims reparations program could be readily integrated into the Tort Claims Division. A beneficial sharing of investigative resources would result because of the two programs' similar procedures.

Minnesota's Crime Victims Reparations Board was created without consideration for the relationship between a particular agency situs and a philosophy of victims' compensation. Even if the theories were dismissed, however, the Board must be located in state government structure so that maximum benefit will be realized. Placement of the crime victims' compensation program within an existing state agency would have produced better results because resources could have been shared.

In the real world, apart from philosophies of victims' compensation and their appropriate organizational counterparts, there are three categories of organizational configurations where the Board could be placed. First, a new administrative agency could be created to operate the program. This is generally what happened in Minnesota, although it was tied administratively to the Department of Public Safety. Second, the program could be placed in an existing administrative agency, with the jurisdiction

of that agency expanded to cover victims' compensation. Third, the program could be located in the court system with judges empowered to make decisions regarding claims. A number of factors affect which of these options is selected: cost, willingness of existing state agencies to accept responsibility for the program, the degree of formal authority required for the program, and the type of policy followed in handling claims. Below the JSIS staff addresses these placement options within the context of Minnesota state government.

New agency. Creating a new agency to administer a crime victims' compensation program has a number of advantages and disadvantages. One advantage is the exclusive focus on the crime victim. This phenomenon produces specialization and expertise in handling claims, offers accountability of the agency to the affected public, and divorces the agency from budgetary dependence on another agency. Another advantage is that the agency may establish procedures, forms, rules, and staffing patterns which are unique and tailored to crime victims' compensation, a factor which may increase the willingness of the victim to seek help from the program.

There are also several disadvantages of creating a new agency. The legislature may be reluctant to give the new agency all the resources it needs to execute fully its mandated responsibilities. New agencies also experience a long implementation period, difficulty in securing office facilities, and problems with recruiting, hiring, and training a competent staff, which is directly related to a paucity of resources. The Crime Victims Reparations Board in Minnesota exhibits both the advantages and disadvantages of being a new administrative agency. Its procedures are clear, simple, and rational, but it has not been given sufficient resources to do the expected job.

Court system. A judicial structure already in place is in some ways compatible with a victims' compensation program. Typically, court personnel--whether judges or commissioners--are responsible for hearing claims and making ultimate decisions on whether they should be awarded. Investigation of the claim could easily be carried out by the Attorney General's office or local county attorneys.

The advantages in using the court system in this manner are: (1) availability for ready use of highly trained and specialized personnel; (2) minimal implementation and start-up costs; and (3) greater protection of the claimant's rights. The disadvantages of a court-based victims' compensation program are multiple: first, lack of central administrative authority and responsibility for the program; second, individual courts may be overburdened with case backlogs; third, it may be difficult to obtain additional staff for claims processing, particularly with the Attorney General's office; fourth, the court setting may intimidate claimants; and fifth, because salaries of judicial personnel and the Attorney General's staff are likely to be higher than those for administrative personnel, it may be more costly to place a victims' compensation program in a court setting. For the negative reasons just cited, and the lack of a claims court configuration in Minnesota, the JSIS staff believes that the courts are not the proper location for the crime victims' compensation program.

Existing administrative agency. The jurisdiction of several existing agencies could be expanded to include crime victims. Most states accepting this option have located the program in a workmen's compensation division in their department of labor and industry. The advantages of such an arrangement are: (1) a short implementation period and low start-up costs; (2) lower ongoing administrative costs because of economies of scale; (3) program benefits through contacts and relationships established by the parent agency; (4) borrowing the procedures, forms, staff, and regional structure of the parent agency; and (5) familiarity with the parent agency may render the crime victims' compensation program less threatening to victims.

There are also apparent disadvantages with this procedure: first, high potential for conflict of the people, procedures, and duties of the parent agency and those of the crime victims' compensation program; second, staff of the parent agency may resist or resent the addition of victims' compensation duties; and third, agency staff might experience difficulties in handling large claim volumes.

Of three options (new agency, court system, existing agency), the JSIS staff prefers the placement of the victims' compensation program in an existing agency. Theoretically, a fully empowered, staffed, and

financed independent administrative agency would be proposed as the best means of compensating victims. Given the frugal fiscal climate in Minnesota, this does not appear to be feasible. The staff also believes that the present arrangement, staff, and financial resources are not adequate to fulfill the purposes for which the Board was created. These conclusions lead the JSIS staff to propose that the Crime Victims Reparations Board be integrated into either the Worker's Compensation Division of the Department of Labor and Industry or the Tort Claims Division of the Attorney General's Office. From the perspective of the JSIS staff, neither alternative is superior, yet both could achieve the seven requirements of an effective crime victims' compensation program. First, there must be an outreach and publicity effort. Second, procedures and rules on claims intake must be worked out. Third, responses to claimant's inquiries must be systematic. Fourth, the process of investigating claims would need greatest attention of the staff's resources. Fifth, elaborate rules and procedures for claims hearings must be published and implemented. Sixth, the claims decision process must be well developed. Seventh, records must be maintained.

All of these functions are relevant to the present work of the aforementioned units in the Department of Labor and Industry and the Attorney General's Office. At the core of each is a claims program demanding heavy reliance on resources, time, and expertise in the investigative area, the principal requirement of a victims' reparations program. Both units are appropriate and suitable locations into which the victims' reparation program could be integrated. The decision as to which unit is more desirable for this purpose may ultimately rest on philosophical grounds of whether the crime victims' compensation program is based on the "shared risk" theory or the "tort claims" theory.

Finally, it should be clarified that placement of the board in any of the units mentioned above does not require abolishment of the Board. Only the administrative responsibility for the Board would be integrated into one or the other of the units suggested, and either unit would provide full investigative resources for the Board.

2) The effectiveness of a crime victims compensation program must be judged not only by the way it handles claims, treats the victims of crime,

and distributes benefits, but also on its ability to reach those members of the public it is designed to serve. By statute, the Board is given major public information responsibilities to publicize its compensation program in a number of ways and through a variety of forums. The Board has made a fine effort to do this within its limited resources, but there has been insufficient awareness of the program on the part of potential beneficiaries, as the study cited below indicates. When most of the persons victimized by crime in Minnesota do not know that the program exists, there is a very real problem which needs correcting.

The Department of Administration found, in a 1978 study requested by the Crime Victims Reparations Board, that only 2% of the victims of all violent crimes had applied for compensation (although the ratio was 60% for survivors of homicide victims). The study reported that even though a majority of Minnesota's peace officers knew of the program and knew they are required by law to inform victims of it, ". . . 8% were actually telling all victims; 70% were telling some victims, and most of these were telling only those victims who they thought were eligible."¹ This unsatisfactory record follows the pattern in other states.

It should be emphasized, however, that the unsatisfactory publicity record in Minnesota is not necessarily due to a poorly administered program. Minnesota's Crime Victims Reparations Board has maintained an outreach and publicity effort in spite of its lack of resources. If given expanded resources in the future, the following suggestions are offered to enlarge outreach and publicity efforts:

- (a) Printed materials--The Board should publish pamphlets and brochures about the program's benefits, eligibility requirements, and operations in clear, nontechnical language. These should be widely distributed to public agencies such as the courts, police, public libraries, hospitals, and social service organizations.
- (b) Public speaking--The Board and its staff should be available for presentations to community groups, churches, etc., in addition to any training the Board might do for police, medical service units, the courts,

¹Minnesota, Department of Administration, Management Analysis Division, *An Analysis of the Public Information Effort of the Minnesota Crime Victims Reparations Board* (July, 1978), p. 67.

and other professional organizations in frequent contact with victims.

- (c) The media--Radio and television stations have available a certain amount of time which they donate for public service announcements. To make use of these announcements, the Board should prepare information items about its program, taking care that they present enough information to prevent public misconceptions.
- (d) Police departments--The state currently requires law enforcement officers to notify crime victims of the existence and provision of the compensation program and to pass out claims forms in police stations and sheriffs' offices. The Board should develop a uniform procedure for all law enforcement agencies, such as that recommended by the Department of Administration. This would involve designating one person to examine the crime reports of all officers to identify persons physically injured and assure that they are sent a letter informing them of the program.¹ Beyond that, the Director of the Board should make the program known to all police academy classes, statewide officers associations, and regional training programs.
- (e) Medical community--Hospitals, clinics, and physicians should specifically be made aware of the compensation program and the claims forms.
- (f) Social service and public agencies--Groups such as welfare, workmen's compensation, unemployment compensation, and employment agencies often come into contact with eligible victims of crime. Many victims will turn to these agencies for assistance after a criminal incident because they are familiar with these programs, whereas they may not have heard of the victims' compensation program. These established agencies should be supplied with information about the program.
- (g) Victim/witness assistance programs--Specialized programs, such as victim witness assistance, crisis centers, or other programs designed to help crime victims can play an important role in notifying victims of the availability of compensation and the requirements of the program.

The JSIS staff notes that all of these measures will have little effect if the organizational location of the program is not improved and it is not given adequate resources for program administration and compensation of crime victims. This is the primary problem demanding the legislature's attention.

¹Ibid., p. 70.

CHAPTER XIII

CRIME CONTROL PLANNING BOARD

A. POWERS, DUTIES, AND RESPONSIBILITIES, CHAPTER 299A.03

The Crime Control Planning Board (CCPB) has statewide planning and research responsibilities. The Board is charged to develop a comprehensive statewide plan for improving law enforcement and criminal and juvenile justice throughout the State of Minnesota and to research means to improve the criminal justice system and recommend improvements to the Governor and legislature. To develop its plans and to carry out its research, the Board collects, analyzes, and reports data concerning the status and trends of crime in Minnesota.

As additions to its powers and duties, the Board has been mandated to:

- (a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;
- (b) Assist recipient agencies in the implementation of activities funded by the Board;
- (c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;
- (d) Provide for the performance of fiscal audits, evaluations and monitoring of recipient agencies in respect to activities funded;
- (e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;
- (f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;
- (g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;

- (h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;
- (i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;
- (j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the Board;
- (k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and
- (l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the Crime Control Planning Board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

B. ORGANIZATION STRUCTURE AND EXPENDITURE INFORMATION

The Crime Control Planning Board consists of the chairperson appointed by the Governor and the following 18 members: the chief justice of the state supreme court or his designee, the attorney general or his designee, the commissioner of public safety or his designee, the commissioner of corrections or his designee, a county, district, or municipal trial court judge, the state court administrator, and twelve citizens of the state appointed by the governor. The citizen members should include persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, persons representing agencies engaged in providing youth services and preventing juvenile delinquency, and persons who would not qualify for appointment under any of the preceding categories but who are interested in the activities within the jurisdiction of the Board. The chairperson of the Board also serves as executive director of the staff, which consists of six managers (including the director), 38 class-A professional staff, two class-C technical staff, and 12.5 class-C office staff, for a total full-time equivalent staff at the end of Fiscal Year 1980 of 58.5.

Total Fiscal Year 1980 expenditures for the CCPB were \$7,597,356, of which \$6,207,963 came from the federal government and \$1,389,393 from the State of Minnesota. Approximately \$1,231,000 went for salaries of the Board's staff and \$6,057,116 for claims and grants to a variety of people, institutions, programs, and governments. The Board's organization chart shows that the agency operates with two divisions--program and administration (see Figure 31).

C. ORGANIZATIONAL PROBLEM AREAS AND CORRECTIVE PROPOSALS

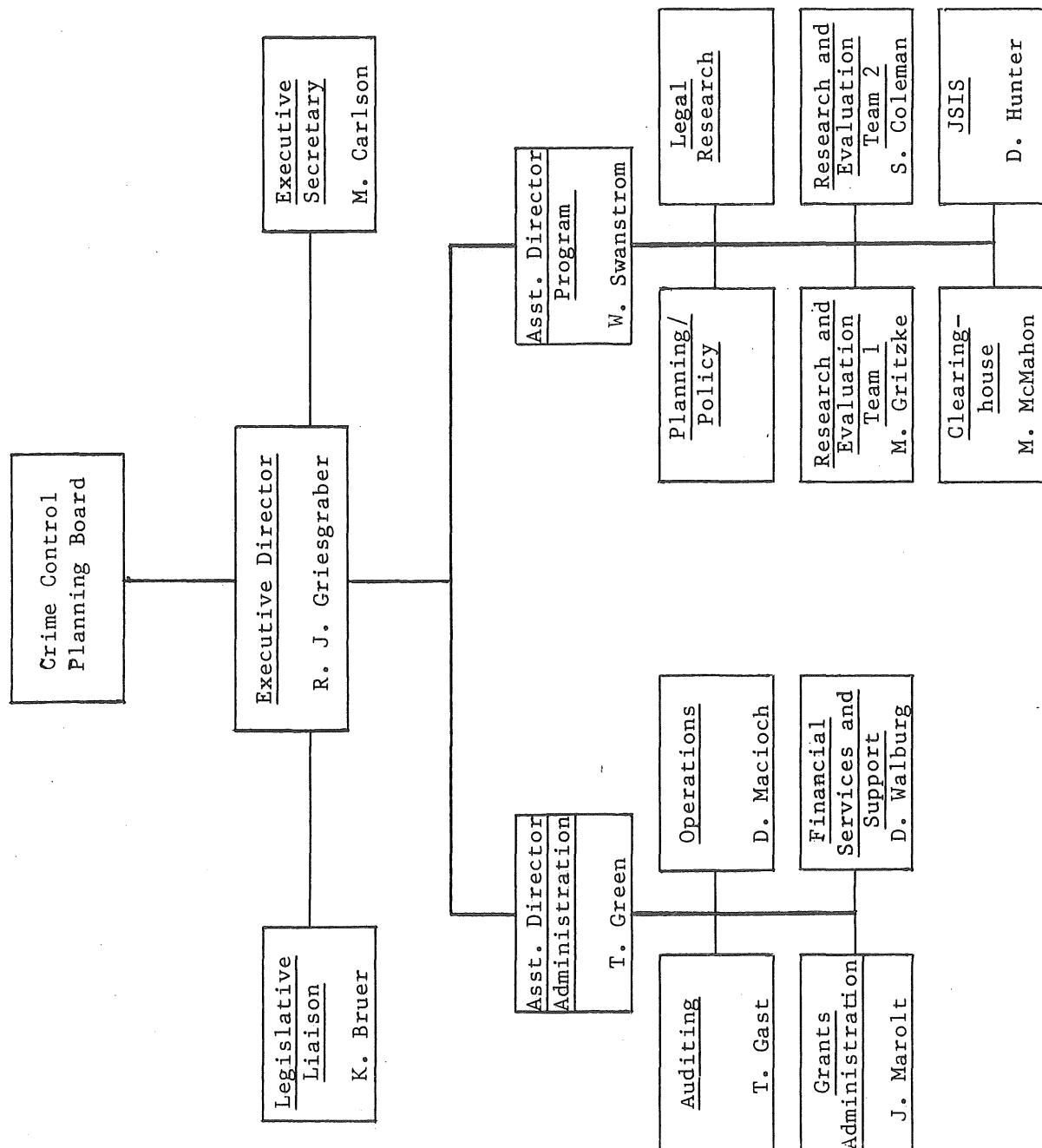
The JSIS staff interviewed the staff of the Crime Control Planning Board on 119 administrative service and support function activities. Of these activities, 89 met the organizational standard discussed in the first chapter of this *Staff Final Report*. Thirty activities did not immediately meet the standard, but on closer investigation 20 of these activities are uniquely placed because the Board is a staff-service agency performing research and evaluation for the criminal justice system. For example, the Community Corrections Act Evaluation [047-050, 128-133, 146-148, 116-121] involves cross-agency cooperation with shared resources and decision making authority providing state and local policy makers with a sophisticated analysis of a major corrections program. It is upon the ten remaining administrative service and support functions activities that this chapter will concentrate.

The 10 activities which did not meet the organizational standard and could not be satisfactorily explained led the JSIS staff to reach a number of conclusions about the Board. The staff's conclusions are reinforced by the fact that the JSIS staff was housed in the CCPB and became involved with the internal operations of the agency.

1) From its inception in 1969 as the Governor's Commission on Crime Prevention and Control, the agency has operated primarily as a Law Enforcement Assistance Administration (LEAA) grants administration unit. The great bulk of its financial resources comes from LEAA. The heavy LEAA reporting, accounting, and financial management requirements are reflected in the agency's present organization structure. Over the years as LEAA grant moneys became more scarce, the agency began to emphasize the planning, research, evaluation, clearinghouse, and technical

FIGURE 31

CRIME CONTROL PLANNING BOARD ORGANIZATION CHART, 1980



assistance functions. In response to these changes, the state legislature in 1977 gave the agency a statutory base, a new name (CCPB) and responsibilities, and reconstituted the membership of the Board. These changes, however, do not alter the fact that the Board is essentially a conduit for federal LEAA dollars going to various state and local level criminal justice projects and programs. As federal crime control dollars dry up, the question is: Should the agency continue to exist?

Following the passage of the Minnesota Crime Control Act, which mandated responsibilities for planning, research, evaluation, and coordination that went beyond federal program requirements, the Board began a transition. In the 1979 legislative session, the current executive director proposed a new emphasis for the agency and reorganized the Board to reflect the new direction. As a result, projects such as the Community Corrections Act Evaluation and the JSIS were initiated following the 1979 legislative session.

The JSIS staff draws two conclusions from its interviews and experience with the CCPB. First, the mandate and current Crime Control Act, which charge planning, research, and coordination to the CCPB, should be strengthened. Second, the products and services of the Board should be utilized by the Governor and the legislature for implementation of criminal and juvenile justice system goals and objectives.

2) The decision control, resource interdependency, and appropriateness dimensions led the JSIS staff to conclude that the Community Corrections Act Funding Study (CCAFS) [111-115] should not have been located in the agency. The oversight and approval authority for the CCAFS rests with the Community Corrections Act Funding Committee (CCAFC) which is appointed by the legislature. The data for the study came from the Department of Corrections and questionnaires. Also, the professional staff person gave a "no" response to the "appropriately located" dimension question. These conditions produced staff frustrations and hampered successful completion of the project.

The conclusion the JSIS staff draws from these data is not that the CCPB committed some grave error, but rather that the legislature should clarify the research and evaluation mandate of the Board. Further, the legislature was remiss when creating the CCAFC and the CCAFS in not

specifying which agency should house the study or in providing the CCAFS with its own resources.

3) From the interviews it became clear that there were the usual misplacements of functions and tasks within the organization structure of CCPB. For example, the personnel officer for the agency performs two activities associated with the personnel function [476-477]. One of these activities involves the recruiting and selecting of new employees for the agency. The personnel officer screens clerical workers for unit managers who then recommend who should be hired. Since clerical workers will be performing tasks assigned by the unit managers, it would be better if they screened the prospective clerical worker rather than the personnel officer for the agency.

Another example of misplaced functions and tasks centers on the public information officer (PIO). The PIO is presently located within the Clearinghouse and Technical Assistance (CTA) unit on the program side of the agency. The PIO, therefore, must compete for resources within CTA and go through two levels of bureaucracy to interface with the executive director of the agency. It is the view of the JSIS staff that the PIO should be located within the office of the executive director and be responsible only to him.

These examples and other organizational problem areas discovered by the JSIS staff, when taken collectively, produce roadblocks to effective agency action. The conclusion the JSIS staff draws from these problem areas is that the Board needs to take a closer look at its present organization structure, consult more with staff on these matters, and fine tune the configuration of the agency.

4) The Board, among its other responsibilities, is a state-level criminal justice planning, research, and evaluation agency. It draws up strategic and operational plans for the state criminal justice system, prepares user-oriented research reports, and provides the state with program evaluation skills. In order to perform these functions, it is necessary that the agency have access to information which is stored in a variety of agencies and programs both on the state and local levels. After interviewing staff researchers and evaluators it became clear that

they are dependent for information and data on the cooperation and assistance from other agencies. The Board has no clear statutory right to information which might be collected and stored in other agencies.

The JSIS staff experienced the same problems in collecting data which were necessary for the writing of this report. A sophisticated process evolved to give the JSIS staff access to agencies, to collect the relevant data, and to work closely with those who could be of service to the staff. The JSIS could have been completed much earlier under far less strenuous circumstances if the Crime Control Planning Board possessed the statutory right to the information and data needed to perform our analysis.

The conclusion the JSIS staff draws from these facts is that the statutory authority to collect information and data for planning, research, and evaluation is weak. Later in this chapter, the JSIS staff will recommend that the statutory language creating the authority of the agency be strengthened to permit the gathering of data and information as a matter of right instead of on the basis of request. It makes little sense for a planning, research, and evaluation agency to:

- (1) Be required to strategically and operationally plan for criminal justice and not have an elaborate staff capability to collect all of the data necessary to do a good job, or
- (2) If a large staff capability is not available, be unable, with ease, to have ready access to all important data stored in other agencies.

5) The Crime Control Planning Board is one of twelve state executive branch criminal justice agencies. The agency is given the statutory authority to plan for the state criminal justice system and to improve the administration of justice. The Board, however, has authority to recommend but not to control and implement its plans. It is an agency that produces many reports, offers incentives for change through its grants program, interacts informally and formally with professionals in other agencies on all levels of government, but has no real statutory authority to see its plans put into operation.

From the JSIS staff's point of view, proper strategic and operational planning requires 11 steps: engaging in a variety of stages to prepare for planning; ascertaining the present situation of the subject matter being planned for; determining the methods to be used to project and anticipate the future; considering alternative system futures; identifying problems in each system future; setting goals and objectives to solve each identified problem; identifying alternative courses of action to meet each goal; selecting the preferred alternative courses of action based on predetermined standards; planning for implementation and evaluation of each selected alternative; implementing plans; and monitoring and evaluating progress. All of these elements must be controlled by a planning agency if the process is to be successfully carried out.

The Crime Control Planning Board is not properly located in the organization structure of state government to prepare appropriate plans for the system or to deal effectively with other components of the system. It does not possess the requisite statutory authority to implement the recommendations arising out of the planning process. To be effective as a planning body, the criminal justice state planning agency requires either strong legislative authority to implement recommendations coming from planning function or to be organizationally located closer to the Executive Office of the Governor than the other agencies within the state criminal justice system.

The conclusion reached by the JSIS staff from these observations is that the Board must be organizationally restructured, be given the proper staff capability to perform the planning function, have its statutory base radically strengthened in a variety of ways, and either be organizationally located in the Executive Office of the Governor or be given a variety of review and implementing powers to ensure the success of the planning process.

6) From the interviews conducted with the agency's professional staff and after becoming familiar with the operations of the executive branch of state government, it became clear to the JSIS staff that the planning, legislation writing, policy, and budget functions for the state

level criminal justice system are highly fragmented and not well-coordinated. The Board has been given legislative responsibility to coordinate the activities of the executive branch criminal justice system in Minnesota, but concomitantly does not possess the legislative authority or power to perform its mandate.

Coordination of the various components of the executive branch state level criminal justice system could be achieved by the creation of a properly empowered, organized, and staffed state planning agency. Such a unit would achieve its purposes by comprehensively laying out for the state, within identified resource constraints, how the system could achieve its purposes, duties, and responsibilities. In order to be successful, goals, policies, priorities, and procedures would have to be worked out for the system by the criminal justice state planning agency (CJSPA).

Broadly defined, the way the planning, policy, and budgeting functions should work in a state level criminal justice system is that the legislature and the Governor, after consulting with the criminal justice state planning agency and other agencies, should set out a number of goals and priorities for the system.

The CJSPA, after amassing data and consulting with other criminal justice components within the state, should lay out a series of action plans, policy options, and proposed budget priorities to achieve goals and priorities mandated by the legislature and Governor. A properly organized and staffed CJSPA could be given the tools and powers to control and implement decisions.

The conclusions reached by the JSIS staff are that the field of criminal justice in the State of Minnesota lacks leadership and a clear decision making process and exhibits a highly fragmented planning, legislation writing, policy, and budgeting process, all of which prohibit a unified and coordinated statewide goal and priority setting mechanism for the criminal justice system.

7) The final organizational problem area centers on the large number of criminal justice information systems (CJISs) located both on the local and state levels in Minnesota. The JSIS staff located 12

separate criminal justice information systems in the 12 agencies subject to analysis. There are a variety of criminal justice information systems located in other state agencies and on local levels of government. This situation would not be a problem if there were an operational coordinating mechanism which would link the various CJISs together. This lack of uniformity among CJISs in Minnesota makes it very difficult to manage, plan, and evaluate the criminal justice system.

In 1975 there was an effort to rectify this problem by establishing an organization which would recommend ways to integrate and coordinate the various CJISs in Minnesota--the organization, created by executive order, was the Minnesota Justice Information Systems Advisory Council (MJISAC). In 1976 the MJISAC produced a master plan which contained three key elements: (a) A plan for creating a statewide, integrated CJIS which would be based on local criminal justice information systems and for establishing a standardized methodology for the creation, collection, and automated processing of information about individual offenders on state agency-maintained files and for statewide use. The summary data from the CJIS would be provided for statewide, systemwide criminal justice planning, evaluation, and management. (b) The backbone of the statewide CJIS was to be a mechanism that would link the various state and local systems--telecommunications network. This network would allow state and local criminal justice agencies to share information among themselves and report to various files. (c) The plan called for the state to set standards for local systems to ensure data, software and hardware compatibility, to maintain data repositories and communications links for the purpose of sharing information, and to perform a variety of analyses of the systemwide data for management, evaluation, and planning purposes. The three elements of the MJISAC plan were never implemented completely for technical, leadership, and other reasons.

From the information collected by the JSIS staff on this problem area, it became clear that if the Crime Control Planning Board is to provide competent planning services for the Minnesota criminal justice system it must have access to huge amounts of data stored in electronic information systems. The CJIS must be complete and the data readily

accessible for sophisticated analysis of problems within the criminal justice system.

If the functions performed by the CCPB are considered essential to a well-planned and coordinated state level criminal justice system, as the JSIS staff believes, then the agency could assume at least three different organizational configurations. Each of these three alternative configurations would help address the seven broadly defined organizational problem areas discussed above. Therefore, these three alternatives are discussed below as corrective proposals.

a) Fully empowered criminal justice state planning agency (CJSPA). In writing this section of the chapter, the JSIS staff made a number of assumptions: (1) that federal dollars would all but disappear, with the exception that Juvenile Justice and Delinquency Prevention Act moneys would continue to be available through 1982-83; (2) that the State of Minnesota would not allocate sufficient dollars to the CJSPA for a moderate grants program; and (3) that the State of Minnesota appreciates the value of planning and coordination of government activities.

A well-organized, fully empowered CJSPA would need to perform the following functions in order to make a significant contribution to law enforcement and criminal justice in Minnesota: planning, research, evaluation, technical assistance, clearinghouse and monitoring services, data collection and analysis. The organization structure of the agency should reflect the successful performance of these functions.

Planning. Planning, and the activities tied to it, should be the most important function performed by the agency. Planning involves research to collect, process, and analyze data; evaluating programs for compliance to the plan; technical assistance to demonstrate ways for achieving goals and objectives; and clearinghouse activities which not only circulate materials, but also process policy, legislation, and budget proposals.

The criminal justice state planning agency should maintain its present constituent membership, but the legislative mandate directing the agency should be greatly strengthened. The legislation should require that once every five years a law enforcement and criminal justice

goal-setting task force be impaneled consisting of law enforcement and criminal justice professionals, legislators, and citizens. The Governor's Task Force on Criminal Justice Goals and Objectives should be chaired by the Governor and staffed by the CJSPA. The purpose of the task force would be to set goals for the criminal justice system in Minnesota. This step would give direction to the planning process. The CJSPA would then be empowered by the statute to plan for the implementation of the goals established by the task force.

Research and evaluation. There are at least two kinds of research done in criminal justice: Research which creates new knowledge about crime, and operations research which determines if programs are achieving mandated purposes. Evaluation answers questions about the effectiveness and efficiency of agency programs and whether they should be continued, be reorganized, or cease to exist.

The CJSPA should be staffed to perform both functions. The importance of creating new knowledge about crime to determine what should be done about it seems obvious. Operations research and program evaluation are vital to the planning function. If the task force on goals for the criminal justice system has worked well and the implementation plans written by the CJSPA are realistic, then determining if the goals and implementation plans are being achieved is critical to the planning process.

In performing the analyses, the CJSPA should have a statutory right to all information stored in other agencies or other places, state or local; be empowered to conduct operations research studies and program evaluations on any agency with law enforcement or criminal justice responsibilities; be permitted, after appropriate consultation, to monitor implementation of recommendations for change; and report the results to the Governor and legislature. Only with these kinds of powers can goal setting, planning for implementation, and monitoring of results make the planning process for criminal justice in Minnesota a viable alternative to the present nondirected, poorly organized, and noncoordinated system.

This series of proposals should not affect the operations of the Office of Planning and Analysis in the Department of Public Safety or the Management Analysis Unit in the Department of Corrections. These "in-house" management analysis units should continue to conduct studies to improve their respective department operations. The studies performed by the CJSPA would relate specifically to the planning process for the criminal justice system: are the goals of the system being achieved; are the implementation plans prepared by the CJSPA realized; are local units of the system organized to meet the goals and plans mandated by the task force and the CJSPA; is there substantial compliance with the recommendations for change mandated by the CJSPA?

Technical assistance. Given the complexity of the criminal justice system with independently elected sheriffs and county prosecutors, city police departments and a variety of corrections, public defender, and victims programs, it is clear why there is difficulty in planning for and coordinating the system. Any set of plans which contains goals and objectives for the criminal justice system must be realistically implemented. The steps taken to do so require that technical assistance be given to state and local units of government. The CJSPA should be staffed with professionals possessing expertise in management, finance, budget preparation, organization structure, etc., who can offer technical assistance to the various units of the criminal justice system in order to help them achieve the goals and objectives created by the task force and the CJSPA.

Clearinghouse and monitoring services. A central library for law enforcement and criminal justice professionals, a conduit for the exchange of reports, and coordination of technical assistance constitute some of the responsibilities traditionally assumed by a clearinghouse unit in a CJSPA. While these activities are important, a clearinghouse unit in a fully empowered CJSPA should also perform several monitoring services. These services would determine whether the goals and objectives established by the Governor's Task Force and the CJSPA are being achieved and whether there is coordination among the various criminal justice units in Minnesota. Through the traditional clearinghouse functions, and

the three categories of monitoring services discussed below, a genuine clearinghouse would contribute to a more unified and well-planned criminal justice system.

(1) Policy review. Clearance for policies developed by state executive branch criminal justice agencies is essential for coordination and monitoring the operations of the criminal justice system. This service would circulate the policy for review and comment among other agencies and the affected publics, would analyze the proposed policy in light of established standards, and would provide the Governor with a preview of criminal justice policies before they are implemented.

The policy review service would operate in the following manner: all policies developed by state executive branch criminal justice agencies which affected the public, other state agencies, or local units of government would be reviewed first through the Clearinghouse and Monitoring unit of the CJSPA. Three criteria would be used to evaluate the policies. First, does the policy accord with the goals and objectives for criminal justice established by the Governor's Task Force and the CJSPA? Second, what impact would the policy have on the goals and objectives of the criminal justice system and on the operations of state and local agencies? Third, has there been adequate review and comment by the public or other agencies affected by the proposed policy?

(2) Legislative review. For reasons similar to policy review, the CJSPA should provide a clearinghouse service for proposed legislation emerging from state executive branch criminal justice agencies. The process and criteria would parallel that of policy review: First, does the legislation accord with the goals and objectives for criminal justice established by the Governor's Task Force and the CJSPA? Second, what impact would the legislation have on the goals and objectives of the criminal justice system and on the operations of state and local agencies? Third, has there been adequate review and comment by the variously affected publics?

(3) Budget review authority. Presently, state agency budgets are reviewed by the Department of Finance, the Governor, and his staff. The final category of monitoring services provided by the Clearinghouse and Monitoring unit--budget review authority--would link budget decisions to criminal justice planning and performance. This budget review process would assure that state executive branch criminal justice agencies are devoting proposed dollars to achieving the goals and objectives established by the Governor's Task Force and the CJSPA. The process would involve:

First, 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.

Second, 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 criminal justice goals and objectives.

Third, meeting with agency executives to discuss the review by the Clearinghouse and Monitoring unit.

Fourth, completing a separate report on each executive branch criminal justice agency which would accompany the proposed budget sent by the agency to the Department of Finance and the Governor. The report would state how the proposed budget helps the agency attain the goals and objectives of the criminal justice system.

Data collection and processing. In a previous section of this chapter some of the problems with Minnesota's criminal justice information systems (CJISs) were outlined. It became obvious after interviewing a number of CJIS professionals that data processing is extremely fragmented and uncoordinated, which threatens to negate potential benefits and to compromise the usefulness of data currently being collected.

Dramatic improvements in computer technology, particularly the proliferation of inexpensive mini-computers, will tend to heighten the trend toward separately conceived applications. Duplication of effort and continued data reporting redundancies are likely to continue as smaller agencies develop automated data processing systems for the first time. Information exchange may become even more difficult because of the resulting increase in computer hardware and software incompatibility.

It became clear to the JSIS staff that the CJSPA would need to coordinate the multitude of information systems in Minnesota. The JSIS staff proposes that the following steps be taken to coordinate Minnesota's CJISs:

First, a permanent advisory body made up of the directors of the major CJISs should be established by the legislature. This group should be staffed by the CJSPA to ensure the necessary systemwide perspective, priorities, and credibility.

Second, the advisory body should be mandated to evaluate the status of existing system development as to the extent of costs, benefits realized to date, current problems, and future needs. Based on this study, policy recommendations should be developed to facilitate statewide coordination of criminal justice information system development, to improve cost efficiency, and to use better the data generated. The end product would be in the form of a systems analysis, a plan, and policies useful for local and state agencies to guide their individual efforts.

Third, because of the rapidly changing nature of data processing technology, the evolving needs for management information and the ever increasing need to manage resources wisely, the advisory body or coordinating council should have the power to require that both local and state information systems meet established standards necessary to interface and communicate with the statewide system. However, it should not be an agency which attempts to control local systems. Instead, it must be a means of building communication, coordination, and consensus. It should be continually involved in evaluating the status of the comprehensive system, dealing with problems as they arise, reviewing developments in data processing technology and their potential for improving the efficiency or usefulness of the system, and promoting the use of the information to improve the delivery of criminal justice services.

Fourth, with the loss of federal funding for innovative system development, it will be necessary to help fund certain local projects chosen for their potential transferability to other jurisdictions or because of their value to the criminal justice system as a whole. Assistance from both federal and state sources in the past has been over

\$1 million per year. Continued progress in this important area requires a state-funded program to replace these moneys. Although a precise dollar amount needed per year to develop and integrate local and state systems must await further study, it would seem reasonable to continue aid at half the level experienced in recent years, or \$500,000 per year. The legislature has already been approached by individual local jurisdictions for financial aid to complete system development. This type of request will likely proliferate in the near future. Priorities should be set by the advisory body to ensure that the use of state funds aids in the coordination of the system.

Finally, in conjunction with staffing and supporting the advisory body, the CJSPA should aid the development of local and state systems by acting as a primary resource to promote technology transfer, provide technical assistance, and collect system documentation materials.

b) Legislative commission on criminal justice planning, research and evaluation. This second option for providing authority to the planning process is based on four assumptions: (1) that federal funds for the CJSPA would all but disappear with the exception of Juvenile Justice and Delinquency Prevention Act moneys which would continue to be available through 1982-83, (2) that the State of Minnesota would not allocate sufficient funds to the CJSPA for even a moderate grants program, (3) that the State of Minnesota appreciates the value of planning and coordination of government activities, (4) that a fully empowered CJSPA would not be supported by the Governor or the legislature.

It is the view of the JSIS staff that planning, research, and evaluation are necessary to give the criminal justice system direction. The JSIS staff therefore proposes that the legislature create a commission on criminal justice planning, research, and evaluation to consist of legislators, criminal justice professionals, citizens, and the Governor or his designee. The commission would have responsibility for creating goals and objectives for the criminal justice system and for providing the research and evaluation services needed to monitor attainment of goals and objectives. A small professional and clerical staff would coordinate planning, research, and evaluation in the following manner.

The work necessary to produce the plans which would be used to achieve goals and objectives, and the research and evaluation needed to study attainment of goals and objectives, would be contracted to a variety of institutions. For example, the sociology and criminal justice departments at the University of Minnesota and the various "think-tank" and other institutional resources are well-qualified and have the expertise to provide the required services. The commission's staff would, in consultation with the commission, determine planning, research, and evaluation needs. It would administer the contracts with the selected institutions and would monitor the projects in accordance with established guidelines. In essence, the commission's professional staff would coordinate planning, research, and evaluation for the criminal justice system through this contracting procedure.

The commission's staff should be given the responsibility to circulate completed reports and projects to agency heads and other interested persons for review and comment. These comments would be summarized by the staff and submitted along with the report to the commission for its consideration.

After absorbing the materials and results developed by the planning, research, and evaluation projects, and on the advice of the staff and various informed observers, the commission would counsel the Governor and the legislature regarding goals and objectives for the criminal justice system and the steps required for their successful attainment.

The commission also could provide a policy and legislative clearing-house function for the criminal justice system. State executive branch criminal justice agencies would be required to submit to the commission's staff all proposed legislation and policies which affect other agencies and publics. Policies and legislation relating solely to the internal operations of agencies would not be presented to the commission's staff. The staff would then circulate the submitted legislation and policies among the other agencies for review and comment. Although the staff would not be large enough to analyze each proposal for adherence to the system's goals and objectives, the staff would be capable of summarizing the results of the review and comment process for the commission so that it could advise the Governor and the legislature.

c) Department of justice. A third option for a fully empowered criminal justice state planning agency is to place its functions in the Office of the Commissioner in a department of justice. This organizational arrangement is discussed in Chapter XV of this *Staff Final Report*.

CHAPTER XIV
MINNESOTA CRIMINAL JUSTICE SYSTEM
TRAINING BUREAU--A PROPOSAL

A. INTRODUCTION

Criminal justice training, as several commissions, studies, and scholars have concluded, is often unnecessarily fragmented. The JSIS staff has discovered unnecessary fragmentation of criminal justice training within Minnesota's criminal justice system.

Unnecessary fragmentation of training prevents long-range planning and consistent policy development for training, imposes needless administrative costs on the system, and prevents improved coordination. It may also deny the criminal justice system the important benefit of the close personal contact between instructors and students of all criminal justice occupations which occurs with the implementation of proposals for integrated training. Contained in this chapter, therefore, are proposals for formal integration of criminal justice training in Minnesota.

Section B of this chapter details present training efforts and existing training structures in Minnesota's 12 executive branch criminal justice agencies. At the same time, proposals will be offered to integrate training within each agency. Without first achieving internal integration, it would be unlikely that integration of training across agencies could be realized. In Section C, integrated criminal justice training structures in the states of Kentucky and Washington are described. These are presented not to demonstrate how Minnesota should create a training bureau, but rather that integrated criminal justice training can work, and to further explain the advantages of an integrated training structure. Section D discusses JSIS staff proposals for creation of a Minnesota Criminal Justice System Training Bureau.

B. EXISTING CRIMINAL JUSTICE TRAINING STRUCTURES

1. Department of Corrections

a. Management Division

The management training unit conducts pre-service and in-service training for all DOC personnel, correctional counselors, 125 county probation officers, and a number of community corrections employees. The unit also offers orientation training, including the historical development of corrections, department mission and functions, organization structure, and programs and services. Pre-service training includes the correctional counselor training academies. Training given by the academies involves, among other things, human relations, counseling, first aid, CPR, and fire fighting. Pre-service training at the correctional counselor training academies may be waived if the applicant for a correctional counselor position had college coursework in the behavioral sciences. (See organization chart in Figure 32.) Total Fiscal Year 1980 training expenditures for this unit were \$310,400. The 1980 total full-time equivalent staff for this unit was five: one training director, three employee development specialists, and one clerical.

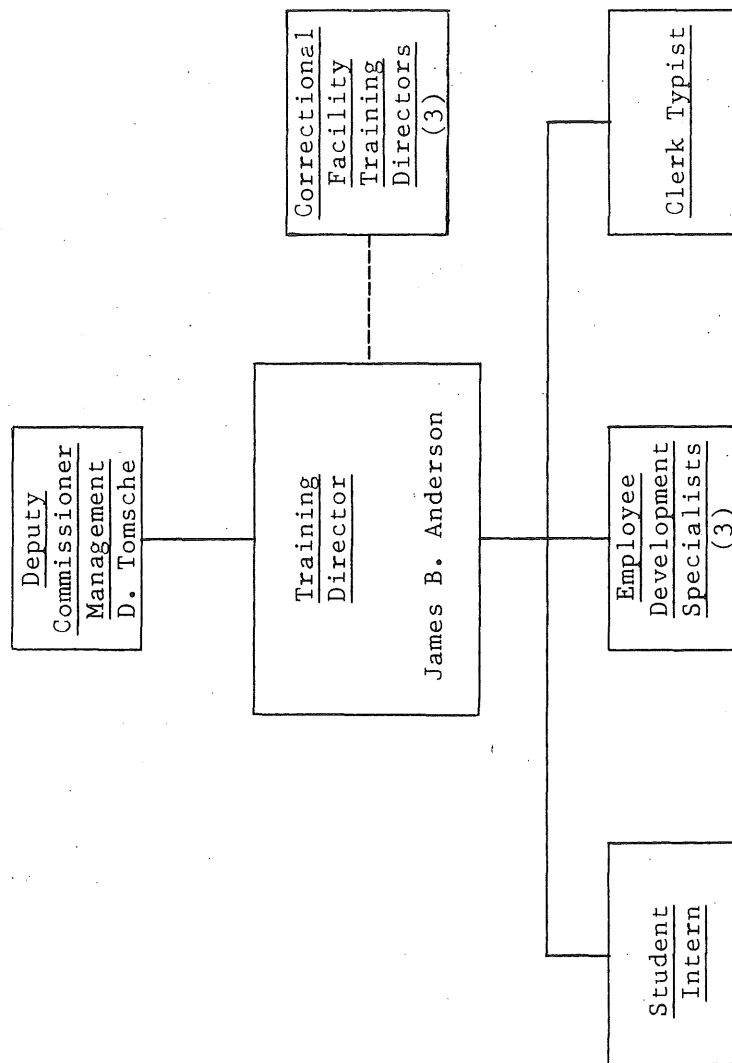
b. Institution Services Division

The institutions program sponsors pre- and in-service training for employees of correctional institutions. Institutional pre-service training is provided as a follow-up to the training provided by the academies. The institution pre-service training is designed to provide trainees with an understanding of the institutional environment and of institutional policy. In-service training is also provided on a continuous basis and consists of staff and management development training.

The institution training is conducted by institutional training coordinators who report directly to the superintendents of the institutions and who are located at the institutions. These training coordinators coordinate their training delivery with the management training unit. However, administration of the institutions training is conducted somewhat independently of the management training unit. The total Fiscal Year 1980 training budget for the institutions program was \$195,900. Institutions services training personnel consists of three class-A professionals (training coordinators) and one class-C office worker, and of instructors who are contracted intermittently.

FIGURE 32

DEPARTMENT OF CORRECTIONS TRAINING ORGANIZATION CHART, 1980



c. Community Services Division

The Battered Women's and Sexual Assault units conduct training relative to the management of local programs for battered women and the sexually assaulted. Further, they help fund training conducted by local programs. Federal grants are used for these purposes.

The inspection and enforcement unit conducts and administers a jailer training program and a Detention Information System training program. The jailer program trains local sheriffs and jailers on legal issues, security of jails and procedures, and jail supervision. Jailer training is conducted at locations within jailer training districts throughout the state. The training is conducted by two professional class employees. The Detention Information System (DIS) training consists of training local law enforcement and community corrections personnel how to use the system. DIS training is scheduled to be completed in 1981. Expenditure information for training in this division was not available.

d. Organizational Problem Areas and Corrective Proposals

The above examples represent a degree of fragmentation with regard to training in the Department of Corrections, as training is administered in three separate budget programs. Not all personnel whose primary function is training report to the corrections training director. It appears that in some cases there are good reasons for this. For example, trainers at the Stillwater, St. Cloud and Shakopee institutions report directly to the superintendents of their respective institutions so that the trainers can have institution level authority to implement training programs. If any employees resist training which has been planned and approved by the superintendent and training coordinator, the superintendent can use his authority to mandate that the employee take the training and can take disciplinary action if an employee refuses the training. Another reason institutional trainers report to the institutional superintendents is because the superintendents can best identify the unique training needs for employees at each facility. However, the issues concerning sufficient authority to implement training and the identification of the unique training needs of each institution can be addressed by a department-wide training unit as well. Similarly, the

training performed by other organizational units could remain tailored to the local communities for whom the training is performed.

Further, not all trainers of an integrated corrections training unit need be housed at the same geographic location, nor does all training need to be conducted at the same facility. Training classes could be held at whatever locations are most practical.

To assist in the needs assessment process, the Training Advisory Council which is currently maintained by the Department of Corrections could be expanded to include input from the institutions and other managers interested in the training administered by the unit. With expanded use of such a council, the Department of Corrections could also maintain the credibility the individual training units have previously established with their respective clientele.

Most of the subject matter of programs would remain intact, but control of all training funds, record keeping, scheduling, and the coordination of the various training programs would be managed out of one unit instead of several. Even these details, however, would continue to operate based in part on input from the Corrections Training Advisory Council and the American Corrections Association.

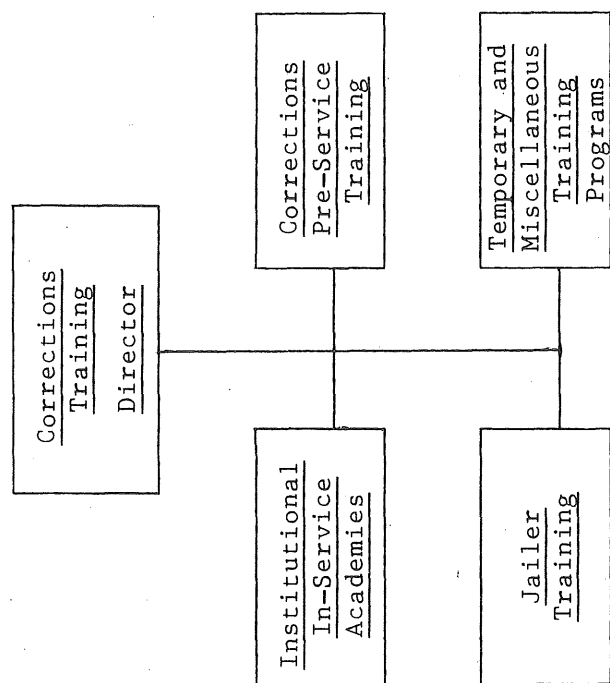
It should be recognized that some integration of training has been tried in the past at Corrections. During these experiments, however, adequate computer systems for reporting training information from the central training administration office back to institutional trainers were not available. The Department is currently working on an improved training information reporting system which should facilitate the integration of training at Corrections. An organization chart of the proposed integration of corrections training is presented in Figure 33.

2. Department of Public Safety

There are several criminal justice training units dispersed throughout the Department of Public Safety. To keep the discussion of the training units manageable, they are summarized with respect to the line function they most closely represent and the organizational unit they are located in. First, organization structure, expenditure information, and organizational problem areas will be discussed for law enforcement and investigation training; proposals are then made to correct the problem areas.

FIGURE 33

ORGANIZATION CHART FOR DEPARTMENT OF CORRECTIONS
 TRAINING: JSIS STAFF PROPOSAL



Second, the structure, expenditure information, and problem areas will be discussed for management and staff development training. Third, an integrated criminal justice training program for Public Safety will be proposed.

a. Law Enforcement and Investigation Training

1) Bureau of Criminal Apprehension. The BCA has four organizational units which participate in training: (a) The unit which is devoted exclusively to fulfilling law enforcement training requirements for peace officers, (b) investigation training, (c) criminal justice information system training, and (d) crime laboratory training.

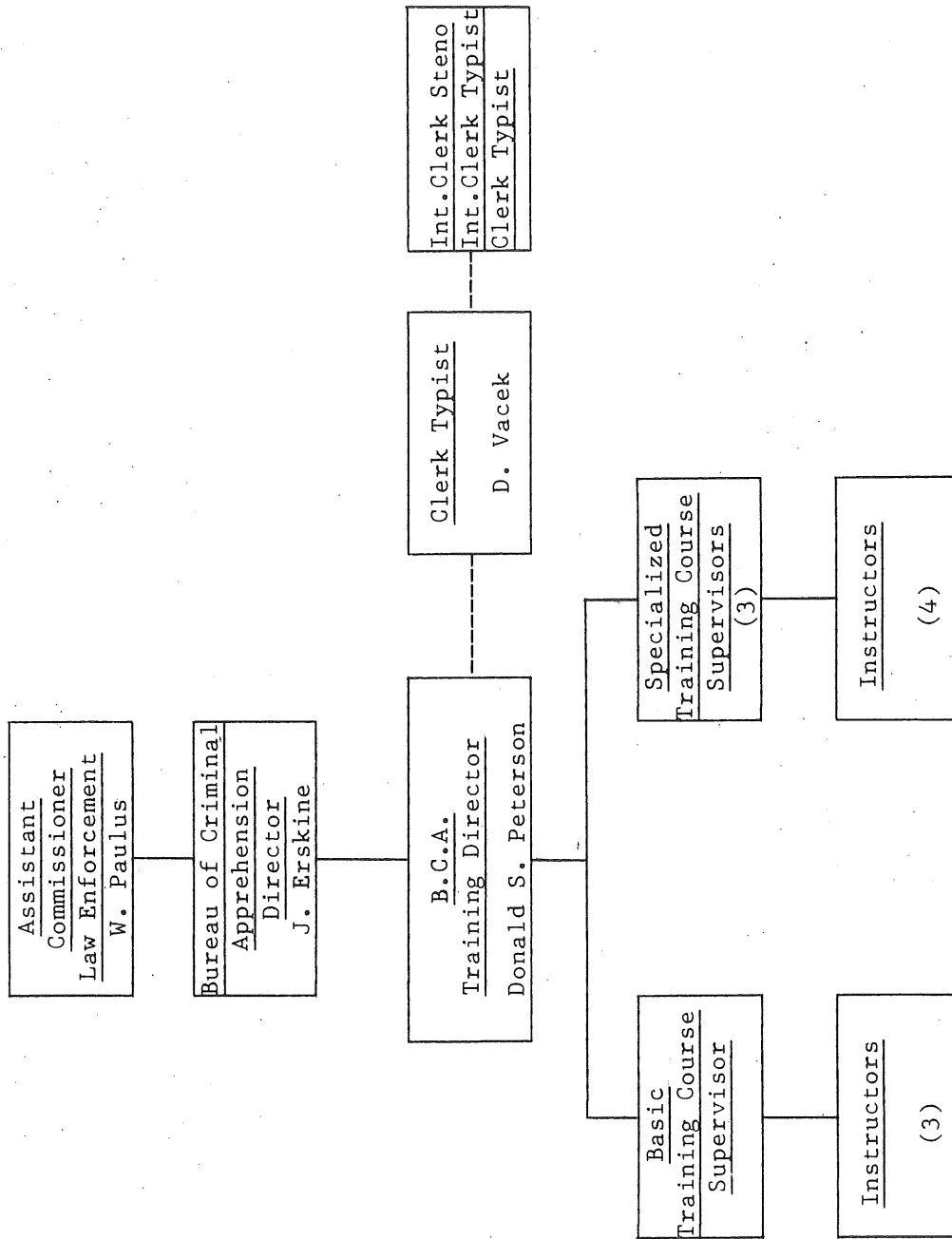
The peace officer training unit consists of one director, four coordinator-supervisors, six police instructors, and four clerical positions. Approximate Fiscal Year 1980 expenditures for this training unit totaled \$660,000 of which \$339,000 went for wages and salaries of both trainees and instructors, and the remainder to miscellaneous contractual and materials expenses.

The peace officer training unit (see Figure 34) is divided into two sub-units, one for pre-service basic training and one for specialized in-service training. The Peace Officer Standards and Training Board promulgated rules in 1977 which mandate licensing and minimum training requirements for peace officers. To achieve training and licensing at a minimum cost to the state, POST promulgated rules which require potential peace officers to receive basic training at post-secondary institutions (vo-tech schools, community colleges, etc.) offering POST-approved basic training at their own expense. This led to the phasing out of basic training conducted by the BCA. In 1981, the BCA will not conduct any new basic training academies for peace officers. To replace the basic training, this unit plans to expand its capacity to conduct in-service and specialized training. This training includes subjects such as stress management techniques, firearms use, and report writing. Some BCA training is done at the Arden Hills facility, but most is done at other facilities where the costs are lower than the \$40 per classroom day paid to the Department of Transportation.

The CJIS section of the BCA teaches local law enforcement personnel about use of the CJIS and about how local agencies are to report information to the system. Employees from Corrections and county attorneys are

FIGURE 34

BUREAU OF CRIMINAL APPREHENSION TRAINING ORGANIZATION CHART, 1980



also trained to use the CJIS. The bulk of the training, however, is performed for local law enforcement agencies. Training is delivered at the agencies where the system is used and at the CJIS headquarters of the BCA.

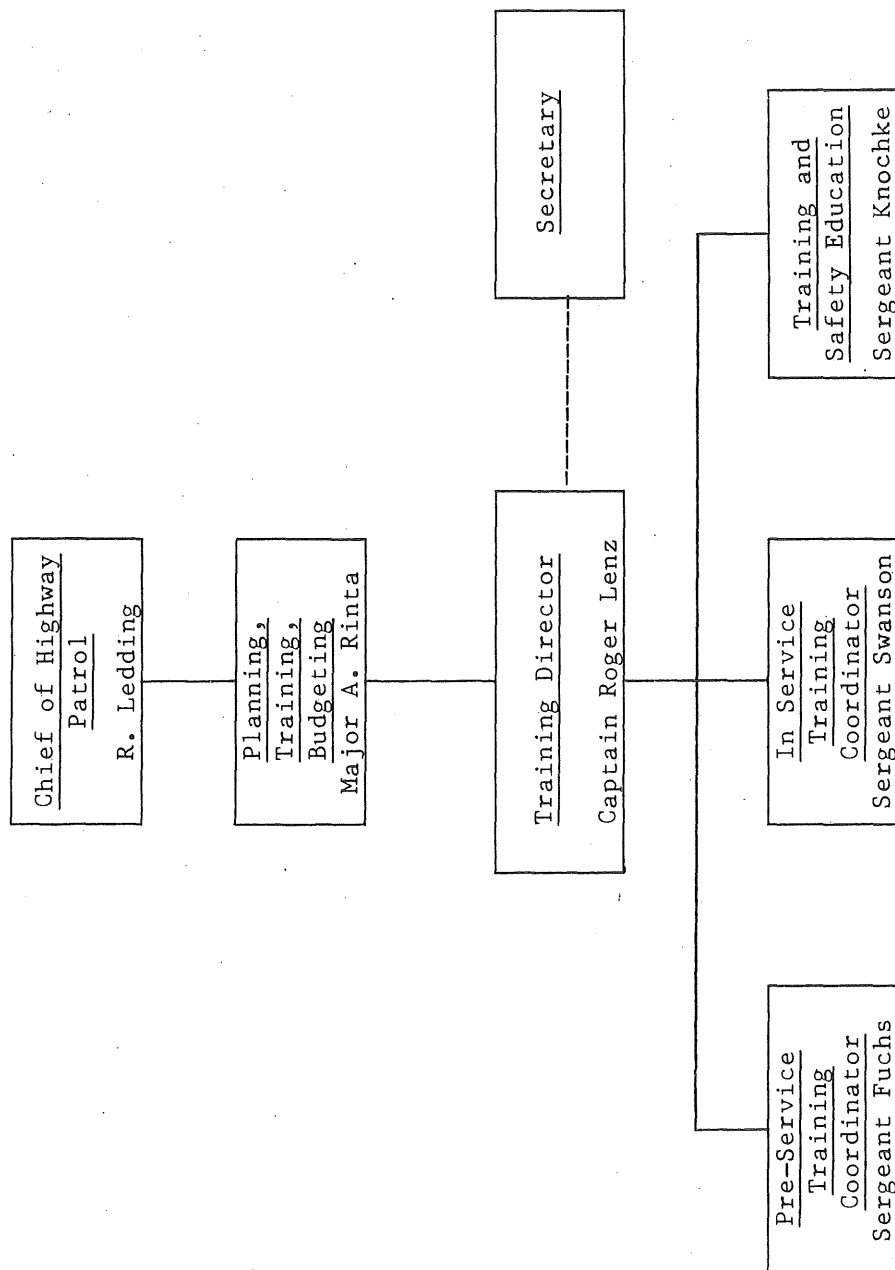
The crime laboratory conducts 56-hour breathalyzer courses and refresher courses on breathalyzer use. All breathalyzer courses are conducted in-house. The investigation section provides instruction for courses such as search and seizure, blood spotting, and expert witness testimonies.

Since training conducted by the CJIS or the investigation unit are not broken down into budget programs or activities, expenditure information for CJIS training, or for training time allocated by units other than the police training section, was not available.

2) Capitol Security. Two basic types of training exist at Capitol Security: training of Capitol Security guards and training performed by Capitol Security for the public and state employees. Training of Capitol Security guards is done by officers of the State Patrol. Training performed by Capitol Security involves teaching the public and state employees how to prevent crimes in the capitol complex buildings and about Crime Watch.

3) State Patrol. The State Patrol has a training unit consisting of one training director (who also instructs), three regular instructors, and one secretary. The Patrol also uses instructors from the BCA and other instructors who are contracted from colleges and universities. The Patrol conducts 11-week training academies for state troopers, the Emergency Services hazardous materials course, county sheriffs, the BCA, fire fighting and other emergency response personnel, capitol security personnel, and other training as requested. Fiscal Year 1980 expenditures totaled \$340,632, of which \$52,600 came from Federal sources, and \$288,032 from the state. Personal services, salaries, and wages totaled \$179,601. The most significant of all other expenses was for rents and leases: \$56,601. Some of the courses taught by the Patrol include firearms use, first aid, CPR, report writing, accident investigation, and criminal law. The Patrol conducts its training at the Arden Hills training facility and at the East-West combined Patrol headquarters. (See chart under Figure 35.)

FIGURE 35
STATE PATROL TRAINING ORGANIZATION CHART, 1980



4) Fire Marshal. The Fire Marshal trains local officials on fire inspection and code enforcement. These courses are taught by state fire inspectors at various locations throughout the state. The Fire Marshal also provides technical assistance to arson investigation courses which are administered and coordinated by the BCA.

5) Liquor Control. The Liquor Control Division trains local law enforcement officials on how to collect evidence for the prosecution of alleged violators of liquor control laws, rules, and regulations. The training is provided at various places throughout the state.

Most liquor control training is done on a formal basis and coordinated by the BCA. Some liquor control training is done on an informal basis upon request. The need for this informally delivered training should be investigated. Perhaps more regularly scheduled liquor control training courses need to be provided and coordinated by the BCA.

6) Organizational problem areas and corrective proposals. With regard to law enforcement training, no central decision making authority exists to plan and coordinate the training. Some BCA training is done for the State Patrol, but most BCA training is performed for county and municipal peace officers. The patrol conducts courses for the BCA (and for other agencies upon request) in Basic Police Science, radar use, traffic law, and other subjects. Each unit is dependent on the other for some training resources. This results in some overlap and duplication of work. For example, duplicative records are kept by the Patrol and the BCA on courses that the Patrol teaches for the BCA; both keep records on who was taught, what was taught, and where. Also, both divisions maintain separate but somewhat duplicative billing records and procedures. The primary problem, though, is that there is no single decision control over interrelated and similar types of training, which prevents consistent plan development with regard to law enforcement and investigation training administration and coordination.

The JSIS staff therefore proposes that all law enforcement and investigation training be integrated into a single law enforcement and investigation unit. All training related clerical work, billing procedures, electronic data processing, and planning would be done through this unit rather than the two operating divisions as at present. Where possible,

such as in firearms use, the training of troopers and peace officers could be combined. However, courses pertinent only to the Patrol or to peace officers would be maintained in separate units.

b. Management and Staff Development Training

1) Training coordinator. The personnel office has a training coordinator who acts as a liaison between the Department of Employee Relations Training Unit and the DPS divisional managers, advises them on which courses the managers and their staffs should take, and does some career development counseling. The coordinator also manages the tuition reimbursement program for the DPS. However, costs for training are paid out of divisional budgets. The training coordinator is not given a training budget. A breakdown of costs for this type of training was not available from the various divisions.

2) Organizational problem areas and corrective proposals. The Administration and Related Services training unit had resource problems because there is no budget allotted to the function. Training suggested by this unit is funded from each division budget. The training coordinator is sometimes unable to provide training he feels is needed because of the lack of resources which could be used to motivate participation in training programs. As a result, there may be insufficient uniformity in department-wide management and staff development training. A central training fund for this type of training needs to be established to enable department-wide planning and allocation of management and staff development training resources.

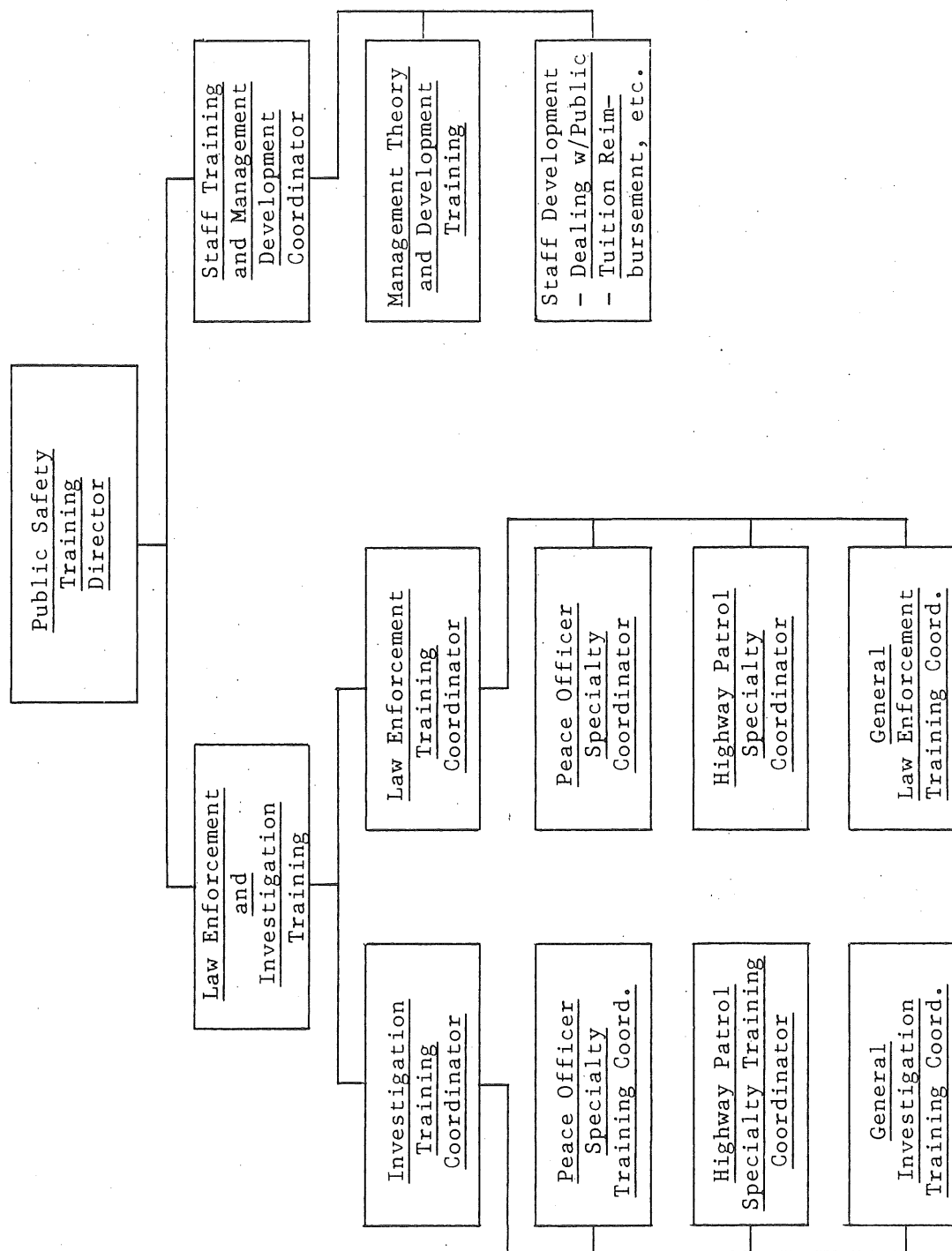
c. Criminal Justice Training Division of the Department of Public Safety--Proposal

To integrate all aspects of Public Safety training, the JSIS staff proposes that a Public Safety training division be created. The division would be a budget program whose manager would report directly to the Commissioner of Public Safety, or to an assistant commissioner who has agencywide responsibilities. Figure 36 presents an organization chart for the proposed public safety training division.

The director of Public Safety training would be responsible for supervising the coordination and administration of all public safety criminal justice training. All full-time training personnel employed

FIGURE 36

ORGANIZATION CHART FOR PUBLIC SAFETY TRAINING: JSIS STAFF PROPOSAL



by the DPS would be moved to the DPS training division.

One of the advantages to the configuration is that management theory courses which are offered by the law enforcement training unit could be offered by the management development section to law enforcement and other DPS managers. Further, all trainers would have a chance to work more closely in developing training plans and in coordinating training delivery. A department level training unit would also allow for more control of training expenditures. Under its current fragmented state, training expenditures are difficult to track. The difficulty of tracking training expenses was expressed by the Patrol in a comment which the Patrol included with the JSIS expenditure information:

Some [training] programs have other agency participation such as accident related courses. Patrol instructors are involved in basic and in-service training for the BCA and in special courses such as radar. Other courses such as truck weight enforcement are offered to local [law enforcement] agencies. Breakdown [of training] by cost is difficult to do as the training unit has many responsibilities.

In 1976, another study done by the management analysis division of the Department of Administration for the DPS noted the following about training at DPS:

Throughout the study, the heads of the operating divisions expressed dissatisfaction with the services provided by Personnel, Training, and Employee Relations. In many cases this dissatisfaction was found to be justified. A portion of the dissatisfaction appears to stem from a lack of leadership within Personnel, Training, and Employee Relations, while the balance seems to be the result of the fragmentation of personnel/training-related responsibilities throughout the operating divisions. This has resulted in something less than a departmental approach to training for Public Safety, and what is perceived by employees to be a substantial degree of inconsistency regarding the application of personnel policies and procedures.¹

Through central budgeting of all DPS training, integration of training facility billing procedures and other training related administrative work, complete sharing of training resources, and consistent training leadership from a public safety training director, the DPS could develop

¹Department of Administration, "Internal Management Study of the Department of Public Safety," p. 19.

a more cohesive training program. In addition, training is one area in which upper management could influence department-wide policy for the purpose of instilling in division personnel the feeling that they are actually part of a *department* of public safety.

3. State Public Defender

The State Public Defender does not have a formal training unit. However, the office is statutorily responsible for supervising the training of all state and district public defenders. To this end, an annual criminal justice course is carried out through this office in conjunction with the Continuing Legal Education Division of the State Bar Association, the County Attorneys Council, the Bureau of Criminal Apprehension, the Office of Continuing Legal Education for State Court Personnel, and the Office of the Attorney General. Recipients of the course include public defenders, prosecutors, peace officers and other criminal justice personnel. If the training is to be used by lawyers to meet continuing legal education requirements, it must be approved by the standard-setting Board of Continuing Legal Education. The mechanics of scheduling, acquisition of facilities, and other details of the course are handled by the Continuing Legal Education Division of the State Bar Association.

4. County Attorneys Council

The County Attorneys Council provides continuing legal education for county attorneys, gathers and disseminates information about changes in state law dictated by statute, court decisions, and rule-making, and furnishes interdisciplinary seminars to improve effectiveness of the criminal justice system. The County Attorneys Council also cooperates with the State Public Defender and other legal-oriented organizations and agencies to administer an annual criminal justice course.

The State Public Defender and the County Attorneys Council provide training which apparently is well coordinated with a number of organizations. Training delivery is also provided through judicial-type agencies (e.g., Board of Continuing Legal Education) and private organizations (e.g., State Bar Association). It is the JSIS staff's opinion that these training efforts should continue as at present, and should not be fully integrated into the training bureau discussed in Section D of this chapter. However, it is expected that if the Training Bureau were established, the legal training furnished by the State Public Defender and

the County Attorneys Council would still be available to other criminal justice personnel, as the Bureau would informally coordinate its training with that of the legal training community.

C. INTEGRATED TRAINING BUREAUS

To show that criminal justice training can be planned, coordinated, and delivered at the system level, this section will describe system-level criminal justice training units in Washington and Kentucky and the benefits these states have received from integrated training. The JSIS staff does not recommend that these examples be replicated in Minnesota. The examples are offered as working, practical models from which Minnesota might derive a training bureau suited to its own needs.

1. Washington State Criminal Justice Training Commission

The organization of the Washington State Criminal Justice Training Commission grew out of an integrated training experiment funded by the Law Enforcement Assistance Administration. The experimental integrated training facility was called "The Washington Criminal Justice Education and Training Center." This experiment was one of the first and longest of its kind to be carried out in the United States. Started in 1971, it ran for three years.

An evaluation of the Center found that the Center's training contributed to an overall integration of Washington's criminal justice system. Persons who participated in interdisciplinary training demonstrated greater understanding of and more willingness to communicate with other agencies of the criminal justice system. Outside of coursework, the center provided opportunity for informal contacts among a cross-section of criminal justice employees. Thus, the center became a forum for the discussion of contemporary criminal justice issues. Many criminal justice practitioners feel that this type of discussion is important because it can contribute to increased cooperation and coordination among criminal justice agencies.

The success of the integrated training experiment led to statutorily mandated training for each criminal justice occupation. These statutes increased the need for more efficient training delivery and promoted maximum utilization of an integrated (and therefore more efficient) training center. Therefore, upon cessation of LEAA funding for the Center in 1974, the Washington Criminal Justice Training Commission was formed, was

funded by the state, and still exists today. The Commission consists of 13 members, with an executive director, staff, and four boards that provide input to training policy which will affect the line functions they represent. The Training Commission administers one central facility and twenty satellite facilities. The central facility is used whenever it is practical; and the satellite facilities are used when doing so minimizes travel, housing, and per diem costs. Figure 37 illustrates the organization of the Washington state training commission.

2. Kentucky Bureau of Training

In 1973 the Governor of Kentucky, by executive order (later confirmed by statute), established a Kentucky Department of Justice (KDOJ). The KDOJ contains a Bureau of State Police, a Bureau of Corrections, and a Bureau of Training. The Bureau of Training, as shown in Figure 38, contains training divisions for law enforcement, corrections, and legal training.

A unique program of the law enforcement training division is the Special Agencies Training Program. Under this program, instruction is given to other state agencies with criminal justice responsibilities and to special law enforcement officers. The division has trained people from Fish and Wildlife Resources, Department of Transportation, Alcohol Control Commission, and Forest Wardens.

The function of the corrections division is to provide basic, in-service, and technical training to Bureau of Corrections personnel, Kentucky jailors, and juvenile workers. The division employs a staff of seventeen and consists of four major programs: Basic, Community Services, Institutional Inservice and Jailer Training. Two staff members are field service personnel and operate in special training facilities at the Kentucky Reformatory and Kentucky State Penitentiary. They are supervised by the Basic Training Program and are responsible for new employee orientation and specialized training.

The staff of the Division of Legal Services teaches legal subjects for the divisions of Law Enforcement and Corrections Training. The division also issues regular legal memoranda to law enforcement and corrections officials and gives legal advice to criminal justice personnel upon request. Research is routinely conducted to keep up-to-date on current

FIGURE 37

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

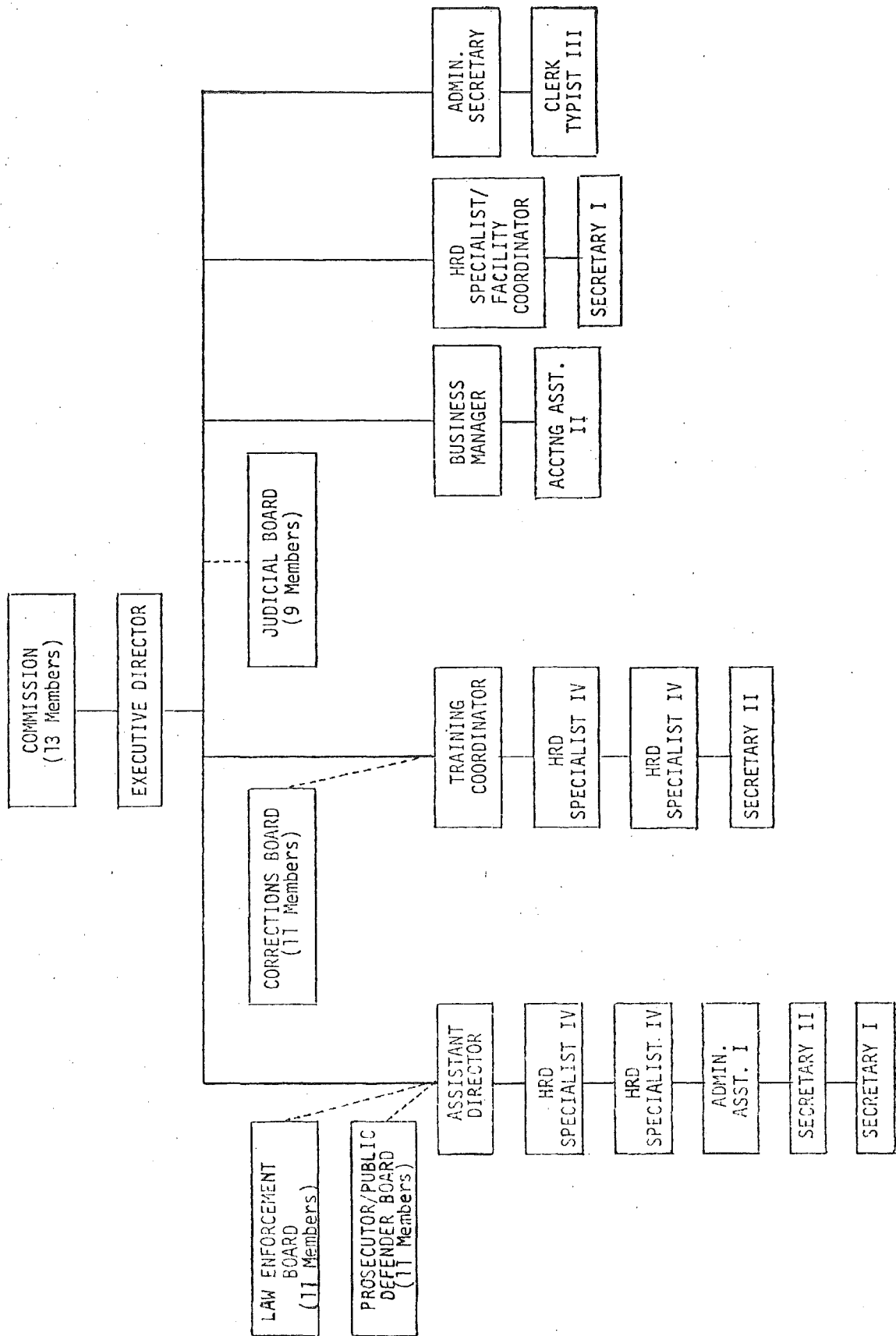
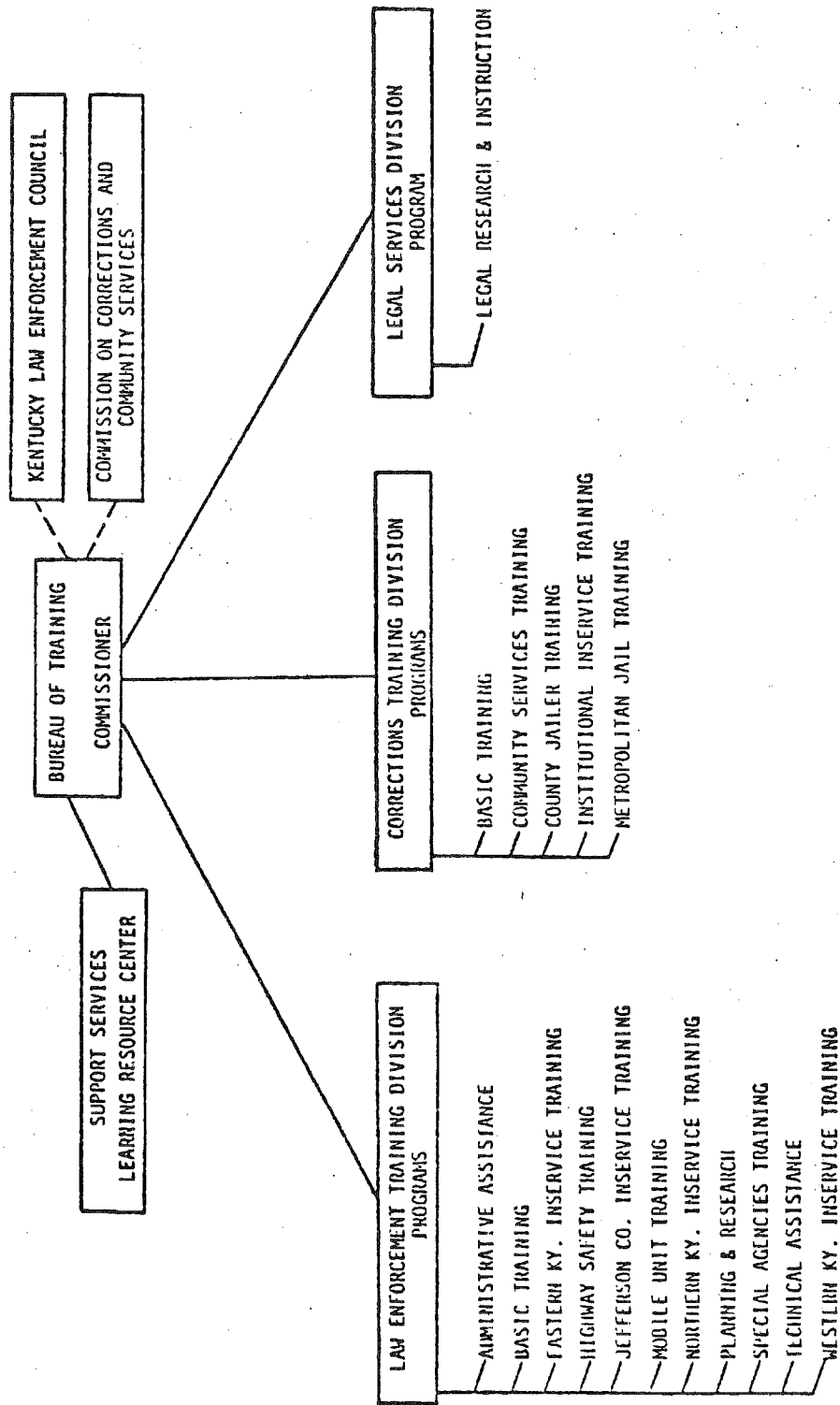


FIGURE 38

KENTUCKY BUREAU OF TRAINING



legislation and court decisions.

Kentucky also has input boards. The boards are charged to evaluate training delivered to their respective functions of corrections and law enforcement.

A unique aspect of the Kentucky Bureau of Training is its learning resource center which is attached to the Bureau Commissioner's office. The center is responsible for all audio-visual aids, books documents, and other materials which are used in training. All of the Bureau's expendable supplies are acquired and dispensed through the learning resource center.

One of the major lessons to be learned from the Kentucky Bureau of Training is that its creation caused little system turbulence because the powers and duties of existing training units were not diminished. The second lesson is that existing facilities were used whenever possible.

In summary, the creation of the training bureaus in Washington and Kentucky indicates that these states improved criminal justice training with integration of the criminal justice training function. Further, integrated training has helped develop cooperation among employees of each criminal justice discipline and has also contributed to increased coordination.

D. PROPOSAL FOR A MINNESOTA CRIMINAL JUSTICE TRAINING BUREAU

The concept of integrated criminal justice training at the state level in Minnesota is not new. In 1970, the Dillingham Corporation of California performed a study of training needs in Minnesota. Among Dillingham's recommendations were the following which are relevant to creation of a training bureau: First, the study recommended a comprehensive systemwide approach toward training needs, and therefore that a training center be developed at the state level for all components of the criminal justice system. Second, the study suggested that the proposed center be located in the 7-county metropolitan area where it would be accessible to the majority of law enforcement and criminal justice trainees who would use the center and where it would also be in proximity to instructors and other training resources. Third, the study proposed that the existing Minnesota Highway and Civil Defense Training Center at Arden Hills be expanded to

accommodate the proposed law enforcement and criminal justice training center.¹

The Dillingham study and other discussions about integrated criminal justice training, while providing constructive recommendations, seem to have generated or strengthened two conceptual myths about integrated training. These myths have sustained efforts to resist system level integration of criminal justice training in Minnesota.

The first myth is that integration of state criminal justice training would lead to elimination of local training functions. According to the myth, *all* training for police would be conducted from one training center if integrated criminal justice training plans were implemented. The concept of integration supposedly involves the eradication of POST-approved, locally run police academies or other training programs.

The JSIS staff response to this first myth is that a state run training bureau would not lead to the elimination of locally run training programs. The training bureau would formally integrate only the administration and coordination of criminal justice training operated by the state. The JSIS staff realizes, however, that it is often practical to decentralize state run training delivery. For example, if three training hours were needed by twenty peace officers from Rochester and the trainer was based in St. Paul, it would be more practical for the trainer to travel to Rochester for the day than it would be for the peace officers to come to St. Paul. However, if four investigators from throughout the state needed fingerprint training, it would be more practical for them to come to St. Paul.

Further, a centralized state-run police academy is not feasible. Obviously, it would diminish the powers and duties of local police academies and local police administrators. Moreover, local governments deserve the right to train their own police officers as long as the training meets the standards set by the state. Finally, it is unfair for trainees to have to travel when it is possible to receive the same training closer to home.

¹Dillingham Corporation, "Law Enforcement and Criminal Justice Training Needs Study: Summary of Major Findings and Recommendations for the Minnesota Peace Officer Training Board," 1970.

The second myth regarding criminal justice training is that integrated training is not relevant to the various criminal justice system occupations. On the contrary, integrated training involves two concepts, multidisciplinary and interdisciplinary, both of which are relevant to all criminal justice personnel. Multidisciplinary training means that the training from each of the criminal justice disciplines such as corrections, law enforcement, and public defense is offered through a single administrative and coordinating body. Employees would take only those courses relevant to their specific discipline. Interdisciplinary training is training which is applicable to any of the criminal justice occupations. Training which teaches criminal justice system employees ways in which criminal justice agencies interact and supervision courses would be examples of interdisciplinary training. In summary, the integrated training would permit a high degree of interaction of different criminal justice occupations and at the same time would be suitable to each profession.

The creation of a Minnesota criminal justice bureau of training would involve administrative consolidation of the integrated training units proposed in Section B: law enforcement and investigation training, corrections training, management and staff development training, and, informally, legal training. Integration of the units means that most of the administrative processes related to training such as registration, data processing, and scheduling would be centrally performed for all of the training units. One registration form could be developed for all training courses. Further, the training bureau could publish one training schedule for all criminal justice training academies, seminars, and continuing education. A system level training schedule might be formulated in a way which would allow trainers from among the five units to use some training resources more efficiently. For example, a car pool could be used by instructors from corrections and law enforcement if training were scheduled in the same city on the same day.

As Figure 39 illustrates, a training bureau commissioner would supervise training directors in law enforcement and investigation, management and staff development, and corrections training. Legal training would be informally coordinated with other training activities of the Bureau, but would not be directly supervised by the Commissioner.

ORGANIZATION CHART FOR MINNESOTA CRIMINAL JUSTICE
SYSTEM TRAINING BUREAU: JSIS STAFF PROPOSAL



Located in the Commissioner's office would be a learning resource center. This is a concept now in use in the Kentucky Bureau of Training. As mentioned earlier, the center is responsible for all audio-visual aids, books, documents, and other materials to complement training. Further, all expendable supplies are acquired and dispersed through the learning resource center. The JSIS staff proposes that this unit also maintain research services for each of the training units. The researchers could gather information for report writing and for developing training programs. The center would also be responsible for typing and printing the bureau training schedule. Finally, the center would be responsible for bureau user information. The center would respond to information requests from all potential users of the bureau, including the distribution of schedules and other training materials.

An aspect of training bureaus in other states which does not need to be created for the Bureau is a mechanism for setting training standards and assessing training needs. Such a mechanism currently exists in Minnesota. The mechanism is the series of standard setting bodies indicated on the Bureau of Training organization chart. Corrections training is approved by the Corrections Training Advisory Council, the American Corrections Association, and the POST Board; legal training by the Board of Continuing Legal Education and POST; and law enforcement and investigation training by the POST Board. The Bureau of Training would also interact closely with the training division of the Department of Employee Relations.

In addition to the integration of training administration, some integration could occur with training courses. For example, Massachusetts which also has a training bureau offers a course called: "Spouse Stress Awareness: Police-Corrections." Other courses which could be given to criminal justice employees regardless of discipline (that are interdisciplinary) include: some areas of legal training, first aid, CPR, administrative correspondence, chemical dependency, victims services, crisis intervention, managerial training, stress management, and supervisory courses. These interdisciplinary courses would be conducted by the management and staff development training division of the Bureau of Training.

One of the major tasks associated with the creation of a bureau of training is arranging for office and classroom space. Ideally, all full-time criminal justice training administrators should be officed at one facility. Full-time administrators would include learning resource center personnel, the bureau commissioner, the directors of the major training divisions, clerical personnel, and any others for whom a central office location would be practical. A central office would allow for more efficient communication between training units and would enable training managers to better coordinate training activities between and among the corrections, law enforcement and investigation, and management and staff development training divisions.

However, central office space is not always feasible, practical or necessary for all trainers. In many cases field staff locations are necessary. Such is the case with corrections institution trainers who would still need to be located at the institutions. Location of institutional trainers at the institution is more practical because the training they coordinate relates to the institutions. Further, by observing and interacting with institution personnel they can more accurately identify institution training needs. Field staff may be needed for other types of training as well. Generally, field staff should be located wherever daily interaction with potential trainers is necessary to identify training needs. The necessity for field staff does not require that training records be kept at institutions. These records can be computerized and monthly reports sent to the field staff trainers. To maintain communications with the central office, field staff should meet with central office managers once a month.

One facility which might easily be converted to a criminal justice system training facility is the Arden Hills training facility which is owned by the Department of Transportation, but which is currently used approximately 50% of the time for criminal justice training. The BCA and State Patrol training units and the Department of Corrections use the facility extensively. Currently, however, users of the facility must rent from the Department of Transportation at \$40.00 per classroom day. This facility should be studied as a possible location for a Minnesota Criminal Justice System Training Bureau. Alternatives for others who currently use the Arden Hills facility, but who would be displaced by a criminal justice

training bureau, exist at other places. For example, if corrections training were to move entirely to Arden Hills, they would vacate space at the Lakewood Community College. The JSIS staff would like to emphasize that there are a variety of facilities currently being used for criminal justice training and that there may be many alternatives for the location of a training bureau.

An organizational configuration into which the Training Bureau would easily fit would be the Department of Justice which is proposed in Chapter XV. It is important to realize, however, that creation of a training bureau is not tied to a department of justice. The fundamental purpose of the training bureau is the streamlining of the training function.

The integrated training structure proposed in this chapter is simply an example of what Minnesota could do with state level criminal justice training. Of course, any proposals for integrated criminal justice training would have to be refined by practitioners during the implementation phase. It is hoped that the proposals offered here will provide the conceptual foundations upon which the Governor, the legislature, and criminal justice professionals can remodel Minnesota's criminal justice training framework.

CHAPTER XV

THE MINNESOTA DEPARTMENT OF JUSTICE A PROPOSAL

A. THE PURPOSE OF A DEPARTMENT OF JUSTICE

The functions of criminal justice are performed at all levels and in all jurisdictions of government, with the fundamental purposes of controlling crime and administering justice. As many national study commissions have concluded, and as much of this *Staff Final Report* has found, there is considerable interaction and interdependency among the criminal justice units of government. It is axiomatic that creation of a true criminal justice "system" through coordination of its constituent parts is necessary for attainment of crime control and justice administration purposes.¹

The key to better criminal justice coordination is planning. At the state level, most planning mechanisms in vogue rely on system-level plan development and goal determination, combined with voluntary cooperation and fiscal incentives.² The essence of the planning approach is the expectation that criminal justice components will adjust their actions to conform to the established systemwide goals. Minnesota's Crime Control Planning Board represents this type of planning mechanism.

Although some improvements have been made, coordination through this

¹The need for criminal justice coordination is well recognized in Minnesota: "The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated." MINN. STAT. 299A.01, subdivision 1.

²Daniel Skoler, *Organizing the Non-System: Governmental Structuring of Criminal Justice Systems* (Lexington, Massachusetts: D.C. Heath and Company, 1977), pp. 249-265.

planning process has had only limited success. In most states, the criminal justice state planning agencies have no legal authority, beyond the provision of grant money, to implement planning and coordination efforts effectively. With regard to Minnesota's criminal justice planning process, one study, citing the comments of a criminal justice practitioner in the state, concluded that

. . . there appears to be a growing interest on the part of criminal justice agencies to more effectively address issues/problems that cut across a variety of agency lines and governmental jurisdictions, but there is not yet a mechanism to take advantage of this, other than on an individual, *ad hoc* basis. The SPA [Crime Control Planning Board] has not provided the mechanism for broader, multi-agency coordination of concern with criminal justice matters.¹

The limited financial resources available to criminal justice planning agencies and the lack of sufficient time to develop implementation strategies have further diminished the ability of the planning process to establish and implement goals through which the system could be better coordinated.²

Planning alone, without authority to implement plans, is inadequate for meaningful improvement of total system coordination. It may be necessary to institute structural changes in the system to provide planning with real authority. One such change would be creation of a department of justice, which represents "the symbolic action of bringing the problem of coordination under control, making coordination and cooperation easier through a structural realignment, and building a permanent base for decision making."³ A state department of justice would structurally integrate all executive branch agencies.

The concept of a fully integrated state department of justice is consistent with the need for improved coordination. Without such a strong

¹U.S., Department of Justice, *Criminal Justice Planning in the Governing Process: A Review of Nine States* (Washington, D.C.: National Academy of Public Administration, 1979), p. G-5.

²Law Enforcement Assistant Administration, *Implementing Improvements in Criminal Justice* (Washington, D.C.: LEAA, 1977), pp. 10-12.

³National Governors Association, "Criminal Justice: A Governor's Guide," January, 1980 (Draft).

mechanism, independent agencies act on the basis of their own goals rather than the system's goals, or they attempt to impose their goals on the system. Agencies like the Crime Control Planning Board employ a system level perspective in an attempt to determine goals that span the system. However, at present no agency has the authority to develop and implement a set of specific goals toward which all criminal justice agencies can direct their action. In other words, the criminal justice *system* in Minnesota has no goals. Seven states (Kentucky, Maryland, Montana, North Carolina, New Jersey, Pennsylvania, Virginia) have created departments of justice integrating several state level criminal justice components into a single agency.¹ Although the experience of these states has not been totally successful, they have attempted an innovative, substantive approach to providing greater assurance that constituent parts of the criminal justice system act as if they are truly part of a system. Specific ways that a department of justice can attempt this are outlined in Section B of this chapter.

Of necessity, a state department of justice can structurally integrate only those agencies in the executive branch and can contribute to better coordination of previously independent units brought under its jurisdiction. However, a large portion of criminal justice services are delivered outside the executive branch. For example, police, prosecutorial, and defense functions are carried out primarily at the local level, and the court system exists largely independent of the executive branch. Accepting this as a reality of state government, the state executive branch department of justice may still improve coordination of criminal justice at all levels and in all jurisdictions of government. By representing the executive branch in the multijurisdictional and multi-level arena in which criminal justice services are provided, a department of justice may permit a more rational interaction between the executive branch and others who have responsibilities for criminal justice. With regard to the courts, a department of justice can permit "readier examination and better balance of resource allocation, program initiatives, and mutual impacts" and "offer services, assistance, and more rational intrusion into the judicial domain (e.g., information systems, planning, merit system coverage for nonjudicial

¹Daniel Skoler, *Organizing the Non-System*, p. 271.

personnel, budget integration where within state powers)."¹ A department of justice may also lead to more rational interaction between the executive branch and local criminal justice services:

The integrated department offers a valuable vehicle for one of the fastest growing state roles in criminal justice improvement--services, subsidies, and monitoring for traditionally local criminal justice activities. As part of any reorganization, state services to local law enforcement entities (local police, county and municipal jails, local prosecutors, and defenders) can be expanded, structured on a more rational basis, and accorded proper organizational placement within the parent department.²

The intent of the first section of this chapter has been to explain the purpose of a state department of justice. In the remainder of the chapter, a discussion is offered on how Minnesota could respond to the challenge of fully integrating its executive branch criminal justice services for improved systemwide coordination.

B. MINNESOTA DEPARTMENT OF JUSTICE PROPOSAL

1. Introduction

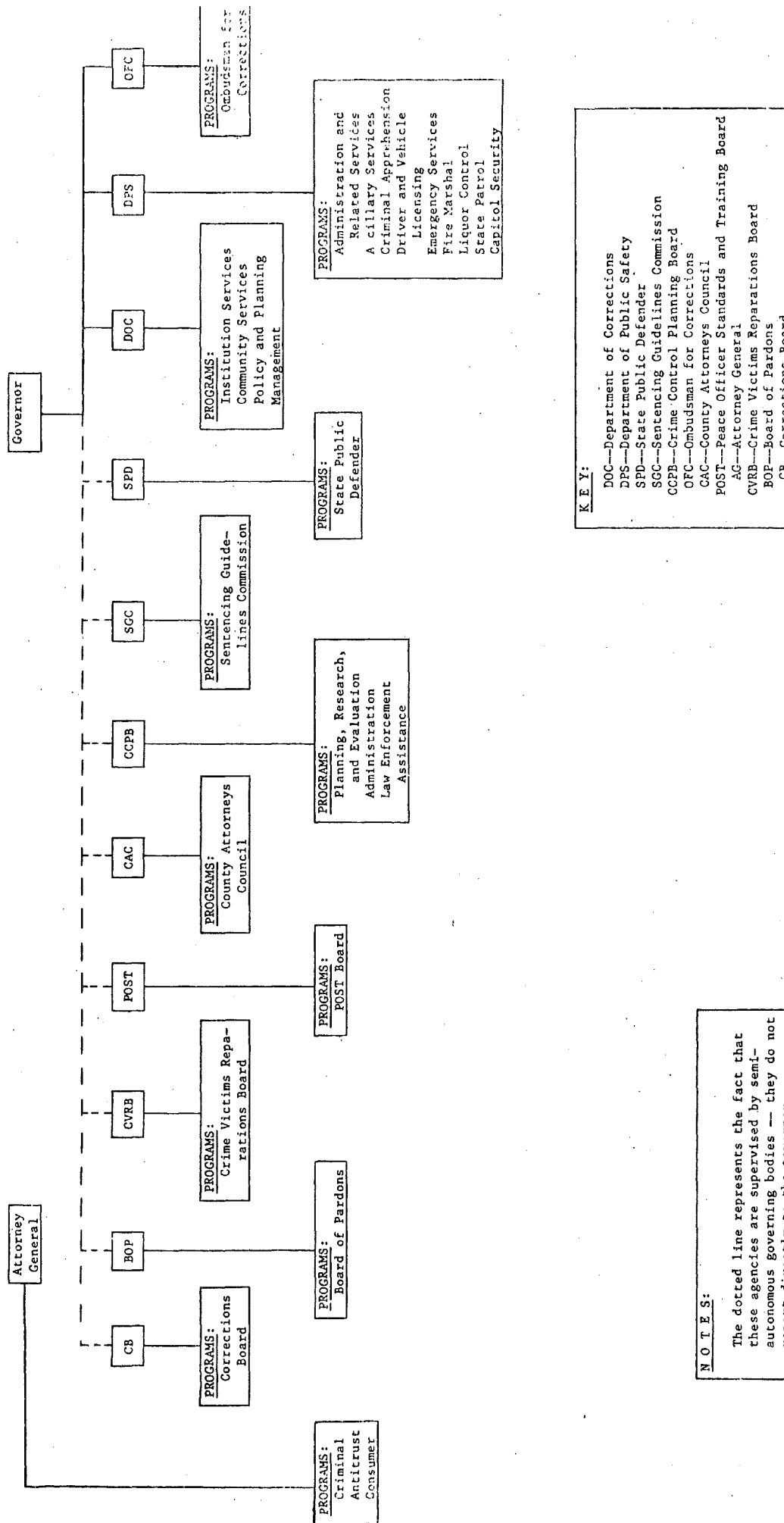
Within the scope of the Justice System Improvement Study are 12 agencies identified as constituting the executive branch criminal justice system in the State of Minnesota: Department of Public Safety, Department of Corrections, Ombudsman for Corrections, Corrections Board, Board of Pardons, Attorney General's Office, State Public Defender, County Attorneys Council, Sentencing Guidelines Commission, Peace Officer Standards and Training (POST) Board, Crime Victims Reparations Board, Crime Control Planning Board. These agencies are individually examined in chapters II through XIII of this *Staff Final Report*. Parameters along which the JSIS staff has described the 12 agencies are: Powers, duties, and responsibilities; organization structure and expenditure information; and organizational problem areas and corrective proposals.

An "organization chart" for the present executive branch criminal justice system is presented in Figure 40. It illustrates that the Governor's

¹ Ibid., p. 274.

² Ibid., p. 276. The apparently heavy reliance on the work of Daniel Skoler in this chapter is a result of the fact that he better than anyone has drawn together the literature on criminal justice structures.

FIGURE 40
MINNESOTA EXECUTIVE BRANCH CRIMINAL JUSTICE
SYSTEM ORGANIZATION CHART, 1980



span of control is very broad and that a number of semi-autonomous governing bodies exist somewhat independent of the Governor's direct control. Better coordination of these diverse elements may require a unifying mechanism such as a department of justice.

The purpose of this chapter is to furnish a "system" perspective on the criminal justice components of the 12 agencies and to explain how these components would fit into a department of justice. If true system-wide coordination is to be realized, all components should be integrated into a department of justice. The JSIS staff is aware that the proposal to create a department of justice may encounter strong resistance from currently independent agencies which would be integrated into the department. Recognizing this fact, it must be stated that the JSIS staff's function in developing this proposal is not one of making political decisions regarding what may or may not be acceptable to the major actors in the system. The purpose of the JSIS staff is that of providing information to key decision makers--JSIS Task Force, Governor, legislature--which will explain how Minnesota could accept the challenge of a fully integrated state department of justice. The specific nature of bureaucratic response or partisan conflict may change over time and make a department of justice more or less feasible, but the rationale behind a department of justice--its comprehensive approach to criminal justice coordination--will not change.

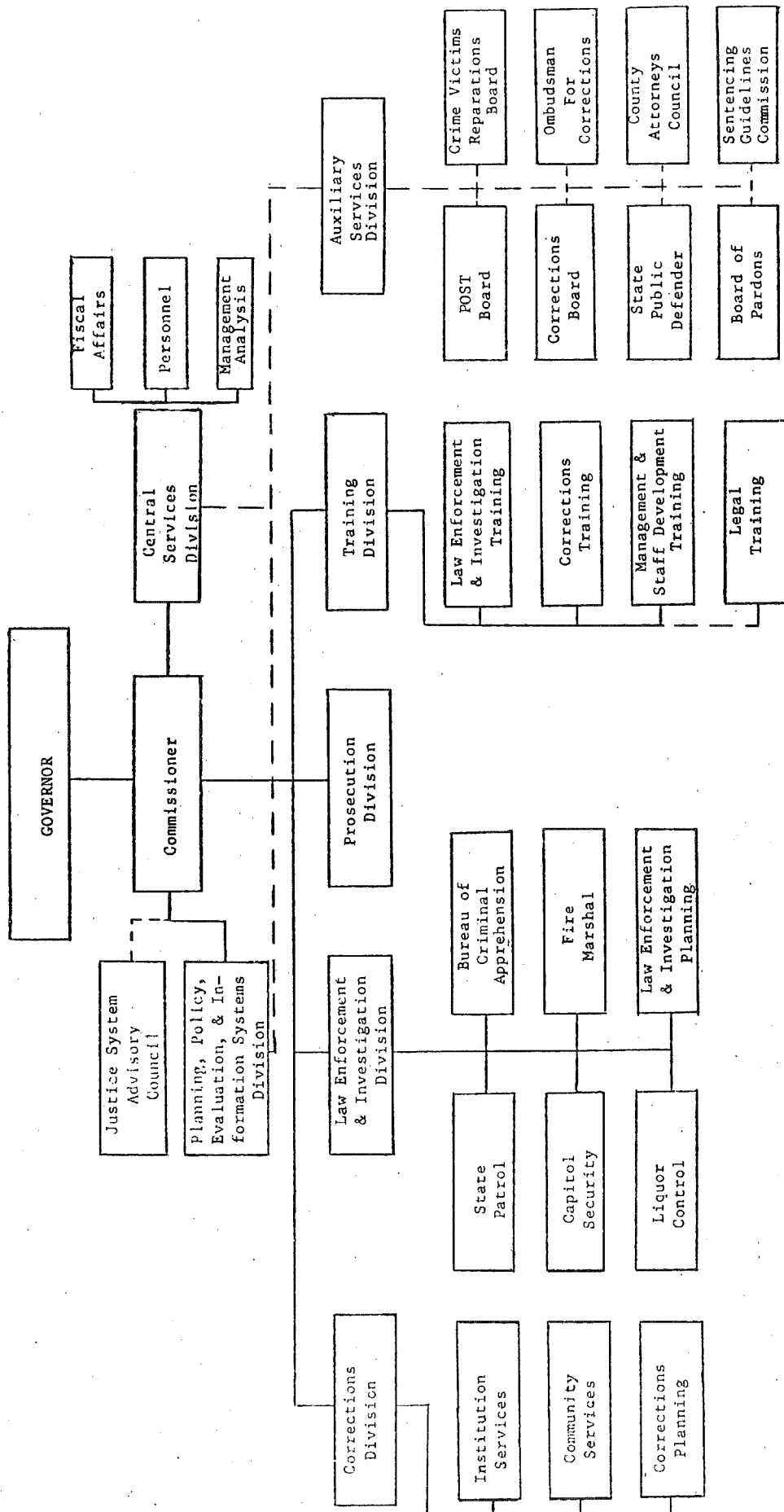
The proposed structure and functions of the Minnesota Department of Justice discussed below are based on the current (April, 1981) configuration of criminal justice components in the executive branch. Substantive JSIS staff proposals, JSIS Task Force recommendations, pending legislation, or other possible changes have been excluded from the discussion unless it is essential that they be included as ways to create a fully integrated department. Again, the JSIS staff assumes decision makers want to see how the present criminal justice system could be integrated in the department.

2. Proposed Department of Justice

An organization chart for the proposed Department of Justice is in Figure 41. The functions of each division will be described below, as will the administrative processes employed to integrate them into the Department.

FIGURE 41

ORGANIZATION CHART FOR MINNESOTA DEPARTMENT
OF JUSTICE: JSIS STAFF PROPOSAL



a. Administrative Divisions

1) Office of the Commissioner. The Commissioner of the Department would report directly to the Governor and would be ultimately responsible for all departmental operations. He would have the authority to organize the Department (within statutory constraints) for most effective performance, to appoint division directors and delegate his authority, and to prepare a departmental budget which reflects identified goals and objectives. The Commissioner would center his efforts on coordinating the activities of the Department's divisions as well as coordinating the criminal justice components in jurisdictions and levels of government outside the Department. The Commissioner's office would also maintain a public information function, which would be responsible for collecting and disseminating all information about the Department's operations and for serving as a clearinghouse for criminal justice information. The functions of the other administrative divisions would be designed to assist the Commissioner in his coordinative activities.

2) Planning, Policy, Evaluation, and Information Systems Division and the Justice System Advisory Council. This division, an important adjunct of the Commissioner's Office, would assist the Commissioner in developing goals and objectives toward which criminal justice components (within and without the Department) could direct their actions. It would also assist the Commissioner in developing policies, plans, programs, and budgets intended to achieve the Department's goals and objectives. These activities are essential if the Department is to contribute to the coordination of policies and procedures for Minnesota's crime control efforts.

The Crime Control Planning Board would no longer exist under a department of justice configuration. Creation of a department of justice is an explicit expression of the belief that planning, fiscal incentives, and voluntary cooperation have not proven adequate to achieve systemwide coordination. Under a department of justice model, the CCPB's role as planning agency would be transferred to the Planning, Policy, Evaluation, and Information Systems Division and to the Justice System Advisory Council, which would assist the Commissioner in planning for criminal justice.

The Justice System Advisory Council would be representative of criminal justice at all levels and jurisdictions of government. On the Council

would be the directors of the operating divisions of the Department of Justice (corrections, law enforcement and investigation, prosecution, training, auxiliary services), representatives (appointed by the Governor) of state and local courts, city and county peace officers, county attorneys, public defenders, and members of the public informed on criminal justice matters (also appointed by the Governor). The Council would be chaired by the Commissioner of the Department of Justice. The Council's role, as the name suggests, would be advisory to the Commissioner of the Department. The Council's activities would center in three areas: First, the Council would advise the Commissioner on systemwide policy matters which the Commissioner presents to the Council for consideration or which the Council feels would be an appropriate area for discussion. Second, the Council would recommend goals and standards for Minnesota's criminal justice system to the Commissioner (for those aspects within the direct control of the Department) and to the Commissioner and the legislature (for matters of systemwide concern). Third, the Council would recommend priorities for allocation of criminal justice resources within the Department and for statewide expenditures (including those made by the Department and those directly allocated by the legislature). The Council would therefore serve as a forum where criminal justice related organizations can exchange information and ideas and work together in formulating comprehensive crime control policies and procedures.

It must be acknowledged that the Department of Justice does place a great deal of power in the Commissioner's office, inasmuch as he would have final control over all policies and plans of the Department. However, if criminal justice decision making is to be coordinated, there must be an attempt at strong policy control. This is the foundation for the concept of a department of justice.

Responsibilities of the Planning, Policy, Evaluation, and Information Systems Division's staff would be to assist in developing policies and plans in conjunction with the Justice System Advisory Council and the Commissioner and to assure that Departmental and system activities conform to the policies and plans. Specifically, staff activities would be in the areas of: comprehensive plan development; policy, legislative and budget clearance; and evaluation.

Comprehensive plan development. Within the Department of Justice there would be two types of planning: *strategic* planning and *tactical* planning. Strategic (long-range) planning is based on the theory "that changing the system can more dramatically affect the crime problem than merely trying to change the offender within the existing system."¹ Strategic planning, therefore, involves all criminal justice components in a systemwide context. It is done in four stages. First, the general principles which determine shifts in the definition of crime and the reaction of offenses should be identified. Second, the causes of behavior that society designates as criminal should be determined. Third, policies for the allocation of resources and responsibilities among various divisions and agencies should be devised which will accomplish the functions of identification, modification, and prevention. Fourth, a knowledge building apparatus must be planned to institutionalize research procedures for evaluating criminal justice activities and delivering feedback on effectiveness to decision makers.² Through strategic planning, the staff of the Planning, Policy, Evaluation and Information Systems Division, the Justice System Advisory Council, and the Commissioner would prepare a comprehensive plan of action for the commitment of resources in designated areas of crime control and justice administration. Strategic planning, then, occurs primarily at the Department level.

Tactical planning, on the other hand, is executed at the operating division level and by other components in the system. The key is that tactical plans should be tied directly to strategic plans. It would, therefore, be appropriate for the operating divisions of the Department, e.g., corrections and law enforcement and investigation, to maintain their own advisory groups on planning matters related to their functions. However, the plans they develop would have to conform with the Department's comprehensive criminal justice plan. In addition, the Department's administration of grant money--within the Department, to other state agencies, or to other levels or jurisdictions of government--must be in accord with the comprehensive plans, goals, and priorities.

¹Daniel Glaser, *Strategic Criminal Justice Planning* (Rochville, MD: National Institute of Mental Health, 1976), p. 4.

²*Ibid.*, pp. 7-9.

Clearance functions. To ensure that divisional activities coincide with Departmental priorities, the staff of the Planning, Policy, Evaluation and Information Systems Division would engage in three basic clearance functions:

- (a) Policy Clearance--All divisional policies of major significance would be reviewed to determine whether they meet departmental goals, as well as those goals that have systemwide impact. The staff also would examine and disseminate the policy to guarantee that those persons or agencies affected by the proposed policy have had adequate opportunity for review and comment. No policy could go into effect until approved by the Commissioner upon the advice of the staff of the Planning, Policy, Evaluation and Information Systems Division.
- (b) Legislative Clearance--All legislation contemplated by divisions within the Department would be reviewed for conformance to departmental and systemwide criminal justice goals. Interested or affected persons would also have full opportunity to comment on the legislation before it goes to the legislature. As with policy clearance, no legislation could be submitted to the legislature for its consideration unless approved by the Commissioner.
- (c) Budget Clearance--Under the current budgetary process, budgets of the independent executive branch criminal justice agencies are reviewed by the Governor and the Department of Finance. The only standards the budgets must meet are the same standards which are applied to all state agencies. In the proposed Department of Justice, division budgets would be reviewed by the staff of the Planning, Policy, Evaluation and Information Systems Division to determine whether the budgets accord with the Commissioner's criminal justice priorities. Standards would be set (along with those set by the Department of Finance), the budgets would be examined and discussed with division directors according to those standards, and the budgets would be modified (if necessary) and submitted to the Governor. In other words, division budgets must be approved by the Commissioner.

Evaluation. Evaluation would be a third function of the Planning, Policy, Evaluation and Information Systems Division's staff. This would be the apparatus for evaluating criminal justice methods and programs and for providing decision makers with a determination of effectiveness. This evaluation function would incorporate the present research and evaluation units of the Crime Control Planning Board, the Department of Corrections, and the Department of Public Safety. The staff would be capable of addressing issues of a departmental and systemwide nature. It could collect and

analyze the data necessary for the policy development activities of the Justice System Advisory Council. It could also provide services to agencies in the Auxiliary Services Division which may need research or related services occasionally but which may not have sufficient resources to perform them on their own.

A corollary to the evaluation function would be the coordination of all criminal justice information systems in the Department. If departmental planning, clearance, and evaluation are to be effectively executed, the Commissioner and his staff must have control over the multitude of information systems within its jurisdiction.

The Division would be given statutory authority to operate and maintain all state criminal justice information systems presently under the authority of the agencies which would be integrated into the Department of Justice. These include the systems maintained by the Bureau of Criminal Apprehension: Computerized Criminal Histories (CCH), Minnesota Criminal Information System (MINCIS), and the Criminal Justice Reporting System (CJRS). Also under the authority of the Planning, Policy, Evaluation and Information Systems Division would be those systems currently maintained by the Department of Corrections: Corrections Management Information System (CMIS) and the Detention Information Systems (DIS). Although the Division could not assume responsibility for the State Judicial Information System (SJIS) (under the Supreme Court), it would be possible for the Division to plan its data processing activities in cooperation with those of the courts.

Statutory authority over a number of information systems would give the Planning, Policy, Evaluation and Information Systems Division full access to the information which is necessary for development of a complete statistical analysis center. The center would be capable of preparing a variety of analyses of the data and would have the authority to perform systemwide evaluation based on control of systemwide criminal justice information.

3) Central Services Division. The Central Services Division, like the Planning, Policy, Evaluation and Information Systems Division, would be an adjunct of the Commissioner's Office. The purpose of the Central Services Division would be to consolidate administrative and

management services and provide them to the entire Department in a uniform fashion. One reason the Division would centralize services is that the components integrated into the Department of Justice would each have their own administrative services, and the Central Services Division could effectively eliminate unnecessary overlap. However, the emphasis of the Division's centrally provided functions would be on *service*. The Commissioner, the Governor, and the legislature would need ongoing and reliable information concerning the status and operations of the Department. Also, operating division directors need a flow of useful information on their program's financial and performance status. It is clear that managers at all levels of the Department and the system must have the information which will permit them to make effective decisions concerning that portion of the system under their sphere of responsibility. This suggests a direct relationship between administrative services and planning (strategic and tactical): effectively provided and employed administrative resources are needed to make managerial decisions which are used to develop programs and policies meeting the Department's and the system's overall goals and objectives. In other words, how effectively the Central Services Division functions in serving the other divisions (in concert with the Planning, Policy, Evaluation, and Information Systems Division) will in large part determine the success of the Department.

Personnel Management Section. This section would be responsible for providing personnel information to the Department of Justice in order to interpret and implement regulations and directives of the state's Department of Employee Relations. The section would maintain personnel records, job classifications, position descriptions, performance standards, and methods of recruitment, selection, and promotion. In general, the section would ensure that the Department operates through sound personnel management policies and procedures. Also, the fact that the section would deal exclusively with personnel for the state's executive branch criminal justice agencies could mean that the Department would develop a system-level responsiveness to the criminal justice personnel needs of its various divisions.

Fiscal Affairs Section. This section would be responsible for control of the Department's resources, liabilities, revenues, and expenditures. Based on Minnesota's statewide accounting system, the section

would develop an integrated system of record keeping to assure unified control of the Department's finances. The section would furnish effective comparisons of actual expenditures with amounts budgeted and establish devices which would assure the accuracy and legality of transactions. The section would also recommend and develop methods for improved financial planning and other fiscal policies to increase divisional and departmental accountability.

Actual preparation of the Department's budget would be another responsibility of the Fiscal Affairs Section. In this task, the section would have to work closely with the Planning, Policy, Evaluation and Information Systems Division to ensure that departmental priorities are met.

Management Analysis Section. This section would be responsible for "in-house" analysis of all management questions or problems posed by function managers, division directors, or departmental leadership. The section's activities would entail "operations research" to determine ways in which the Department may more efficiently and effectively be operated. Requests for analysis could come from anywhere in the Department, but it would be the Commissioner's responsibility, through authority delegated to the Central Services Division, to decide which analyses should be carried out. Implementation of any recommendations that result would depend on the level at which the recommendations would impact. Divisional recommendations could be implemented at the discretion of the division director (assuming they accord with departmental goals and objectives), but recommendations which impact on the entire Department would have to be made in the Commissioner's Office.

b. Operations Divisions

The previous sections of this chapter explained the general purpose of a department of justice and the structures and processes necessary for a Minnesota Department of Justice to coordinate its approach to crime control and justice administration. At this point, it is now possible to describe the operating divisions, those components to which the coordination efforts described above would apply.

1) Law Enforcement and Investigation Division. This division would be administered by a director appointed by the Commissioner. The division would consist of the law enforcement and investigation units in

the present Department of Public Safety: State Patrol, Bureau of Criminal Apprehension, Capitol Security, Fire Marshal, and Liquor Control. As Chapter II of this *Staff Final Report* notes, these components must be located together organizationally if the state is to develop a unified and cohesive approach to law enforcement and investigation. Although these units are currently located in the same Department of Public Safety, their activities are not systematically coordinated with other state level criminal justice units. Inclusion of these units in the Department of Justice would provide for integrated planning efforts with other criminal justice components and with local law enforcement and investigation activities. The division would therefore have a planning section designed to develop tactical plans for the division. Briefly described below are the functions of the sections of the proposed Law Enforcement and Investigation Division.

State Patrol. The State Patrol would be responsible for enforcing laws concerning protection and use of trunk highways, performing various equipment and safety inspections, serving legal documents for the Commissioner of the Department of Justice, and providing protection for the Governor.

Bureau of Criminal Apprehension. The Bureau would be responsible for conducting investigations of crime, securing evidence, assisting other peace officers in criminal apprehension, and exercising powers of arrest.

Capitol Security. This unit would be responsible for security and public information in the capitol complex of state owned buildings.

Fire Marshal. Developing a uniform fire code for the state, performing inspections to ensure compliance with fire safety laws, and conducting investigations on the causes of fires would be responsibilities of the Fire Marshal.

Liquor Control. This unit would be responsible for regulating the sale of intoxicating liquor by promulgating rules, licensing establishments, and performing inspections.

Law Enforcement and Investigation Planning. This unit would be responsible for tactical plan development for the division to meet departmental strategic goals and objectives and for performing related activities such as research or data analysis when necessary. It would receive services and technical assistance from, and cooperate closely with the Planning,

Policy, Evaluation and Information Systems Division.

2) Corrections Division. This division is an integral component of a Department aimed at a comprehensive approach to crime control and justice administration. It would be headed by a director appointed by the Commissioner of the Department. Described below are the functions of the sections within the proposed Corrections Division.

Institution Services. This section would be responsible for the care, custody, and rehabilitation of juvenile and adult offenders committed by the courts to the Commissioner of Justice. The unit would maintain the state's nine correctional facilities and would provide services in the areas of health care, education, serious juvenile offenders, chaplaincy, correctional industries, and for American Indian inmates.

Community Services. The Community Services section would be responsible for parole and probation services, community support services, and the Community Corrections Act program, through which it would administer grants to assist counties in the development, implementation, and operation of community based corrections programs.

Corrections Planning. This section would be responsible for tactical planning and research similar to functions of Law Enforcement and Investigation Planning section. Corrections Planning also would be responsible for particular subject areas unique to the Corrections Division: Planning for Women Offenders, Planning for Juvenile Offenders, Disciplinary Hearings and Appeals, and Juvenile Releases.

3) Prosecution Division. The Attorney General's Office for the State of Minnesota provides legal services and representation to other state agencies, investigates and conducts litigation to enforce state anti-trust laws, investigates and enforces consumer protection laws, handles criminal appeals, assists local prosecutors with criminal trials, and prosecutes organized and white collar crime cases. Since the Attorney General is involved in the prosecutorial function at the state level, it would seem to make a great deal of sense to integrate at least the prosecution activities into the Department of Justice. However, apart from any political problems of doing so, there are two major administrative difficulties which arise out of the elective nature of the Attorney General's Office. First, it would not be practical to place an elected

Attorney General (of either party) under the administrative control of a Commissioner of Justice appointed by the Governor and still expect that the Commissioner's Office would be able to exercise policy making and decision control over the Attorney General. Second, it may be equally improper to place control of the department under the Attorney General, as some states have done. This would serve to reduce the accountability of the Department to the Governor as chief executive. A third problem with including the prosecution function of the state's Attorney General in the Department of Justice is that the office is involved in activities such as consumer protection and anti-trust which work closely with the Criminal Division's prosecution activities. It may not be feasible or desirable to extract the Criminal Division for inclusion in the Department of Justice.

It is possible to conceive of a Department of Justice configuration in Minnesota which excludes the Attorney General's prosecution function. However, that function does have important interdependencies with other criminal justice units at the state and local levels. Exclusion of the prosecution function from a department of justice would reduce the ability of the state to make a singular planning and policy response to major crime problems. For example, there have been some preliminary efforts at developing a cohesive approach to the problems of combating organized crime. These efforts require intense cooperation between diverse investigation and prosecution units. If a Department of Justice were to continue such efforts, its ability to develop and implement a plan on organized crime activities might be lessened if the Attorney General's criminal prosecution functions were not an integral part of the Department.

Moreover, the Department of Justice would need to do all possible rationally to structure its delivery of services to local criminal justice agencies. It might be hindered in such attempts if the Attorney General's Criminal Division, which provides assistance to county prosecutors, were not included in the Department of Justice. However, the elective nature of the Attorney General and the diverse legal functions of the agency make it unlikely that the prosecution function could be included in the proposed Department of Justice, barring major constitutional changes or functional realignment.

4) Training Division. As conceived in Chapter XIV of this report, the Training Division administratively integrates all criminal justice training at the state level into a single organizational unit: law enforcement and investigation training, corrections training, management and staff development training, and, informally, legal training (in cooperation with the Continuing Legal Education Division of the State Bar Association). All training activities presently found in the units contemplated for inclusion in the Department's other operating divisions would be administered by the Training Division. This would permit more consistent policy development with respect to the delivery of criminal justice related training.

5) Auxiliary Services Division. There are eight executive branch criminal justice agencies which could not be placed under the direct supervision of the Commissioner of the Department of Justice. Three (POST Board, Crime Victims Reparations Board, and Corrections Board) are supervised by legislatively mandated boards, one (Board of Pardons) is supervised by a board mandated in the Minnesota Constitution, one (Sentencing Guidelines Commission) is directed by a commission authorized by the legislature for a single purpose, one (State Public Defender) is supervised by the Judicial Council consisting of judges and gubernatorial appointees, one (Ombudsman for Corrections) reports to the Governor but must maintain independence from other agencies due to the nature of its functions, and one (County Attorneys Council) is supervised by 87 independently elected county attorneys and the state's Attorney General.

Assuming that the legislature does not wish to alter these agencies' reporting structures, it may still be possible to attach them to the Department of Justice for administrative purposes. The eight agencies would retain their policy-making autonomy, and boards or other governing bodies would still direct the work of the staff. "Administratively attached" could mean two practical changes. First, the Auxiliary Services Division would make the Department of Justice's central services (personnel, accounting, research, etc.) available to the governing body of each agency. The eight agencies under discussion are very small compared to the other executive branch criminal justice agencies (approximately two percent of the total executive branch criminal justice

expenditures), so the eight agencies may wish to employ the administrative resources and personnel of the Department of Justice where possible. Second, if these agencies were attached to the Department for administrative purposes, the relevant statutes should indicate that these agencies submit their plans and policies to the Commissioner on a regular basis. The Commissioner would have the staff of the Planning, Policy, Evaluation and Information Systems Division consider how the policies and plans impact on the remainder of the criminal justice system. No policy changes would be required of these semi-autonomous agencies, but this review and comment process should make them fully aware of how the policies and plans they are considering affect the rest of the system. If this contributes even in a small way to better coordination, the Auxiliary Services Division will have fulfilled a valuable function. Listed and described below are the criminal justice agencies that could become part of the Auxiliary Services Division.

POST Board. This Board would be responsible for certifying peace officer training schools, licensing peace officers who have satisfactorily completed training programs and passed examinations as required by the Board, and promulgating rules for these certifying and licensing activities.

Crime Victims Reparations Board. The CVRB would be responsible for compensating the injured victims of crimes. The JSIS staff has proposed that this Board, which is now attached to the Department of Public Safety, be moved to either the Workers Compensation Division of the Department of Labor and Industry or the Tort Claims Division of the Attorney General's Office, in order to take full advantage of investigatory services of claims made by victims. If the Attorney General's Office were included in the Department of Justice, it would also be appropriate to integrate the Crime Victims Reparations Board into the Department as part of the Attorney General's Office.

Corrections Board. The Corrections Board would be responsible for parole decision making for persons sentenced for crimes committed on or before April 30, 1980, and for setting the conditions of supervised release and supervising that release for persons sentenced for crimes committed on or after May 1, 1980.

Board of Pardons. This Board would be responsible for making decisions regarding the granting of pardons, reprieves, and commutations of sentences. The staff for the Board of Pardons works only part-time for the Board. The remainder of their time is spent on work for the Attorney General's Office, for whom they are also staff members. Since the Secretary to the Board is currently appointed by the Commissioner of Corrections, this responsibility could be assumed by the Commissioner of Justice.

Sentencing Guidelines Commission. This Commission would be responsible for monitoring and modifying the sentencing guidelines, evaluating their effectiveness, and conducting ongoing research regarding sentencing.

Ombudsman for Corrections. The Ombudsman would be responsible for investigating actions of corrections agencies and making recommendations to the agencies involved in order to assure the highest standards in the administration of justice. The Ombudsman is appointed by the Governor and must maintain independence of the operational aspects of the corrections system. It would not be wise, therefore, for the Ombudsman to be under the direct line control of the Commissioner of Justice, but placement under the Auxiliary Services Division would still be feasible.

State Public Defender. This agency would be responsible for providing legal representation to indigent clients in appeals to the state Supreme Court and other post-conviction proceedings and for providing services to inmates in prison disciplinary hearings and concerning their civil legal problems.

County Attorneys Council. The Council would be responsible for disseminating information to county attorneys to strengthen the criminal justice system.

C. CONCLUSION

The purpose of the Justice System Improvement Study is to identify organizational problem areas such as overlap and a lack of coordination, and then offer corrective proposals to resolve the identified problems. Chapters II through XIII of this *Staff Final Report* have done this on an agency-by-agency basis. In many instances administrative and operational problems were identified within the agency, and corrective proposals were offered. However, in the course of the research, problems of overlap and

lack of coordination were also found between agencies. Coordinating mechanisms were typically prescribed as a solution.

It is the opinion of the JSIS staff that most of these problems could be alleviated or perhaps could have been prevented if there were a Department of Justice responsible for central policy coordination and administration of all executive branch criminal justice agencies and responsible for rationally interacting with those components outside its jurisdiction. Fragmentation and lack of coordination in areas such as training, information systems, organized crime, jail inspections, victims services, and administrative services all pose real problems for the system. But they all derive from the greatest deficiency in the present system: *the absence of long-range, systematic planning. The proposed Department of Justice would begin to fill the void in planning for the system.*

This chapter has discussed the rationale and purpose behind creation of a state-level department of justice. It has explained how Minnesota could create a truly integrated department of justice in its executive branch. This chapter is not an implementation document for a department of justice, not only because of time limitations but because the JSIS staff did not set out to perform a department of justice feasibility study in January, 1980. However, many problems and concepts uncovered in the course of the project stress the value that such a Department could have. If the legislature agrees that there is a need for a department of justice, the implementation should be worked out by practitioners in the system. They, in concert with the employees of the new Department, could determine the appropriate levels of centralization or decentralization of activities such as personnel, data processing, and accounting for each division. The JSIS staff has found that Minnesota's criminal justice practitioners want to cooperate and to coordinate their actions. The Department of Justice may be the structure which would permit them to accomplish these important goals.

CHAPTER XVI

DESCRIPTIVE OVERVIEW OF CRIMINAL JUSTICE SYSTEM EXPENDITURES

A. INTRODUCTION

This chapter provides a descriptive overview of the twenty-seven executive branch criminal justice related programs under study using expenditures and staff compositions as the methods of analysis. The period of analysis covers Fiscal Year 1980 (July 1, 1979, to June 30, 1980).

The purpose of this chapter, however, is not that of providing prescriptive recommendations as to how much should or should not be spent by each of the programs, but rather to present a clear, systematic picture of the level and distribution of these expenditures. The information is organized to provide an overview of the flow of real resources within the state criminal justice system which facilitates simple comparisons within and among programs for each of the expenditure dimensions.

Expenditure information has not been used as primary evidence in making organizational recommendations contained in the other chapters of this report; nor is it the intent of the JSIS staff that it be used in such a fashion. Instead, it is provided to supplement the information and recommendations derived from the structural-organizational research instrument underlying the other chapters. Expenditure information should be viewed as an additional, supportive body of evidence which helps to provide a clearer picture of the present level and deployment of resources within the state executive branch criminal justice system.

Data were collected through the use of a detailed expenditure information instrument which appropriate program officials were requested

to complete. As many programs do not keep time or accounting records needed to verify accurately the level of expenditures devoted to each of the administrative service and support functions as defined by this study, educated estimates made in good faith were requested. These estimates were to be made in conformance with a standard set of instructions and with the use of the standard set of activities defining each of the administrative service and support functions (see the Glossary). Therefore, the expenditure data reported here in terms of the administrative service and support and criminal justice line function dimensions should not be considered absolutely accurate in terms of conforming to a set of uniformly codified accounting criteria or standards. Instead, they should be considered "best judgment" data as reported and interpreted, given the constraints and circumstances under which they were obtained.

To the JSIS staff's knowledge, this is the first report to consolidate expenditure information for state executive branch criminal justice programs. Although some of this information may be gleaned from various documents such as the Governor's biennial budget recommendations and through the statewide accounting system, this information has never been integrated in terms of what may be considered a system providing criminal justice services. Moreover, expenditure information along the administrative service and support dimensions has never been collected, either for criminal justice or non-criminal justice programs.

Expenditure information by itself is a limited dimension for describing programs or a system delivering interrelated services. However, it does provide a system level perspective of the loose amalgam of programs and agencies which comprise the state criminal justice system along with some potentially valuable insights. It presents an unembellished perspective of revenue allocation among and within criminal justice budget programs. This perspective provides a basis for making qualified inferences as to system and program priorities in terms of resource commitment. Additionally, resource commitments to a certain degree reflect the mission and operational character of programs.

Since administrative service and support functions assure efficient program management, effective services, and coordination of the criminal justice system, administrative activities of each budget program were the primary focus of the study. Expenditures devoted to administrative activities are often considered merely operational overhead necessary for providing mandated direct line function services to the public. For programs charged with providing direct line function services, expenditures on administrative and support services may comprise a small portion of the program total. However, the relative magnitude of these expenditures does not diminish their importance.

As in the case of total expenditures, several caveats should be kept in mind when interpreting expenditure information on administrative and support services. The level and distribution of expenditures do not necessarily reflect the adequacy or quality of these services. As such, expenditure amounts should be considered resource inputs for which related outputs are neither measurable nor comparable among programs. Likewise, a commonly agreed to set of guidelines does not exist in terms of the appropriate level and distribution of resources to these activities which optimizes the quality of services in any instance. Certainly, however, this is an area in need of future research. The JSIS staff hopes that perusal of the information in this chapter will inspire questions and ideas for more comprehensive research and analysis of expenditures for the purposes of promoting more efficient use of criminal justice resources and of enhancing criminal justice system performance.

Total agency and program expenditures for Fiscal Year 1980 were analyzed, and are organized in this chapter, according to four expenditure dimensions:

- (1) Categorical type,
- (2) Source of revenue,
- (3) Criminal justice line function, and
- (4) Administrative service and support function.

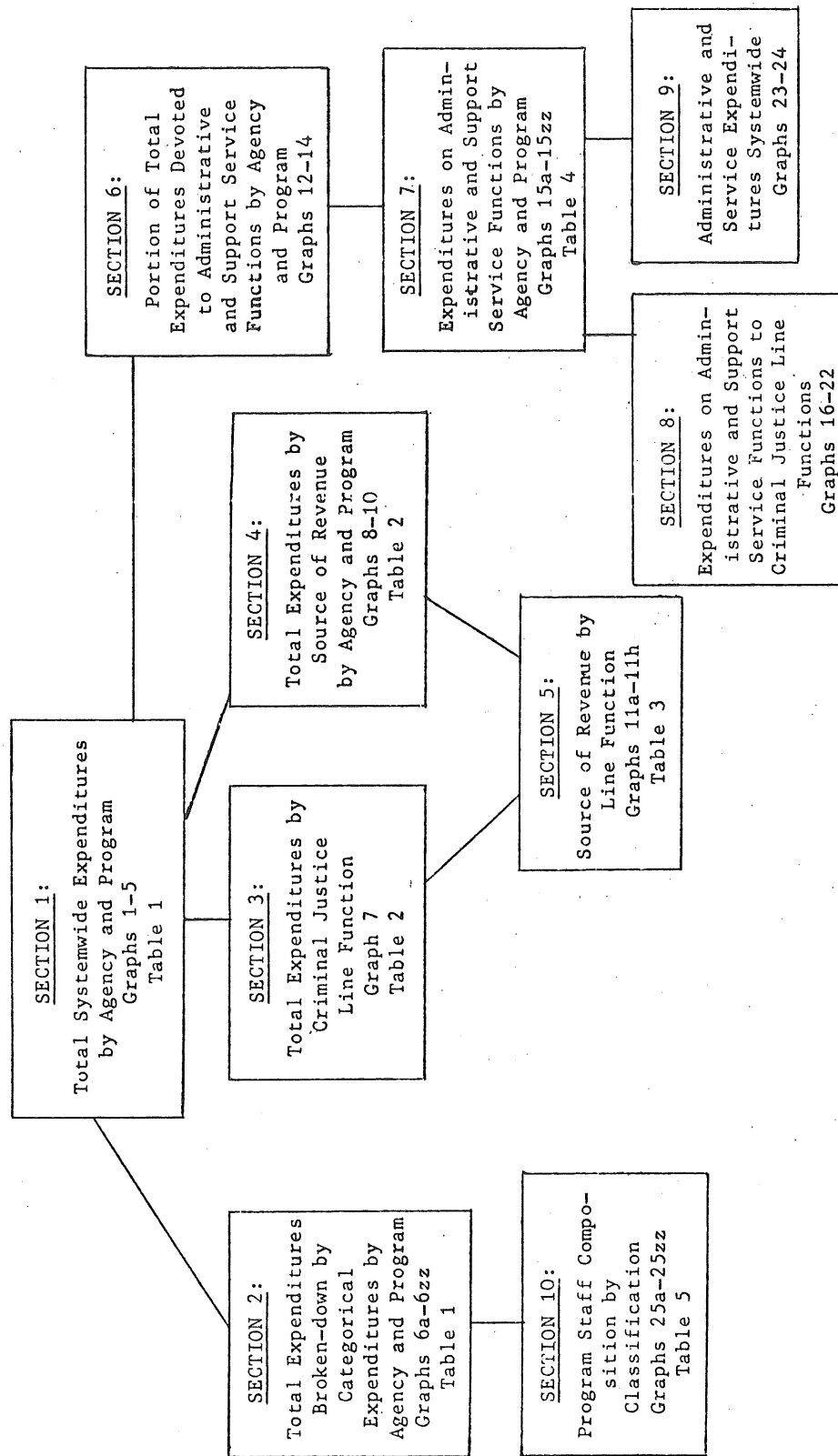
Staff composition information is provided in terms of:

- (5) Number of full time equivalents (F.T.E.'s) per agency and program.

For comparative purposes, the expenditure and staff information is displayed in a series of pie and bar graphs. These graphs correspond to a selected number of tables containing raw expenditure and staff data. The flow of the descriptive analysis is broken down into ten chapter sections which follow the scheme provided by Figure 42 and which are explained by the narrative. This narrative may be considered a rough guide for interpreting the information provided in each of the ten sections.

FIGURE 42

FLOW SCHEME OF THE EXPENDITURE ANALYSIS



B. SYSTEMWIDE EXPENDITURES

Figures 43-47 and Table 1 provide information on total systemwide expenditures of executive branch criminal justice programs and agencies covered by the study. Expenditures are depicted in pie chart form, which allows for comparisons among programs both in terms of their expenditures relative to each other and as a proportion of the total.

The striking feature here is that the two largest agencies, the Department of Corrections and the Department of Public Safety, together command 92.0 percent of the total dollars spent. In turn, Department of Corrections' expenditures are dominated by two programs, Institution Services and Community Services, which comprise 92.7 percent of total agency expenditures. The Department of Public Safety is also dominated by two programs, State Patrol and Driver and Vehicle Services, which comprise 72.4 percent of total agency expenditures. These four largest programs combined comprise 77.2 percent of the total dollars spent by the twenty-seven programs under study (see Figures 44 and 45).

The third largest agency, the Crime Control Planning Board, is dominated by the Law Enforcement Assistance Program (79.7 percent of total agency expenditures), which consists entirely of grant dollars which "pass through" the program (see Figure 46).

Figure 47 depicts the remaining programs comprising the total. Outside of Liquor Control in the Department of Public Safety, these nine programs are the smallest in terms of expenditures; together comprising only 2.4 percent of the systemwide total.

From an expenditure perspective, the disparity in size of programs within the system is evident. While the four largest programs command over three-quarters of the total, the fourteen smallest programs (those programs with expenditures under a million dollars) command only 3.4 percent of the total.

TABLE 1
CATEGORICAL EXPENDITURES BY AGENCY AND PROGRAM
(IN DOLLAR AMOUNTS), FISCAL 1980

Object Code	Category/Program	Peace Officer Standards and Training Board	Ombudsman for Correc- tions	Sentencing Guidelines Commission	Correc- tions Board	Attorney General (Criminal Division)	County Attorneys Council
0	Personnel Services/ Salaries & Wages	\$196,491	\$194,056	\$158,900	\$293,900	\$396,100	\$ 98,791
1-2	Expenses & Contracted Services	45,010	29,060	60,700	23,000	134,000	44,528
10	Rents & Leases	14,110	13,014	15,700	400	46,500	5,447
11	Advertising	94					381
12	Repair Services	253	17		100	500	122
13	Bonds & Insurance						
14	Printing & Binding	8,164	1,485	7,200	900	60,000	10,579
15	Consultant Services			10,900			
16	Professional & Technical Services	3,202				2,000	6,531
17	Data Processing and System Services	509		15,000			
18	Purchased Services	194		400		500	8,643
20	Communications	10,151	3,485	2,600		12,000	7,357
21	Travel & Subsistence						
	In-State	6,759	9,128	7,000	20,100	10,500	1,360
	Out-State	1,209	1,386	1,900	1,500	1,000	3,555
23	Utility Services						
24	Care of Persons						
25	Hospital Care						
26	Freight & Express						
27	Student Travel						
29	Other Contractual	365	545			1,000	553
3	Supplies & Materials	2,403	1,465	2,100	600	2,500	5,458
4	Equipment	6,311	877		800		184
5	Real property						
7	Claims & Grants	199,920					
8	Non-Expense Disbursements	271					
	Total Expenditures	\$450,406	\$225,524	\$221,700	\$318,300	\$532,600	\$ 148,961

TABLE 1
CATEGORICAL EXPENDITURES BY AGENCY AND PROGRAM
(IN DOLLAR AMOUNTS), FISCAL 1980
(continued)

		CRIME CONTROL PLANNING BOARD PROGRAMS					
Object Code	Category/Program	State Public Defender	Crime Victims Reparations Board	Board of Pardons	Adminis- tration	CJ Planning Research Evaluation	Total
0	Personnel Services/ Salaries & Wages	\$543,500	\$ 44,013	\$ 20,825	\$538,045	\$693 334	\$1,231,379
1-2	Expenses & Contracted Services	129,500	9,961		121,447	162,308	283,755
10	Rents & Leases	1,700	2,828		29,325	36,409	65,734
11	Advertising	200			262	4,377	4,639
12	Repair Services	400	36		7,072	2,947	10,019
13	Bonds & Insurance						
14	Printing & Binding	21,100	1,490		3,553	11,360	14,913
15	Consultant Services						
16	Professional & Technical Services	62,300	35		447	25,837	26,284
17	Data Processing and System Services				34,793	18,998	53,791
18	Purchased Services	100			4,665	6,374	11,039
20	Communications	16,400	2,181		12,832	19,214	32,126
21	Travel & Subsistence In-State	21,600	2,721		19,261	17,631	36,892
	Out-State	1,100	370		9,237	19,081	28,318
23	Utility Services						
24	Care of Persons						
25	Hospital Care						
26	Freight & Express				208	459	667
27	Student Travel						
29	Other Contractual	4,600	300		2,801	1,670	4,471
3	Supplies & Materials	68,400	471		8,454	5,481	13,935
4	Equipment	1,700	341		9,089	1,744	10,833
5	Real Property						
7	Claims & Grants		450,916				6,052,116
8	Non-Expense Disbursements				200		200
	Total Expenditures	\$743,100	\$504,930	\$ 20,825	\$680,244	\$864,996	\$7,597,356

TABLE 1
CATEGORICAL EXPENDITURES BY AGENCY AND PROGRAM
(IN DOLLAR AMOUNTS), FISCAL 1980
(continued)

Object Code	Category/Program	DEPARTMENT OF CORRECTIONS PROGRAMS				
		Institution : Services	Community : Services	Policy and : Planning	Management : Management	Total
0	Personnel Services/ Salaries & Wages	\$30,857,200	\$ 3,232,100	\$ 942,900	\$1,294,900	\$36,327,100
1-2	Expenses & Contracted Services	4,502,600	1,266,800	409,700	617,800	6,796,900
10	Rents & Leases	134,200	97,500	6,800	176,000	414,500
11	Advertising	5,500	100	400	300	6,300
12	Repair Services	325,900	6,700	600	8,700	341,900
13	Bonds & Insurance	27,200				27,200
14	Printing & Binding	72,200	18,000	14,400	29,300	133,900
15	Consultant Services	300				300
16	Professional & Technical Services	2,423,900	720,100	32,300	82,500	3,258,800
17	Data Processing and System Services		2,600	185,500	900	189,000
18	Purchased Services	177,700	96,200	2,200	44,200	320,300
20	Communications	289,000	68,000	300	91,500	448,800
21	Travel & Subsistence In-State	125,800	183,100	14,100	37,300	360,300
	Out-State	23,800	56,000	7,700	16,300	103,800
23	Utility Services	537,600	2,600			540,200
24	Care of Persons	151,100	11,600	142,700	100,000	405,400
25	Hospital Care	147,800	4,000			151,800
26	Freight & Express	41,100	200			41,300
27	Student Travel	1,800				1,800
29	Other Contractual	17,700	100		30,800	48,600
3	Supplies & Materials	7,365,300	49,400	300	40,900	7,458,600
4	Equipment	996,800	13,100	1,800	200,700	1,212,400
5	Real Property	402,100			30,400	432,500
7	Claims & Grants	988,000	11,024,700	32,000	1,416,600	13,461,300
8	Non-Expense Disbursements	2,751,200	137,500	6,400	6,400	2,901,500
	Total	\$47,863,200	\$15,723,600	\$ 1,800,100	\$3,607,700	\$68,587,600

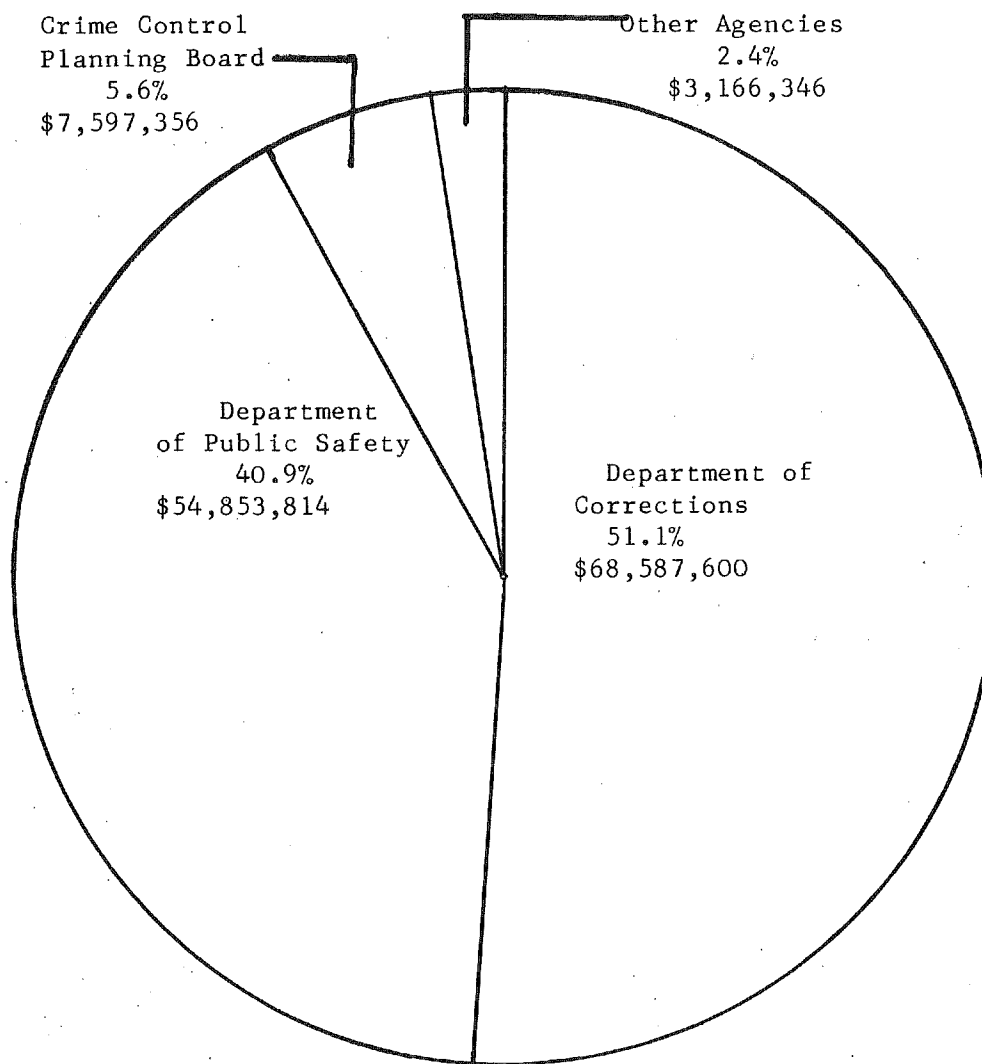
TABLE 1
CATEGORICAL EXPENDITURES BY AGENCY AND PROGRAM
(IN DOLLAR AMOUNTS), FISCAL 1980
(continued)

Object Code	Category/Program	DEPARTMENT OF PUBLIC SAFETY PROGRAMS				
		Liquor Control	Emergency Services	Driver and Vehicle Services	Bureau of Criminal Apprehen- sion	Fire Marshal
0	Personnel Services/ Salaries & Wages	\$365,982	\$ 756,430	\$ 9,902,039	\$3,876,026	\$1,001,652
1-2	Expenses & Contracted Services	63,264	285,001	4,345,899	2,647,311	232,345
10	Rents & Leases	25,389	74,203	750,478	150,070	7,600
11	Advertising		156	121	91	
12	Repair Services	882	8,689	62,707	78,826	2,579
13	Bonds & Insurance	136		30	3,024	
14	Printing & Binding	2,372	20,150	431,212	60,003	11,169
15	Consultant Services				7,700	
16	Professional & Technical Services		53,427	5,904	61,559	9,278
17	Data Processing and System Services	65		1,425,468	1,583,037	13,636
18	Purchased Services		43,254	65,049	210,385	15,389
20	Communications	7,671	37,057	1,262,919	350,436	39,290
21	Travel & Subsistence In-State	26,001	37,564	217,360	123,617	131,005
	Out-State	581	5,962	2,286	15,120	2,167
23	Utility Services		3,787	77,300	641	
24	Care of Persons					
26	Freight & Express		236	36,625	27	
27	Student Travel					
29	Other Contractual	167	516	8,440	2,775	235
3	Supplies & Materials	7,619	12,904	1,370,209	228,222	24,233
4	Equipment	6,424	23,443	309,914	426,630	5,623
5	Real Property			93,960		
7	Claims & Grants		1,102,110	268,076	184,651	270
8	Non-Expenditure Disbursements		59,114	16		960
	Total	\$443,289	\$2,239,000	\$16,290,113	\$7,362,840	\$1,265,084

TABLE 1
CATEGORICAL EXPENDITURES BY AGENCY AND PROGRAM
(IN DOLLAR AMOUNTS), FISCAL 1980
(continued)

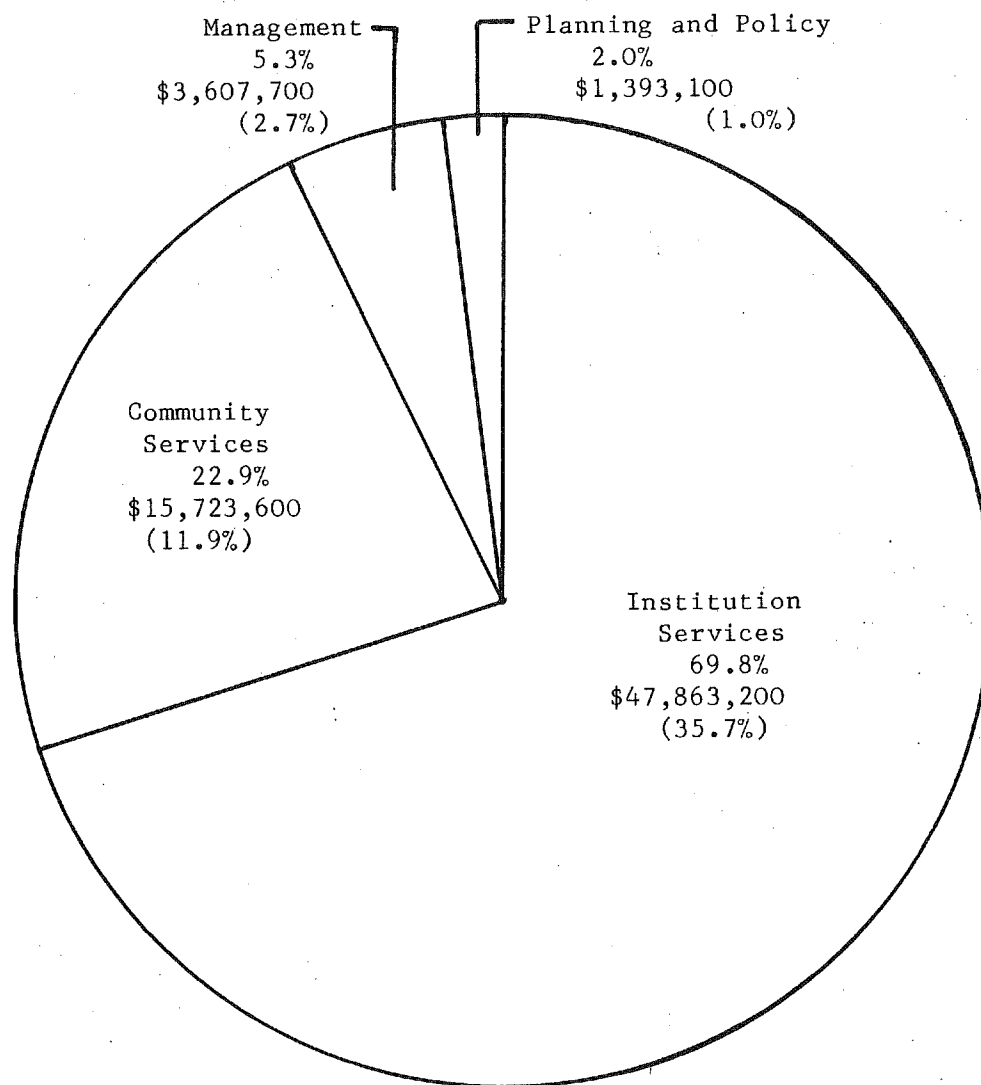
Object Code	Category/Program	DEPARTMENT OF PUBLIC SAFETY PROGRAMS					Total DPS	Totals System- wide
		State Patrol	Capitol Security	Adminis- trative and Related Services	Ancillary Services*			
0	Personnel Services/ Salaries & Wages	\$17,117,741	\$809,862	\$1,189,400	\$320,402		\$35,339,507	\$74,844,562
1-2	Expenses & Contracted Services	2,161,806	63,349	648,265	80,153		10,527,393	18,083,807
10	Rents & Leases	293,977	15,308	70,032	6,927		1,393,984	1,973,917
11	Advertising	11	45	6,857			7,281	18,895
12	Repair Services	1,058,716	24,418	4,439	1,249		1,242,505	1,595,852
13	Bonds & Insurance	26,695					29,885	57,085
14	Printing & Binding	64,050	446	251,563	3,552		844,517	1,104,248
15	Consultant Services						7,700	18,900
16	Professional & Technical Services	34,165	3,259	212,662	27,132		407,386	3,766,538
17	Data Processing and System Services	247,664			21,419		3,291,289	3,549,589
18	Purchased Services	56,234		38,305	163		428,779	769,991
20	Communications	169,840	5,386	35,107	5,082		1,912,788	2,447,888
21	Travel & Subsistence							
	In-State	169,120	10,683	12,208	2,254		729,812	1,172,969
	Out-State	20,652	3,231	8,262	8,741		67,002	211,140
23	Utility Services	9,316	73	1,611			92,738	632,928
24	Care of Persons	1,175					1,175	406,575
25	Hospital Care							151,800
26	Freight & Express	2,229		5,409	114		44,640	86,607
27	Student Travel							1,800
29	Other Contractual	7,962	500	1,810	3,520		25,925	86,359
3	Supplies & Materials	2,153,275	8,848	107,832	1,715		3,914,857	11,470,789
4	Equipment	1,991,595	30,100	22,735	164		2,816,628	4,050,074
5	Real Property						93,960	526,460
7	Claims & Grants	5,229			533,347		2,093,683	22,257,163
8	Non-Expenditure Disbursements				7,660		67,750	2,969,721
	Total	\$23,429,646	\$912,159	\$1,968,232	\$943,451		\$54,853,814	\$134,205,116

*Does not include Crime Victims Reparations Board



Total Systemwide Expenditures = \$134,205,116

FIGURE 43: Total Expenditures of State Executive Branch Criminal Justice Agencies (by Percentage and Dollar Amounts), Fiscal 1980. See Figures 44-47.



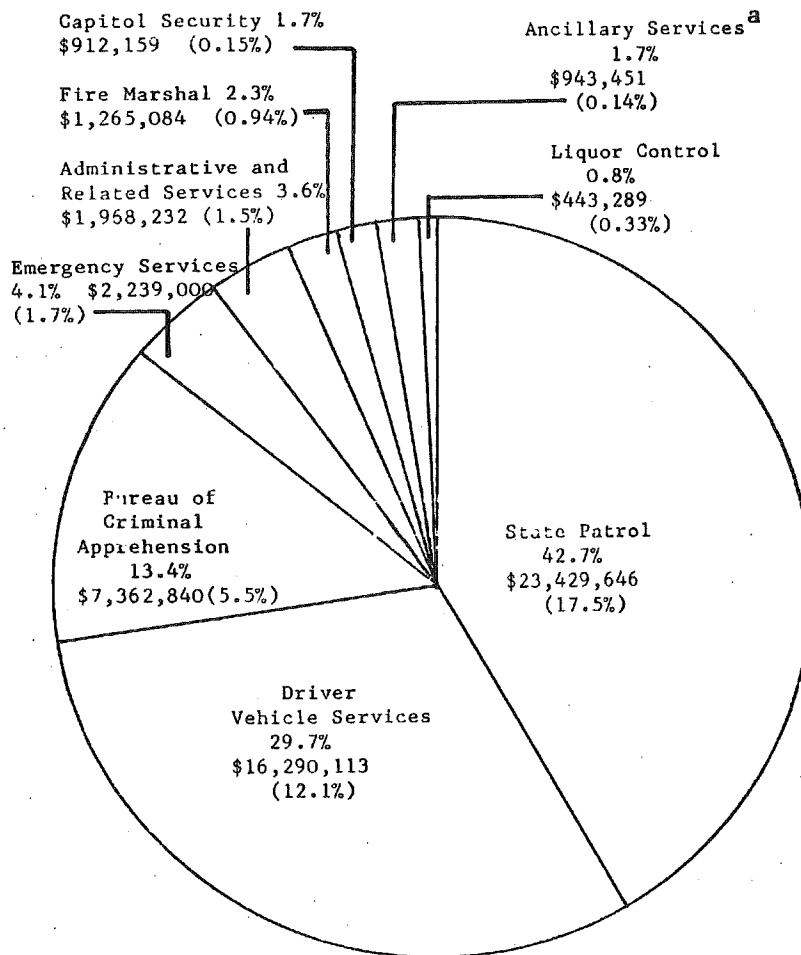
Total Expenditures = \$68,587,600^a

FIGURE 44: Department of Corrections Expenditures by Agency Program (by Percentage and Dollar Amounts), Fiscal 1980.

^aFigure 44 represents 51.1% of total systemwide expenditures. See Figure 43 and Table 1.

Open percentage figures represent program expenditures as a percentage of agency expenditures.

Bracketed percentage figures represent program expenditures as a percentage of total systemwide expenditures.



Total Expenditures = \$54,853,814^b

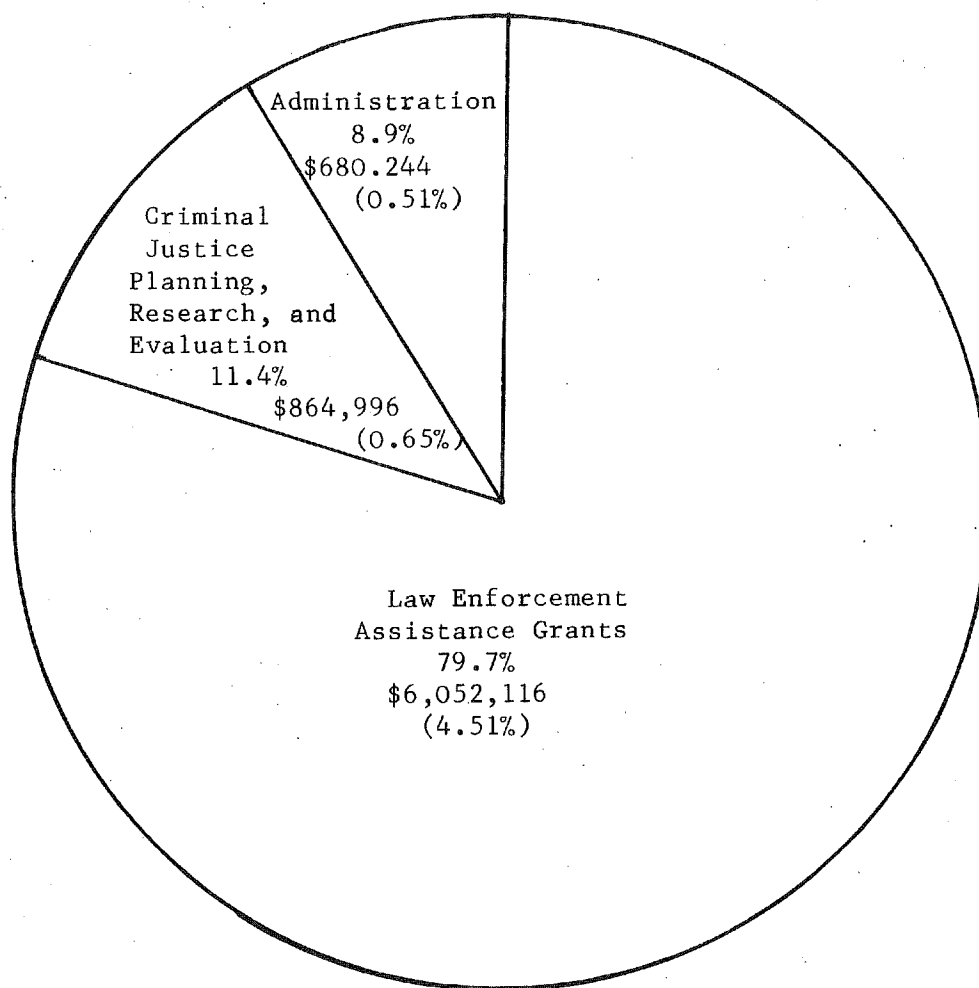
FIGURE 45: Department of Public Safety Expenditures by Agency Program (by Percentage and Dollar Amounts), Fiscal 1980.

^aCrime Victims Reparations Board expenditures are excluded from ancillary services expenditures.

^bFigure 45 represents 40.9% of total systemwide expenditures. See Figure 43 and Table 1.

Open percentage figures represent program expenditures as a percentage of agency expenditures.

Bracketed percentage figures represent program expenditures as a percentage of agency expenditures.



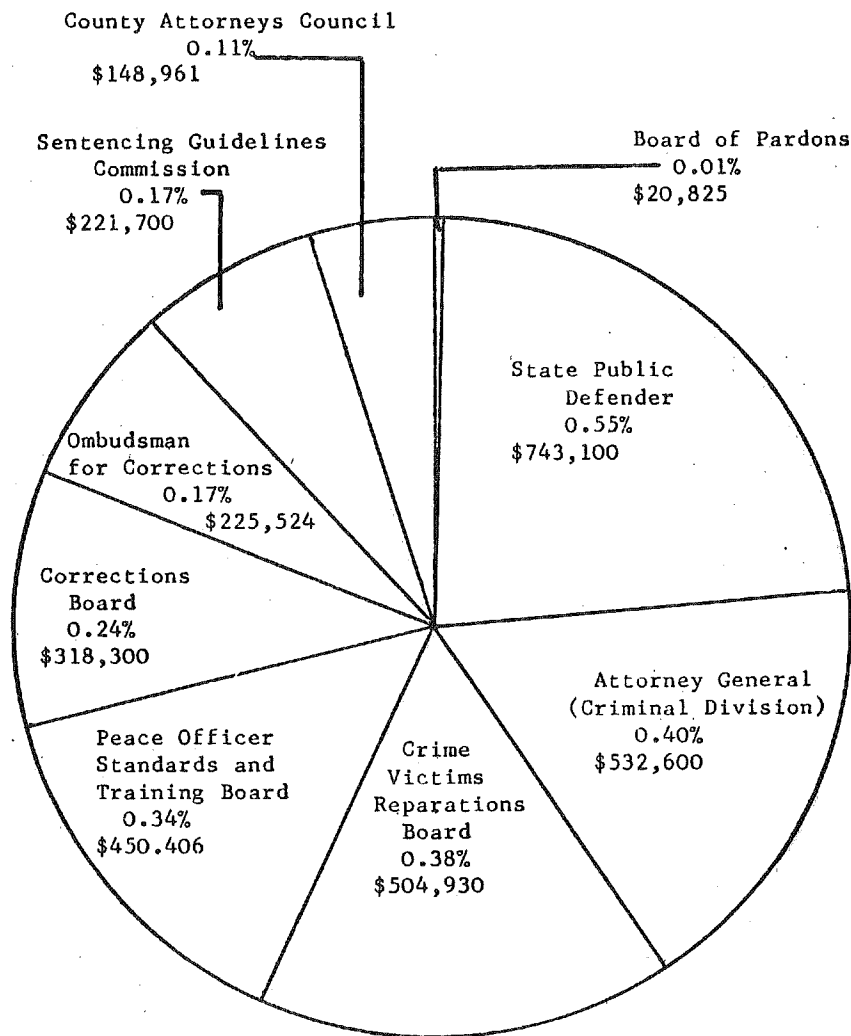
Total Expenditures = \$7,597,356^a

FIGURE 46: Crime Control Planning Board Expenditures by Agency Program (by Percentage and Dollar Amounts), Fiscal 1980.

^aFigure 46 represents 5.6% of total systemwide expenditures. See Figure 43 and Table 1.

Open percentage figures represent program expenditures as a percentage of agency expenditures.

Bracketed percentage figures represent program expenditures as a percentage of total systemwide expenditures.



Total Expenditures = \$3,166,346^a

FIGURE 47: Other Criminal Justice Agency Expenditures as a Percentage of Total Executive Branch Criminal Justice Agency (Systemwide) Expenditures (by Percentage and Dollar Amounts), Fiscal 1980.

^aFigure 47 represents 2.4% of total systemwide expenditures. See Figure 43 and Table 1.

C. CATEGORICAL EXPENDITURES

Figures 48-55 provide expenditure information for each program and agency broken down categorically. Figure 56 displays categorical expenditures as a proportion of total systemwide expenditures. Categories used are those defined by the state uniform accounting code used by all programs (see Table 1). The major expenditure categories pertinent to the programs under study are:

- (1) Salaries and wages,
- (2) Expenses and contracted services,
- (3) Supplies and materials,
- (4) Equipment,
- (5) Real property,
- (6) Claims and grants, and
- (7) Non-expenditure disbursements.

The expenses and contracted services category contains a variety of both recurrent and nonrecurrent, and labor versus nonlabor, services. These expenditures are broken down into more specific subcategories for each program and agency in Table 1.

It is evident from the graphs that executive branch criminal justice related programs are labor or "human capital" intensive, with over half (55.8 percent) of total systemwide expenditures being devoted to wages and salaries. (See Figure 56.) If expenditures on claims and grants are excluded from total expenditures, as they are usually not considered "operating expenses," then wages and salaries comprise 66.9 percent of what may be defined as total systemwide operating expenses. The range for all programs of salaries and wages as a percentage of "operating expenses" varies widely from a high of 92.5 percent (Corrections Board) to a low of 54.0 percent (Bureau of Criminal Apprehension).

Additionally, it should be noted that salaries and wages do not comprise the total spent on labor services, but only reflect internal labor expenses. Labor services provided to programs from external sources through various contractual arrangements are included within the category of expenses and contracted services. Loosely combining the appropriate subcategories of contractual services with wage and salaries yields a figure of labor services as approximately 80 percent of "operating expenses" systemwide.

The other related feature to note in examining Figures 48-55 is the fact that several programs are dominated by grant expenditures. From a total program expenditure perspective, they appear to be much larger than they actually are in terms of real operations. Rather they serve as a conduit in terms of dispersing funds to other agencies and units of government.

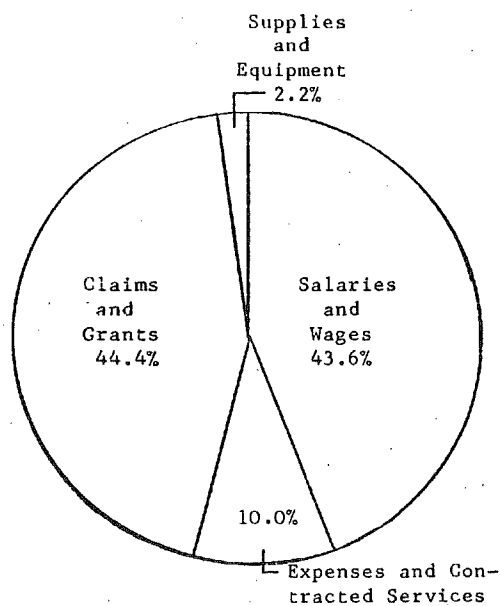


FIGURE 48a: POST Board
\$450,406

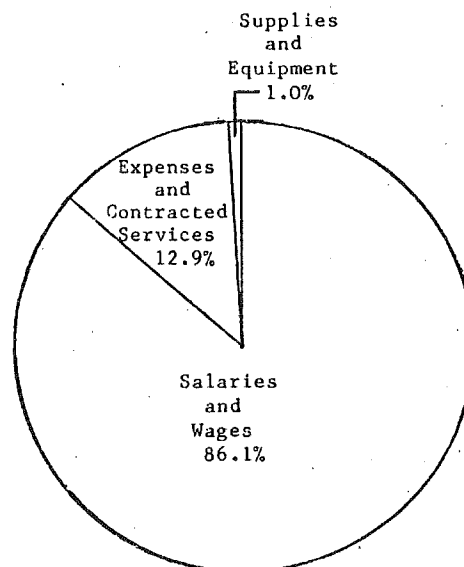


FIGURE 48b: Ombudsman for Corrections
\$225,524

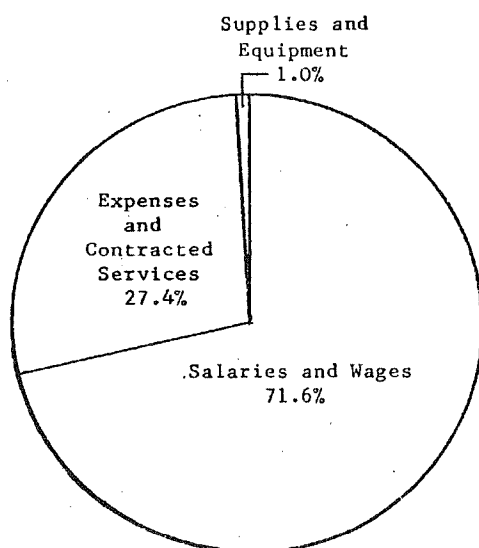


FIGURE 48c: Sentencing Guidelines
Commission
\$221,700

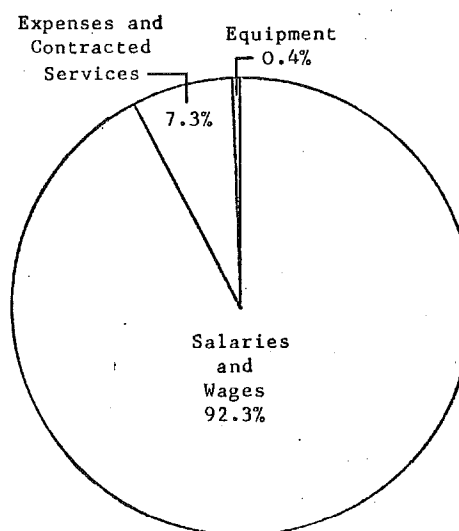


FIGURE 48d: Corrections Board
\$318,300

FIGURE 48: Categorical Expenditures as a Percentage of
Total Program Expenditures, Fiscal 1980. I.

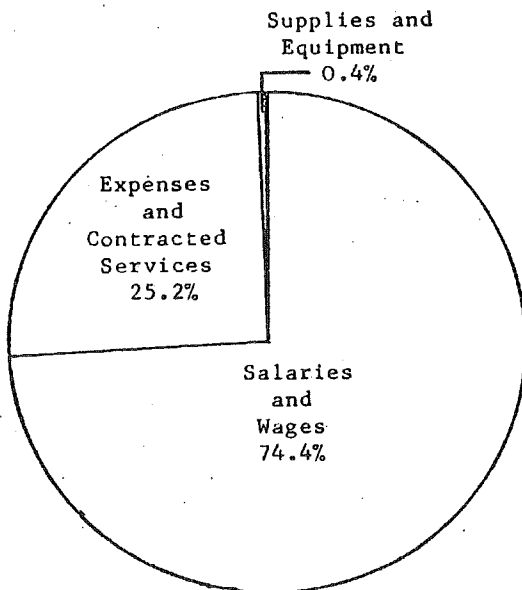


FIGURE 49a: Attorney General
(Criminal Division)
\$532,600

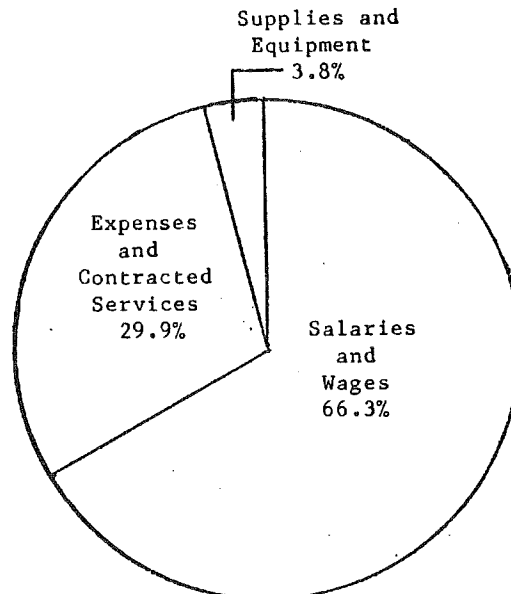


FIGURE 49b: County Attorneys Council
\$148,961

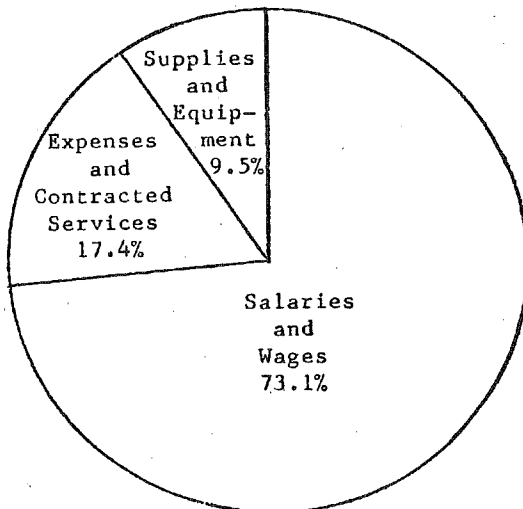


FIGURE 49c: State Public Defender
\$743,100

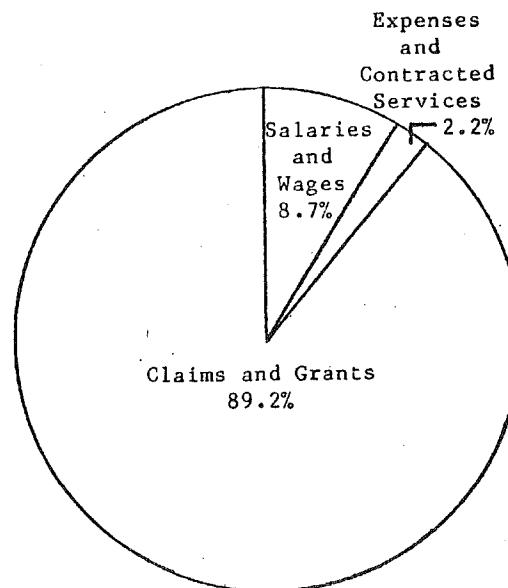


FIGURE 49d: Crime Victims Reparations Board
\$504,930

FIGURE 49: Categorical Expenditures as a Percentage of
Total Program Expenditures, Fiscal 1980. II.

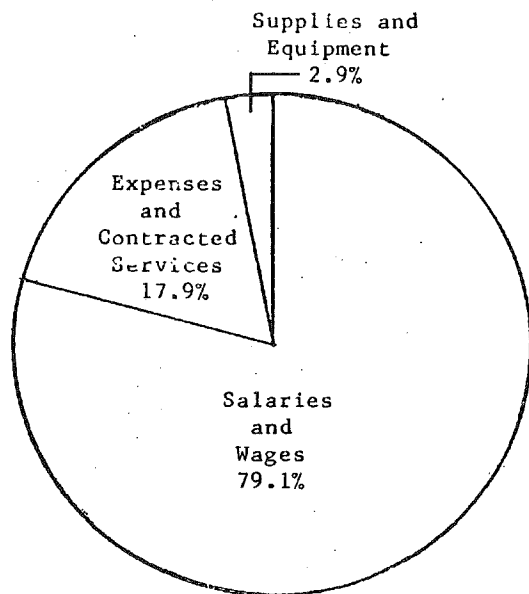


FIGURE 50a: Administration
\$680,244

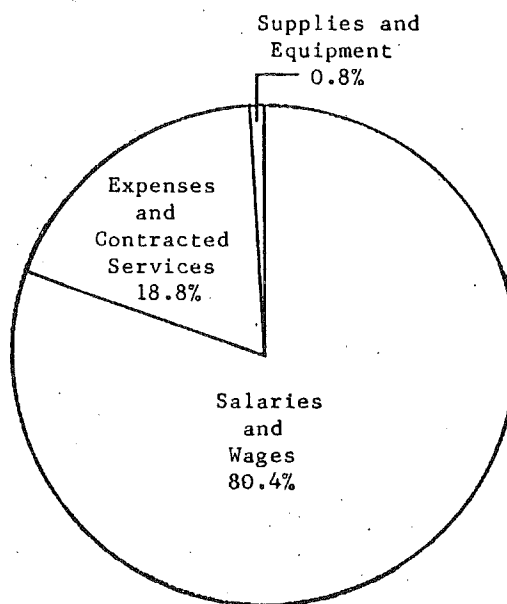


FIGURE 50b: Criminal Justice Planning,
Research, and Evaluation
\$864,996

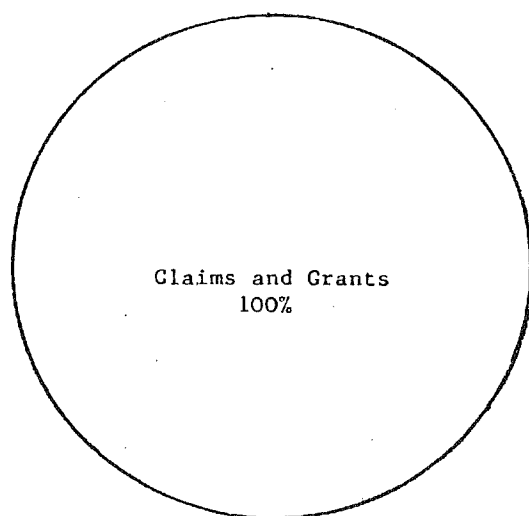


FIGURE 50c: Law Enforcement Assistance
\$6,052,116

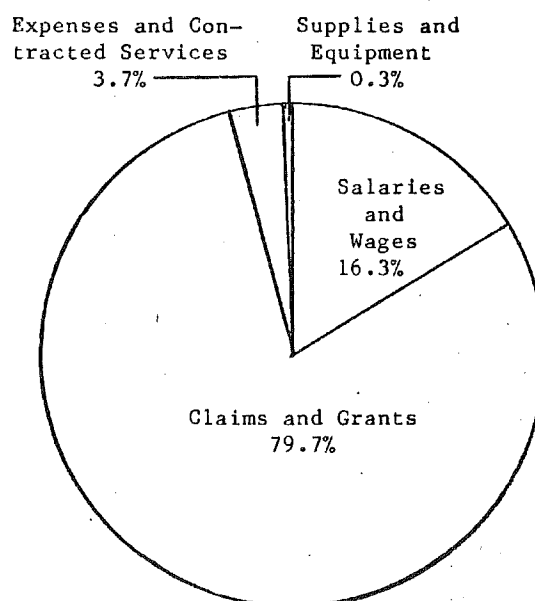


FIGURE 50d: Total Agency Expenditures
\$7,597,356

FIGURE 50: Categorical Expenditures as a Percentage of
Total Program Expenditures, Fiscal 1980.
III. Crime Control Planning Board Programs.

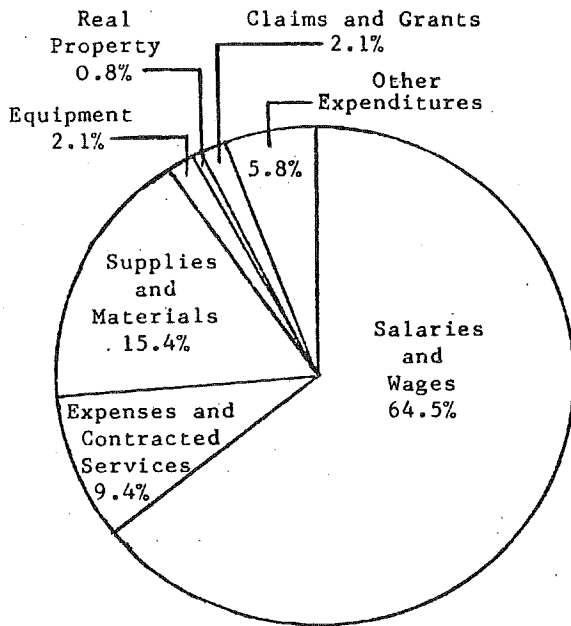


FIGURE 51a: Institution Services
\$47,863,200

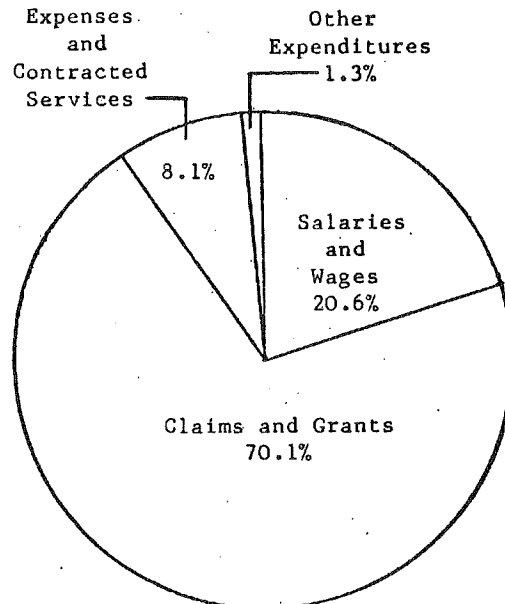


FIGURE 51b: Community Services
\$15,723,600

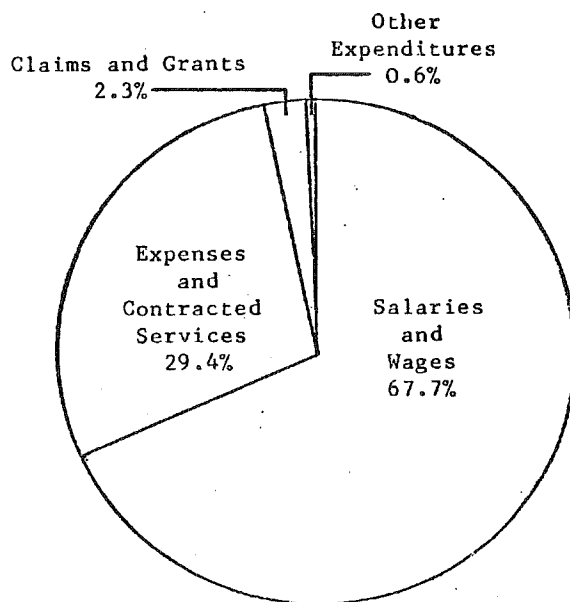


FIGURE 51c: Planning and Policy
\$1,393,100

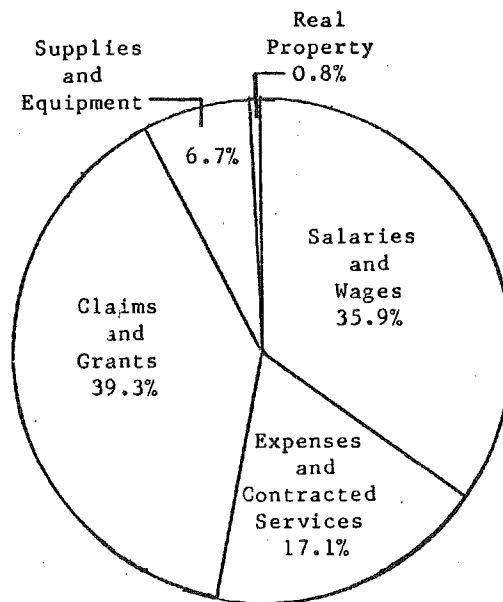
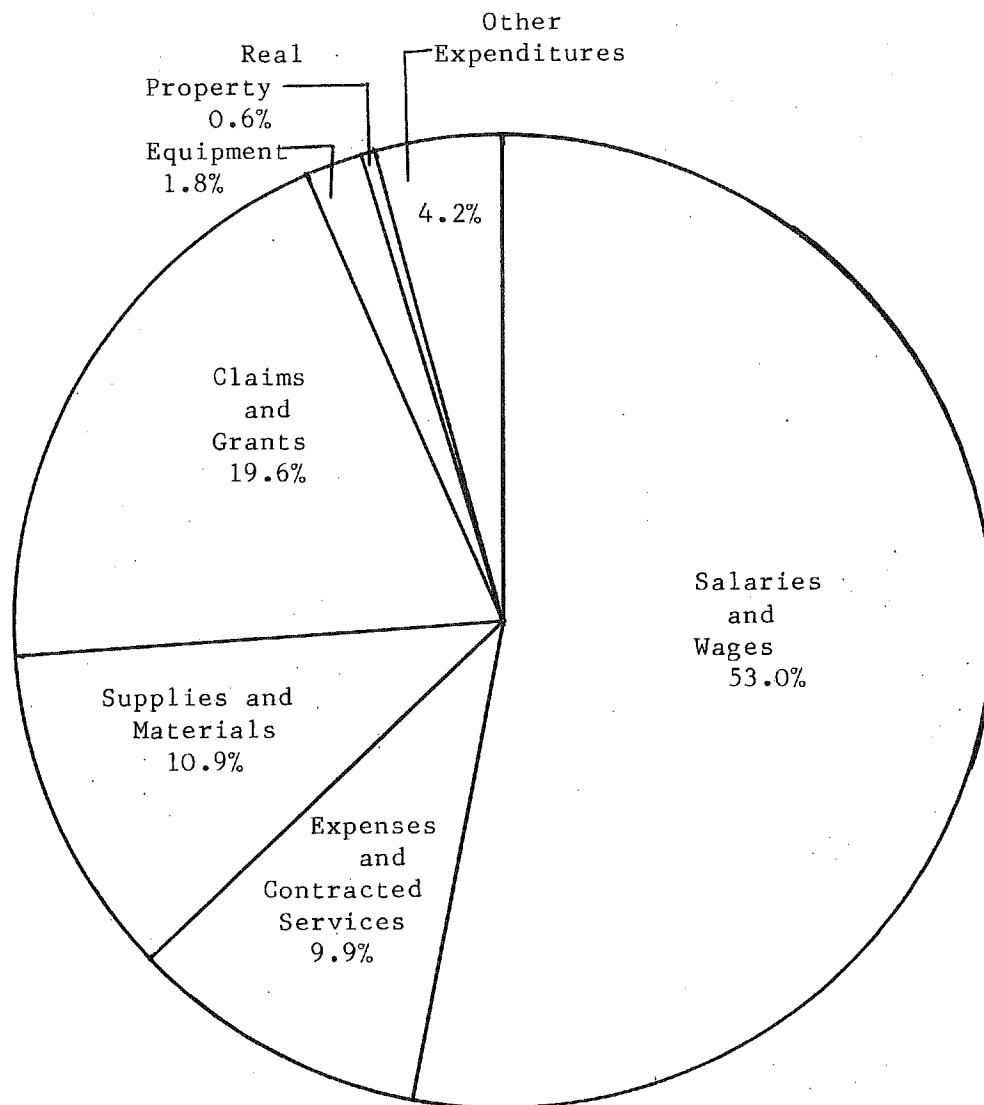


FIGURE 51d: Management
\$3,607,700

FIGURE 51: Categorical Expenditures as a Percentage of Total Program Expenditures, Fiscal 1980.
IV. Department of Corrections Programs.



Total Expenditures = \$68,587,600

FIGURE 52: Categorical Expenditures as a Percentage of Total Program Expenditures, Fiscal 1980. V. Department of Corrections.

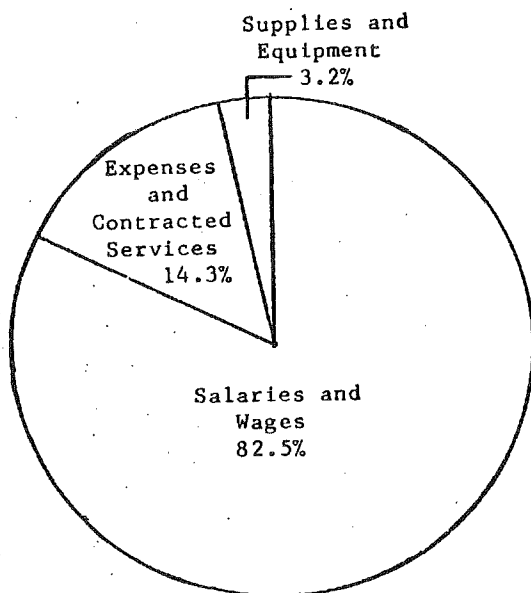


FIGURE 53a: Liquor Control
\$455,151

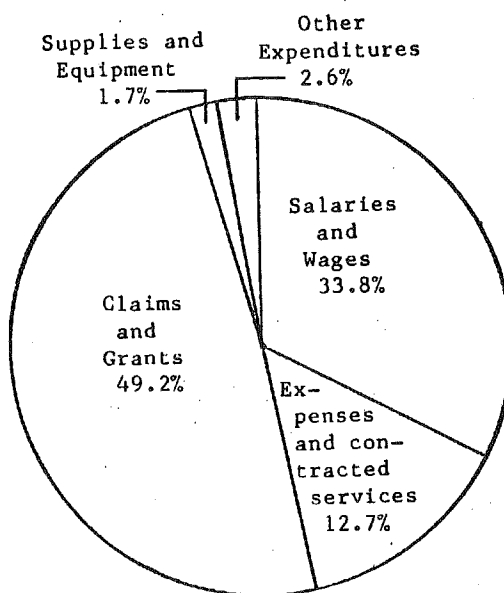


FIGURE 53b: Emergency Services
\$2,180,183

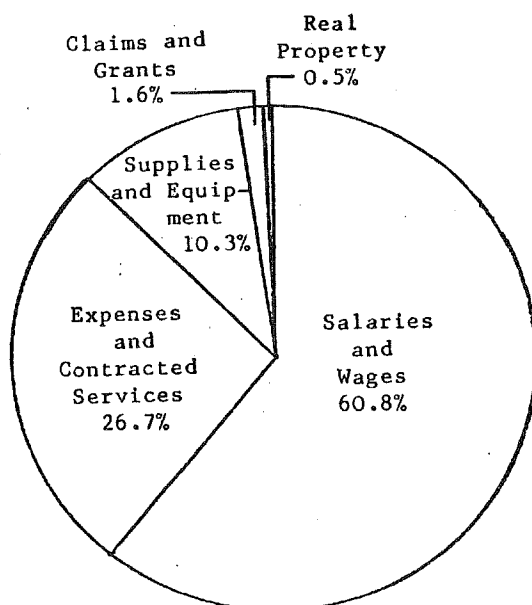


FIGURE 53c: Driver and Vehicle Services
\$16,290,113

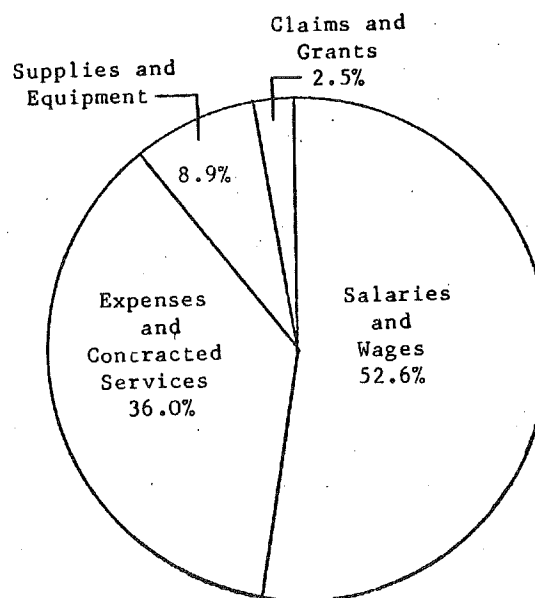


FIGURE 53d: Bureau of Criminal Apprehension
\$7,326,840

FIGURE 53: Categorical Expenditures as a Percentage of Total Program Expenditures, Fiscal 1980.
VI. Department of Public Safety Programs--1.

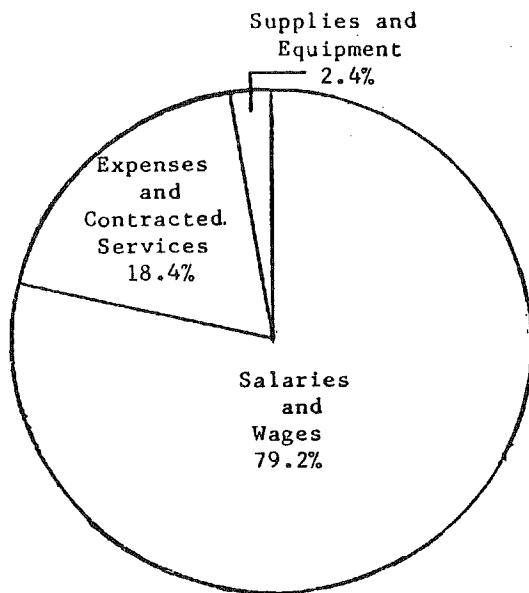


FIGURE 54a: Fire Marshal
\$1,265,084

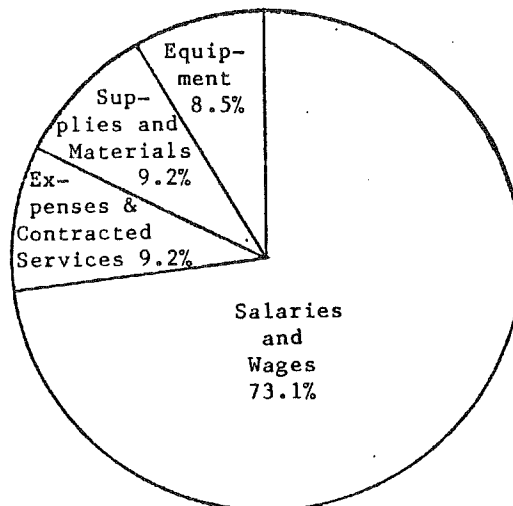


FIGURE 54b: State Patrol
\$23,429,646

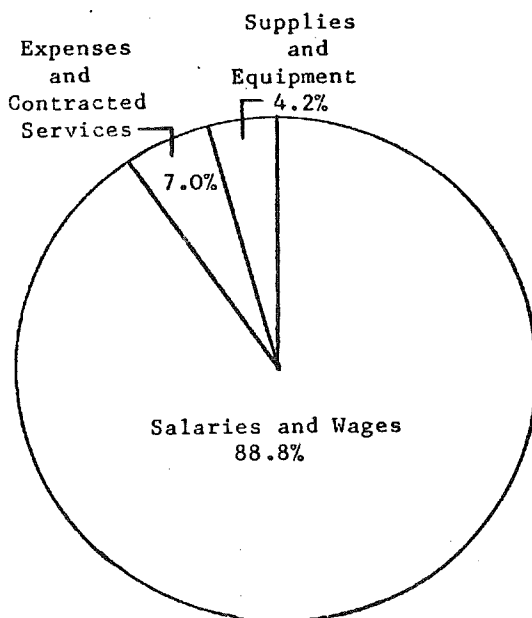


FIGURE 54c: Capitol Security
\$912,158

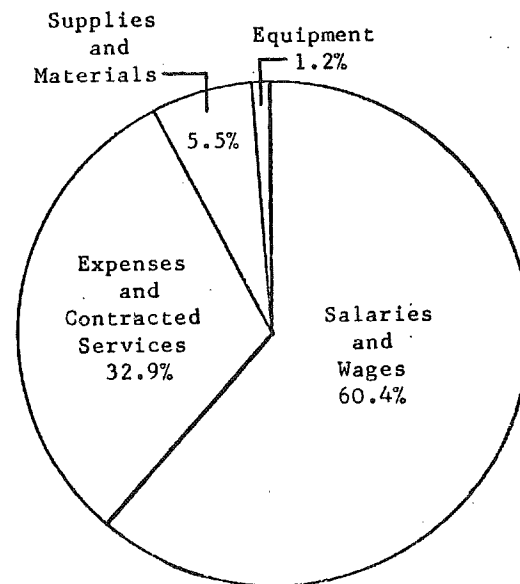


FIGURE 54d: Administrative and Related Services
\$1,968,232

FIGURE 54: Categorical Expenditures as a Percentage of Total Program Expenditures, Fiscal 1980.
VII. Department of Public Safety Programs--2.

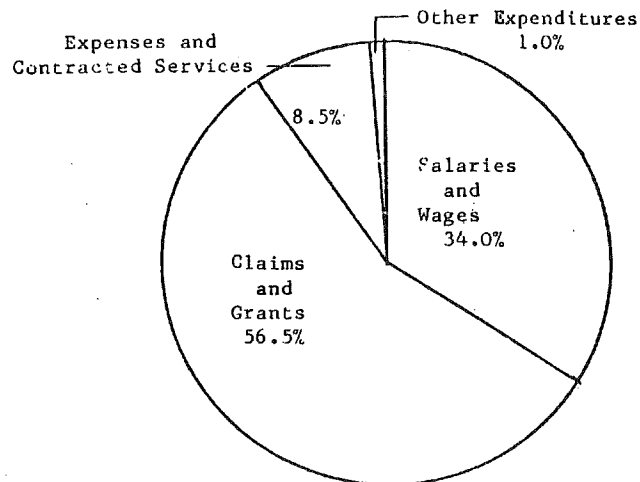


FIGURE 55a: Ancillary Services^a
\$943,451

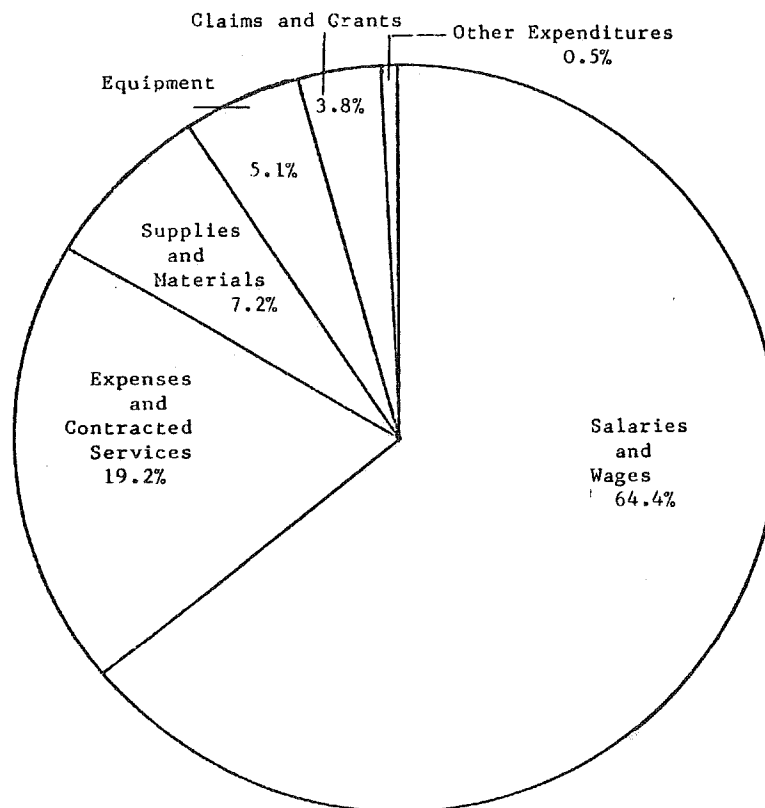
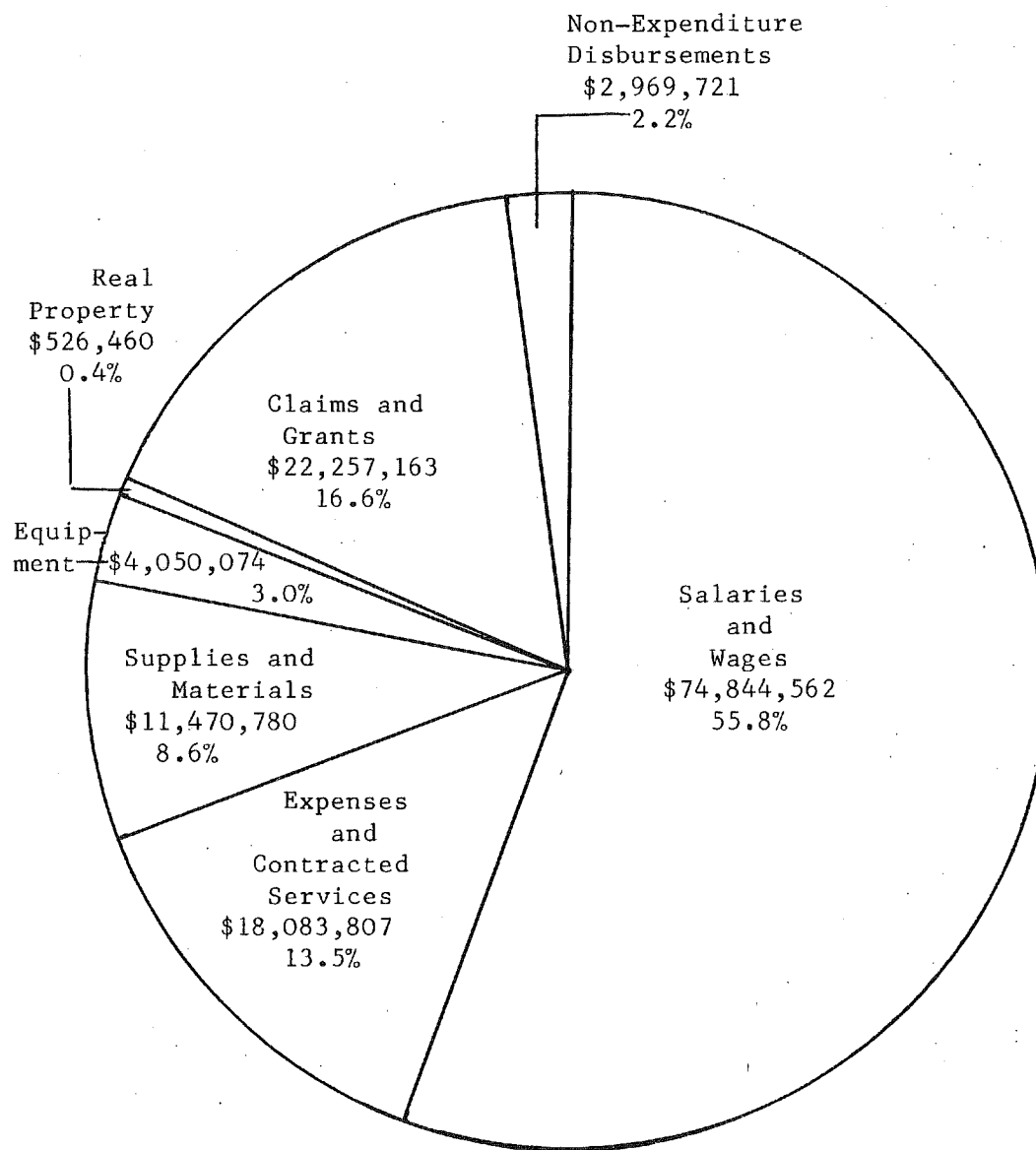


FIGURE 55b: Total Expenditures^a
\$54,853,814

FIGURE 55: Categorical Expenditures as a Percentage of Total Program Expenditures, Fiscal 1980. VIII. Department of Public Safety Programs--3.

^aExcludes Crime Victims Reparations Board.



Total Systemwide Expenditures = \$134,205,116

FIGURE 56: Total Categorical Expenditures in Dollar Amounts and as a Percentage of Total Program Expenditures, Fiscal 1980.

D. LINE FUNCTION EXPENDITURES

Figure 57 and Tables 2 and 3 provide total program and systemwide expenditures in terms of the five criminal justice line functions: (1) law enforcement; (2) corrections; (3) defense; (4) prosecution; and (5) investigation (see Glossary for definitions). Program expenditures that are criminal justice related, but could not be broken down exclusively in terms of a single line function are included in the systemwide (undesignated) category. An example is the Crime Control Planning Board, whose activities support all criminal justice line functions. Expenditures devoted to non-criminal justice related activities by the programs under study have been consolidated into the remaining Non-criminal Justice Activity category. An example is the Driver and Vehicle Services program which does not undertake criminal justice activities, but is located within a criminal justice related agency, the Department of Public Safety.

The relationship between programs and criminal justice line functions is obvious in most cases. However, the distinction between law enforcement and investigation versus noncriminal justice activities is not as clear for some Department of Public Safety programs. In these instances, the following criteria were used to determine which program activities are criminal justice related:

- (a) If the program is vested with investigative or law enforcement authority to:
 - Determine whether rules promulgated by the agency have been violated; either regulatory or criminal.
 - Initiate judicial proceedings which potentially pose criminal penalties; either directly through arrest authority, or indirectly through notification of the appropriate prosecuting agency.
- (b) If the program activities are intimately related to the functions of investigation, law enforcement, and the initiation of judicial proceedings.

It is interesting to note the wide disparity in expenditure levels among criminal justice line functions at the state level. While correctional activities command over half (51.5 percent) of total systemwide expenditures, the line functions of prosecution, defense, and investigation combined command only a small fraction (7.0 percent) of the total.

TABLE 2

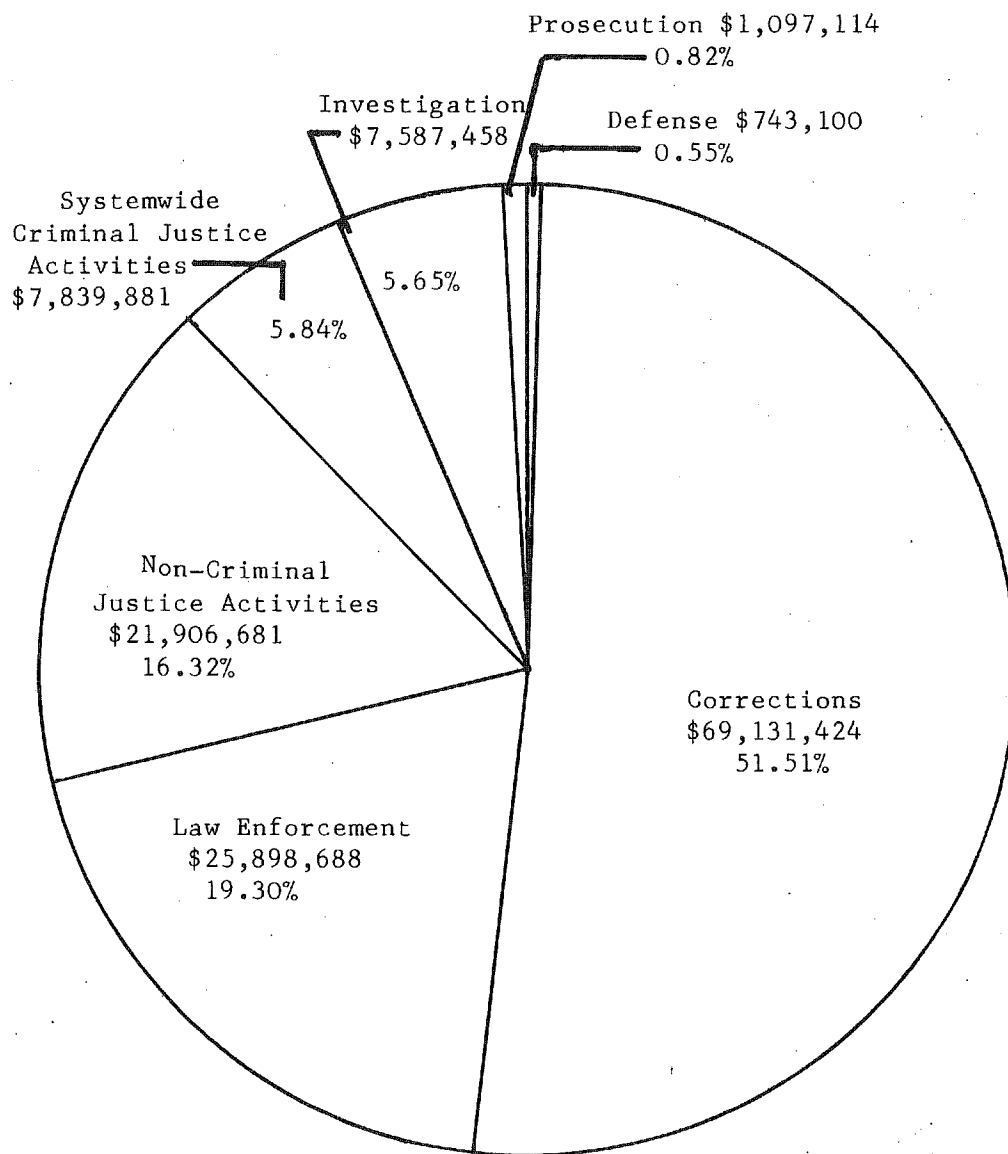
TOTAL PROGRAM EXPENDITURES (IN DOLLAR AMOUNTS) ALLOCATED
TO CRIMINAL JUSTICE LINE FUNCTIONS, FISCAL 1980

Program/ Line Function	Law Enforcement	Corrections	Defense	Prosecu- tion	Investi- gation	Systemwide	Non-Criminal: Justice	Total Expenditures
POST Board	\$ 450,406	\$	\$	\$	\$	\$		\$ 450,406
Ombudsman for Corrections		225,524						225,524
Sentencing Guidelines Comm.						221,700		221,700
Corrections Board		318,300						318,300
Attorney General (Crim. Div.)				532,600				532,600
County Attorneys Council	14,896			59,584			77,481	148,961
State Public Defender			743,100					743,100
Crime Victims Reparations				504,930				504,930
Board of Pardons						20,825		20,825
Crime Control Planning Board						7,597,356		7,597,356
Department of Corrections		68,587,600						68,587,600
Department of Public Safety (see Table 3)	25,433,386				7,587,458	7,839,881	21,906,681	54,853,814
Total Expenditures	\$25,898,688	\$69,131,424	\$ 743,100	\$1,097,114	\$7,537,458	\$7,839,881	\$21,906,681	\$ 134,205,116
Total Expenditures as a Percentage of Systemwide Expenditures	19.30%	51.51%	0.55%	0.82%	5.65%	5.84%	16.32%	

TABLE 3

DEPARTMENT OF PUBLIC SAFETY EXPENDITURES (IN DOLLAR AMOUNTS)
ALLOCATED TO CRIMINAL JUSTICE LINE FUNCTIONS, FISCAL 1980

Program/ Line Function	Law Enforcement	Corrections	Defense	Prosecution	Investi- gation	Systemwide	Non-Criminal Justice	Total Expenditures
Department of Public Safety	\$25,433,386				\$7,587,458		\$21,832,200	\$54,853,814
Liquor Control	209,807						233,483	443,290
- Licensing Permit							55,851	
- Licensing Support							177,632	
- Control Enforcement	209,807							
Emergency Services							2,239,000	2,239,000
Driver & Vehicle Services							16,290,113	16,290,113
Bureau of Crim. Apprehen.					7,362,840			7,362,840
Fire Marshal	1,265,084							1,265,084
Capitol Security	912,158							912,158
State Patrol	22,414,163						1,015,483	23,429,646
- Other	21,759,731							
- Traffic Safety Education							301,305	
- Vehicle Inspection							663,955	
- Support	654,432						50,233	
Administrative & Related	632,174				193,732		1,142,327	1,968,232
- Office of Planning & Anal.	103,811				36,107		121,117	
- Administrative & Fiscal	528,363				157,625		453,550	
- Information & Education							567,660	
Ancillary Services								
- Traffic Safety							871,634	
- Civil Air Patrol							32,500	
- Other Ancillary							7,660	
- Private Detective Board					30,886			



Total Systemwide Expenditures = \$134,205,116

FIGURE 57: Total Expenditures of State Executive Branch Criminal Justice Agencies Allocated to Criminal Justice Line Function Activities (by Percentage and Dollar Amounts), Fiscal 1980. See Tables 2 and 3.

E. SOURCES OF REVENUE

Figures 58-60 provide information as to the sources of revenue, state versus federal, for each of the programs and agencies. Revenue sources are displayed graphically as a percentage of total program expenditures with corresponding dollar amount information provided in Table 4.

Information on revenue sources provides some indication as to program vulnerability to fluctuations in expenditure levels over time as state decision makers have little control over the availability of discretionary federal funds. Nowhere is this more evident than with the demise of the federal LEAA program and its future impact on the Crime Control Planning Board's Law Enforcement Assistance program.

As may be seen, there is a large variation in program dependence on federal revenue sources, ranging from 0 percent for seven programs to 87.1 percent for the Crime Control Planning Board's Law Enforcement Assistance Program. It should be noted that there is a strong relationship across the system between a program's dependence on federal funds and its role as a conduit for grant monies (see Section C).

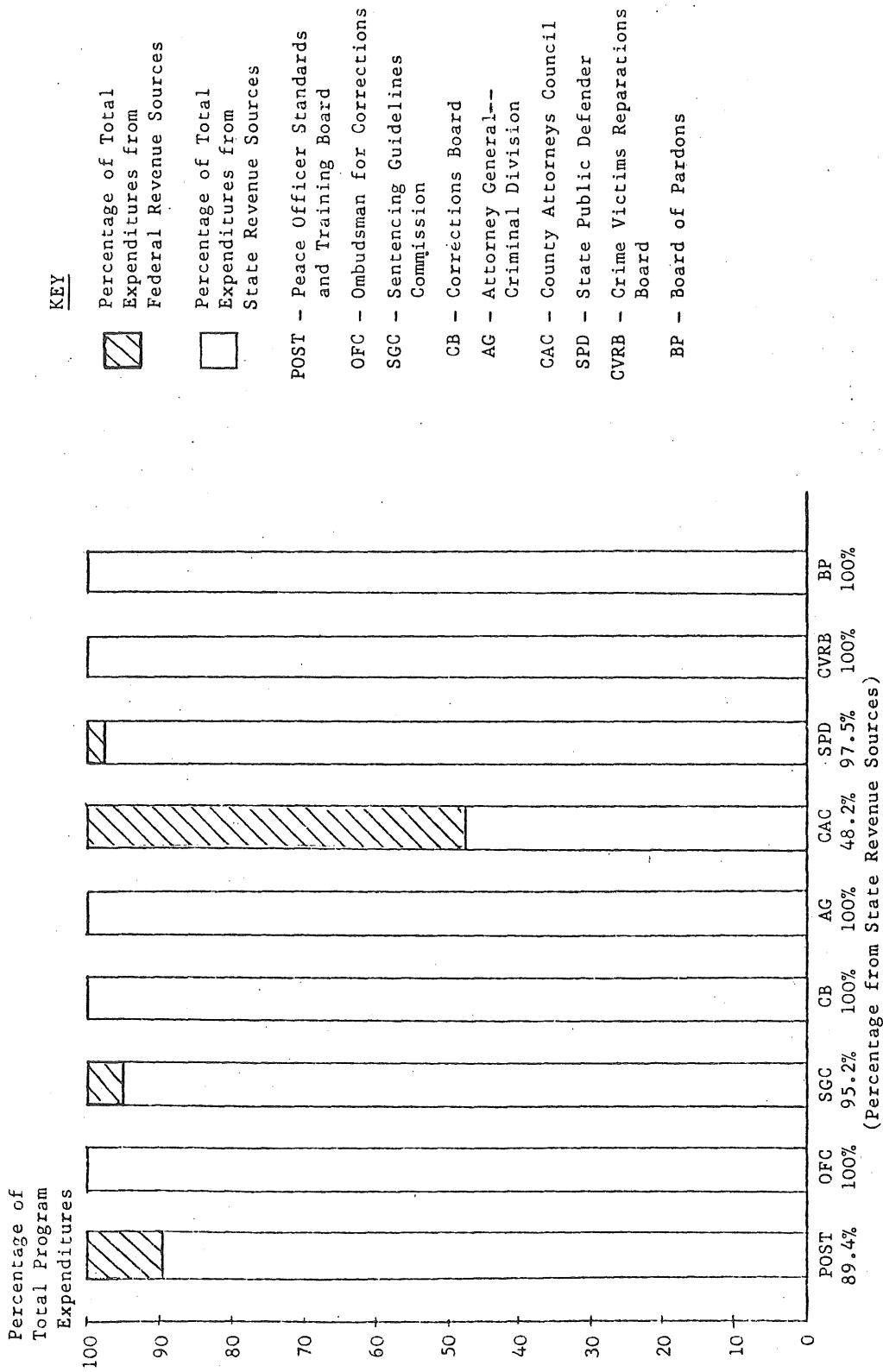


FIGURE 58: Percentage of Total Program Expenditures by Source of Revenue, State vs. Federal, Fiscal 1980. I. See Table 4.

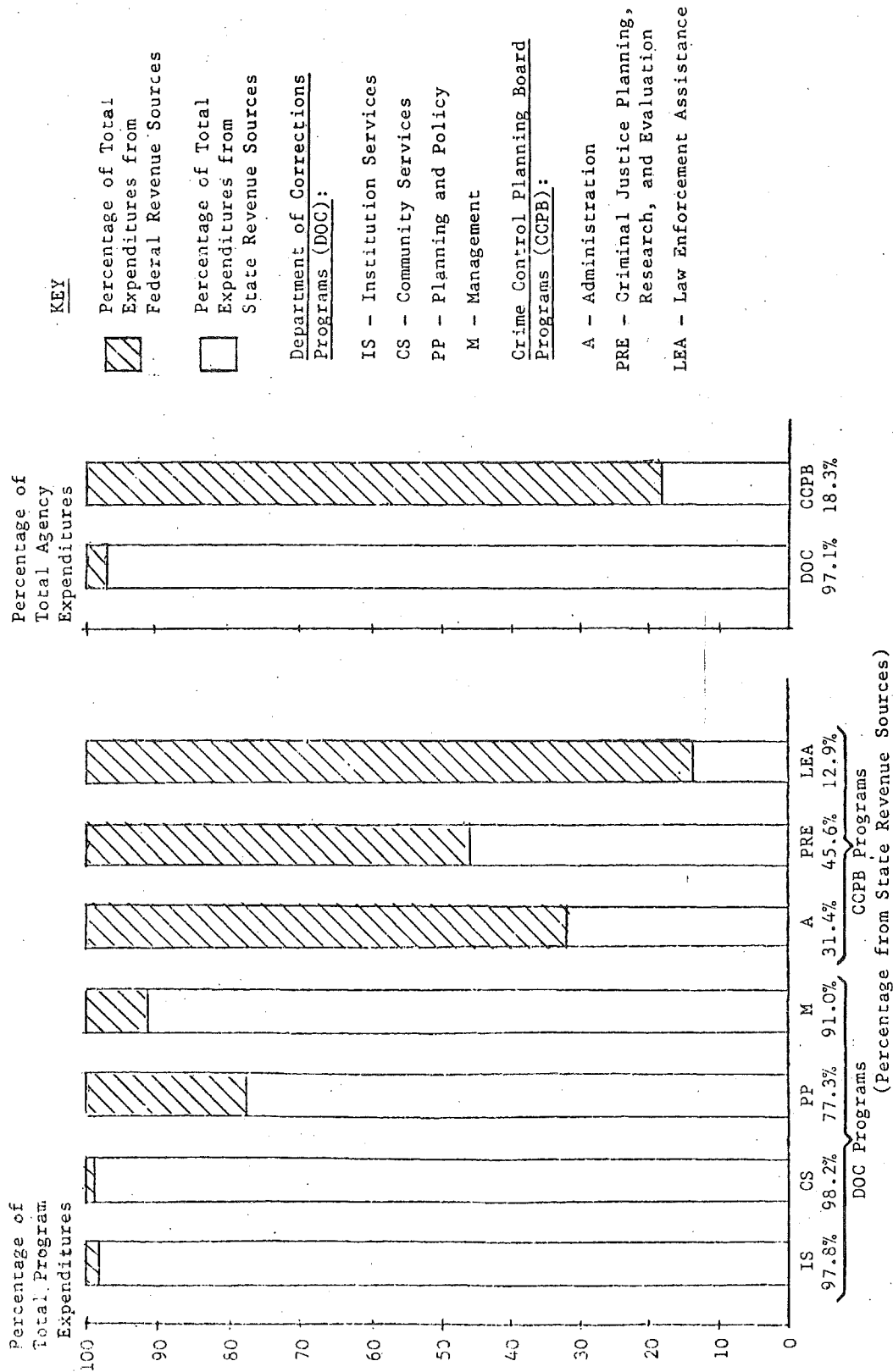


FIGURE 59: Percentage of Total Program Expenditures by Source of Revenue, State vs. Federal, Fiscal 1980. II. See Table 4.

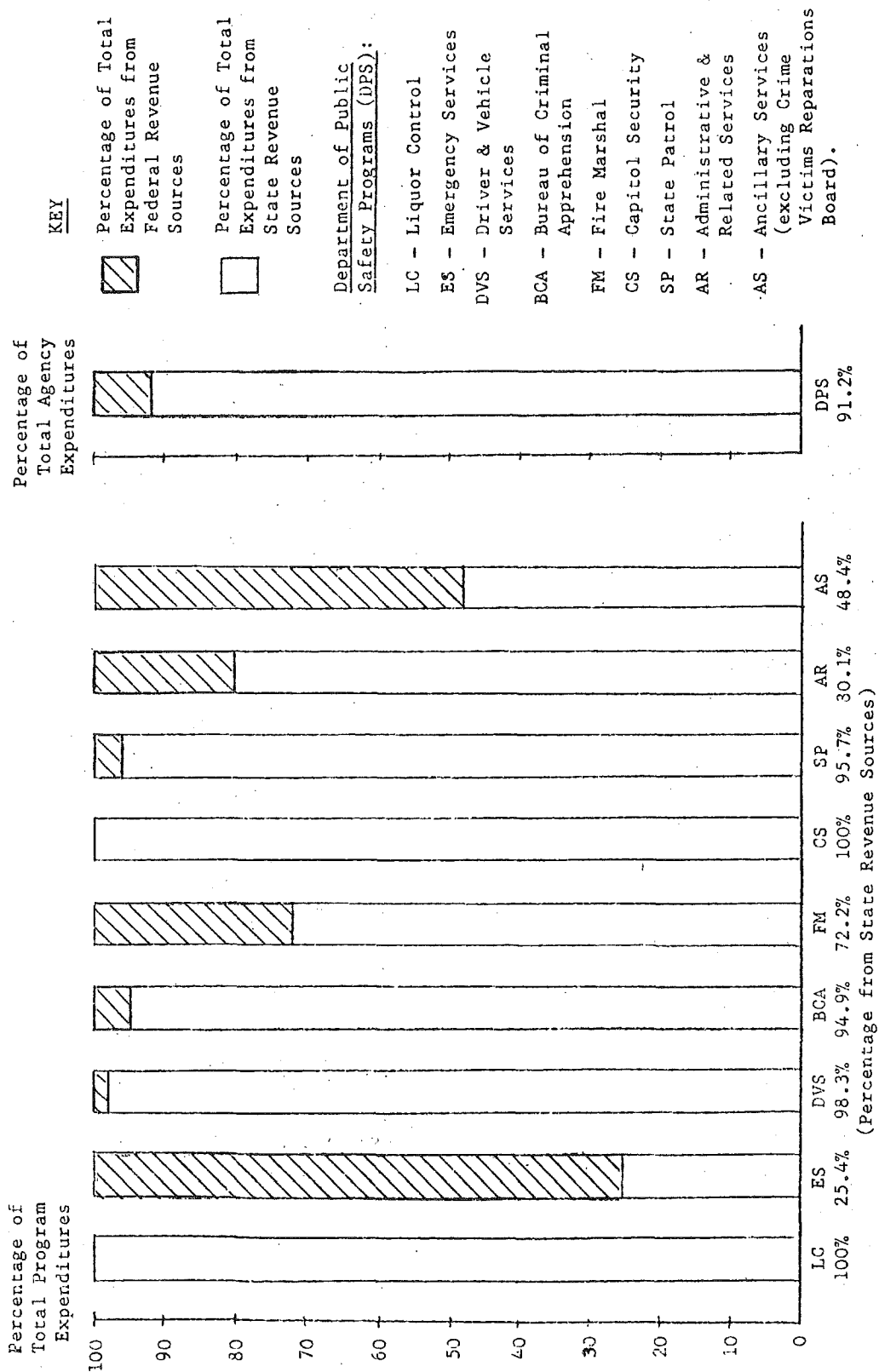


FIGURE 60: Percentage of Total Program Expenditures by Source of Revenue, State vs. Federal, Fiscal 1980. III. See Table 4.

SOURCE OF PROGRAM REVENUE (IN DOLLAR AMOUNTS)
DISTRIBUTED BY LINE FUNCTION, FISCAL 1980

280

TABLE 4

SOURCE OF PROGRAM REVENUE (IN DOLLAR AMOUNTS)
DISTRIBUTED BY LINE FUNCTION, FISCAL 1980
(continued)

Program/Line Function	Federal Revenue Distributed by Line Function										Source of Revenue by Program				Federal Funds as a Percentage of Total Expenditures
	Law Enforcement	Corrections	Prosecution	Investigation			Defense	Systemwide	Justice	Total from Federal Sources	Total from State Sources	Total from Federal Sources			
				Non-Criminal	Criminal	Investigation									
Department of Public Safety	\$ 1,366,768			\$ 384,360					\$ 3,071,851	\$ 4,822,969	\$ 50,030,845		8.3%		
Liquor Control										0	443,290		0		
Emergency Services										1,669,301	569,699		74.6%		
Driver & Vehicle Services										269,642	16,020,471		1.7%		
Bureau of Criminal Apprehension										377,675	6,985,165		5.1%		
Fire Marshal	351,261									351,261	913,823		27.8%		
Capitol Security										0	912,158		0		
State Patrol	992,667									1,015,360	22,414,286		4.3%		
Adminis. & Related Services	22,840									392,471	1,575,761		19.9%		
Ancillary Services										747,279	701,122		51.6%		
Total Federal Funds	\$14,220,052	\$ 1,986,900	\$ 30,884	\$ 18,900	\$ 384,360	\$ 6,218,663	\$ 3,110,456	\$ 13,172,204		\$13,172,204	\$121,032,912		9.3%		
Total Expenditures	\$25,898,688	\$69,131,424	\$1,097,114	\$743,100	\$7,587,458	\$7,839,881	\$21,906,681								
Federal Funds as a percentage of total expenditures	5.5%	2.9%	2.8%	2.5%	5.1%	79.3%	14.2%								

F. LINE FUNCTION REVENUE SOURCES

Figures 61 and 62a and Table 4 provide information as to criminal justice line function dependence on federal versus state revenues. Whereas significant variation exists in terms of program dependence on federal funds (see Section E), little variation exists in terms of traditional criminal justice line function dependence on federal revenues. Only a small portion of revenues for the five criminal justice line functions comes from federal sources, ranging from a low of 2.5 percent for defense to a high of 5.5 percent for law enforcement.

However, systemwide (undesignated) criminal justice line function activities are heavily dependent upon federal revenues--79.2 percent of the total spent in this line function category (see Figure 62b). Of this federal portion, 84.8 percent consists of Law Enforcement Assistance program expenditures (grants through the Crime Control Planning Board).

Less significantly, non-criminal justice activities provided by the programs under study depend upon federal revenues for 14.2 percent of the total spent in this category. The bulk of this federal portion (48.6 percent) consists of grant expenditures by Ancillary Services (Traffic Safety) and Emergency Services programs within the Department of Public Safety (see Figure 62c).

Of total systemwide expenditures, 9.8 percent comes from federal revenue sources (see Figure 62d).

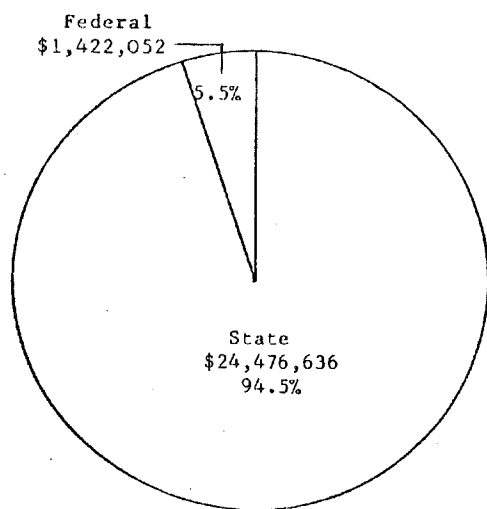


FIGURE 61a: Law Enforcement
\$25,898,688 (19.3%)^a

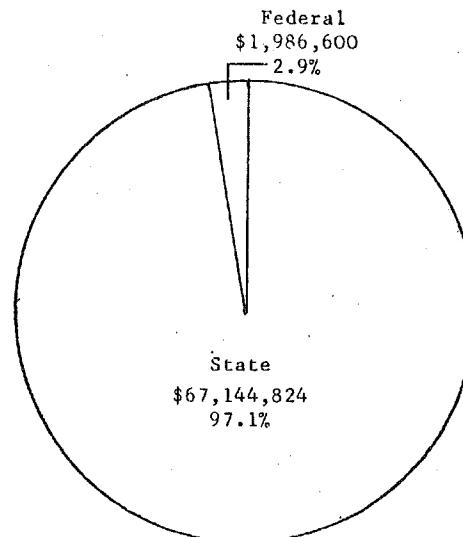


FIGURE 61b: Corrections
\$69,131,424 (51.5%)^a

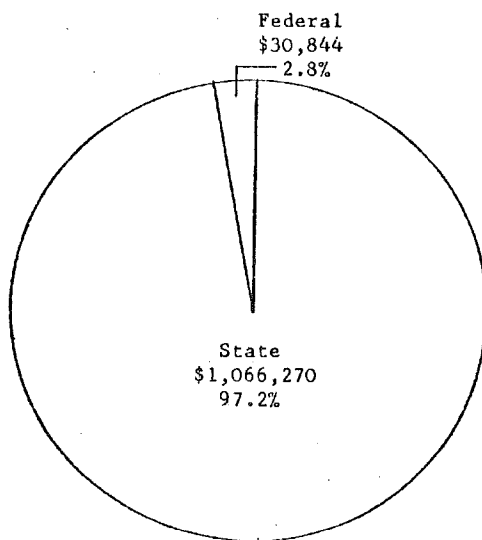


FIGURE 61c: Prosecution
\$1,097,114 (0.8%)^a

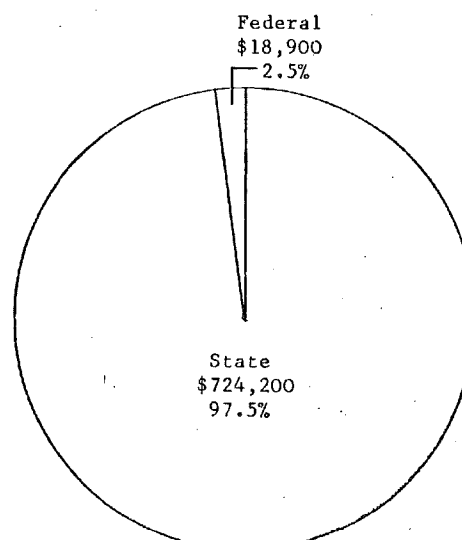


FIGURE 61d: Defense
\$743,100 (0.6%)^a

FIGURE 61: Source of Funding by Designated Criminal Justice Line Function for State Executive Branch Criminal Justice Programs, Fiscal 1980. I. See Table 2.

^aTotal dollar amounts devoted to criminal justice line function and as a percentage of systemwide expenditures. See Figure 57.

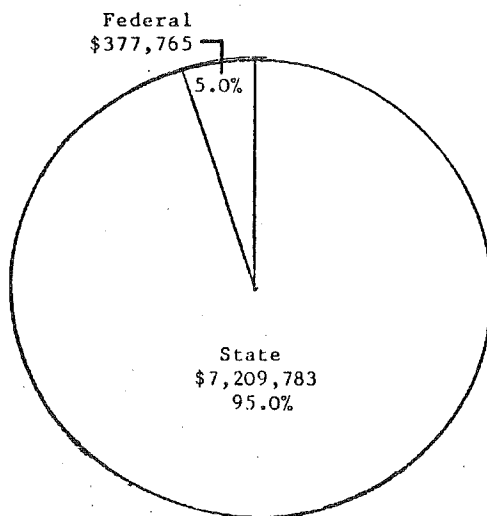


FIGURE 62a: Investigation
\$7,587,458 (5.7%)^a

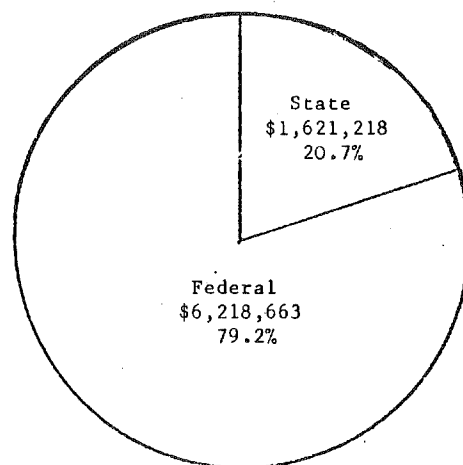


FIGURE 62b: Systemwide (Nondesignated)
Criminal Justice Activities
\$7,839,881 (5.8%)^a

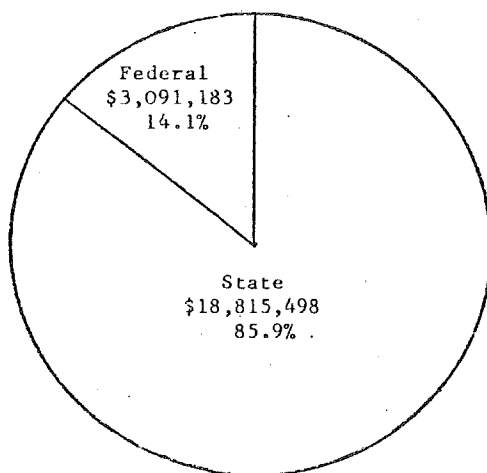


FIGURE 62c: Non-Criminal Justice
Activities
\$21,906,681 (16.3%)^a

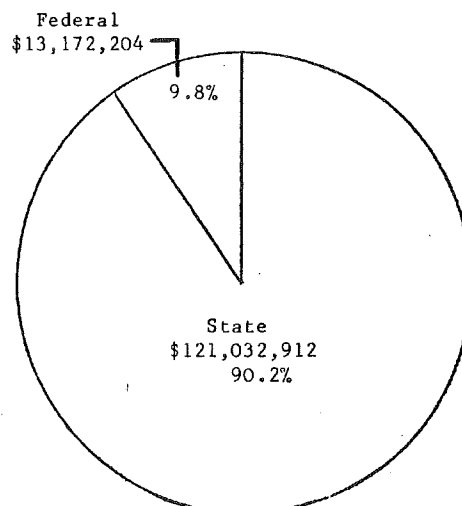


FIGURE 62d: All Criminal Justice
Activities
\$134,205,116 (100%)^a

FIGURE 62: Source of Funding by Designated Criminal Justice
Line Function for State Executive Branch Criminal
Justice Programs, Fiscal 1980. II. See Figure 52
and Table 2.

^aTotal dollars and as a percentage of total systemwide
expenditures. See Figure 57.

G. ADMINISTRATIVE SERVICE AND SUPPORT EXPENDITURES

Figures 63-65 provide information on total program expenditures in terms of absolute dollar magnitudes with the portion devoted to total administrative service and support expenditures denoted. These graphs provide a clearer picture as to the comparative size of different programs in terms of total expenditures and the importance of administrative service and support functions as portions of the total program expenditures.

It is evident that the percentage of total program expenditures devoted to administrative service and support expenditures varies enormously among programs across the system, ranging from 100.0 percent (Sentencing Guidelines Commission and Crime Control Planning Board non-grant programs) to less than 1.0 percent for several programs within the Department of Corrections and the Department of Public Safety. It is also evident that this variance corresponds to the mission of various programs and the organization of programs and services in terms of multi-program agencies.

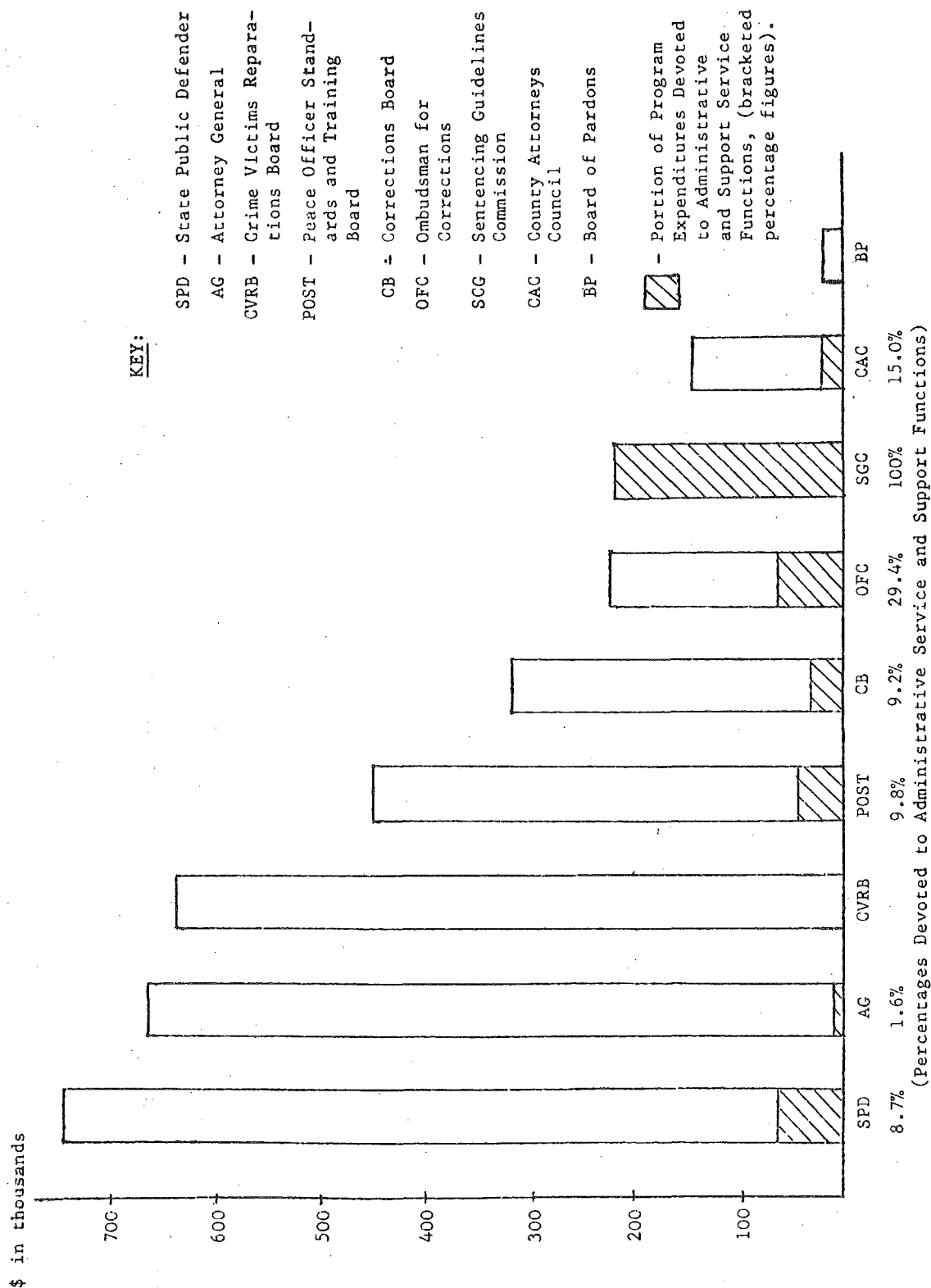


FIGURE 63: Program Expenditures (by Dollar Amounts) with Percentages Devoted to Administrative Service and Support Functions, Fiscal 1980. I. See Figures 66-69.

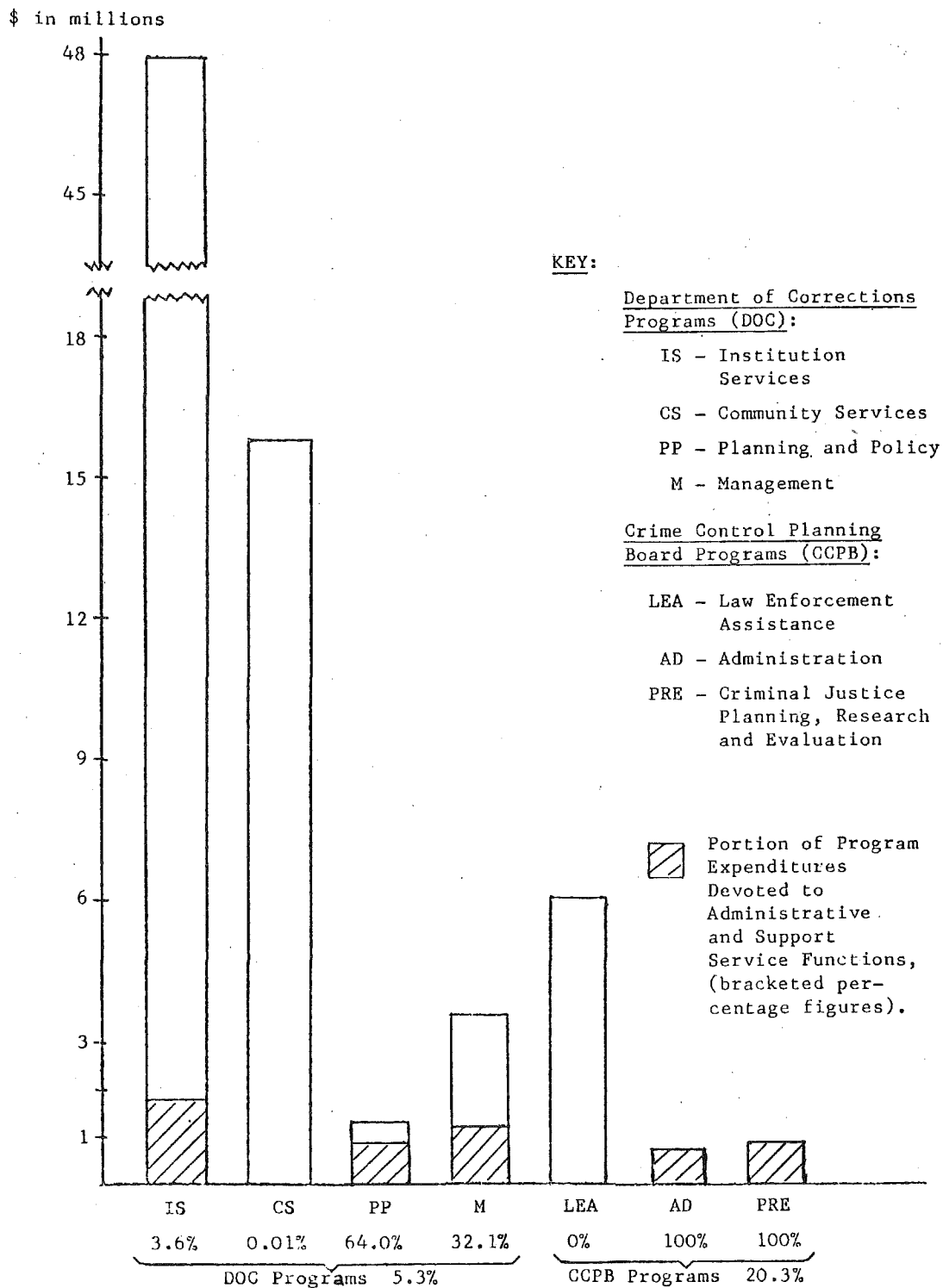


FIGURE 64: Program Expenditures (by Dollar Amounts) with Percentages Devoted to Administrative Service and Support Functions, Fiscal 1980. II. See Figures 70-74.

\$ in millions

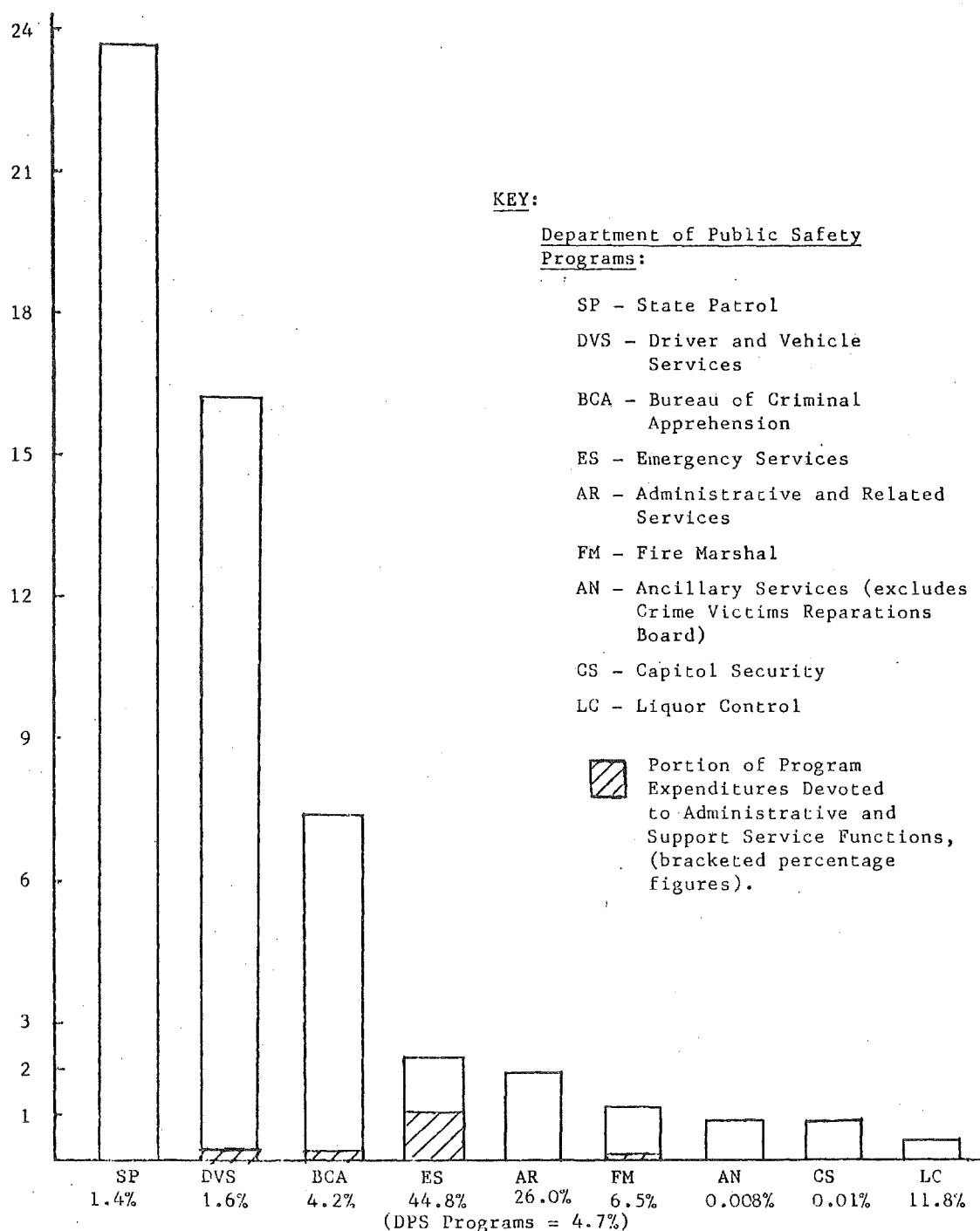


FIGURE 65: Program Expenditures (by Dollar Amounts) with Percentages Devoted to Administrative Service and Support Functions, Fiscal 1980. III. See Figures 75-80.

H. PROGRAM AND AGENCY ADMINISTRATIVE SERVICE AND SUPPORT EXPENDITURES

Figures 66-80 and Table 5 provide information on the allocation of expenditures among administrative service and support functions for each program and agency. These figures present a comparative overview for each program as to the relative importance of each function in terms of commanding a proportion of total resources devoted to administrative service and support functions.

In the case of multiprogram agencies, it is evident that certain administrative service and support functions cross program lines depending upon agency organization of these services. In such instances, the graphs provide some indication as to the organizational location of these services. In the case of smaller programs, some or all administrative service and support functions are provided by larger agencies with support capabilities. These extra-agency expenditures are not reflected in program expenditures. This is the case with the following programs that receive services from the agencies indicated in parenthesis:

- Peace Officer Standards and Training Board
(Department of Commerce),
- Corrections Board (Department of Corrections),
- Attorney General--Criminal Division (Attorney General's Office)
- Crime Victims Reparations Board (Department of Public Safety)
- Board of Pardons (Attorney General's Office).

An important decision-rule was included in the set of instructions to facilitate the completion of the expenditure information questionnaire with regard to administrative service and support expenditures. In calculating individual staff time cost for each function, program officials were allowed to disregard that portion of expenditures that requires less than 20 percent of work time for any individual per function. This decision-rule was included to ease the burden of providing this information for the larger, organizationally complex agencies. However, it should be noted that it may result in an underestimation of expenditures where the rule was invoked.

TABLE 5

EXPENDITURES ON ADMINISTRATIVE SERVICE AND SUPPORT FUNCTIONS
(IN DOLLAR AMOUNTS) BY AGENCY AND PROGRAM, FISCAL 1980

Program/ Support Service Functions	Planning	Policy	Re- search	Evalu- ation	Budget- ing	Person- nel	Training	Audit- ing	Account- ing	Data Processing	Grants Adminis- tration	Program Totals
POST Board	13229	12229	6331		1882	3779	1882			1945	2597	43874
Ombudsman for Corrections	11516	11745	7241		9743	9743	6541		9743			66272
Sentencing Guidelines Comm.	34900	36900	72900	21900	8760	3298	2164	2164	3298	31500	3916	221700
Corrections Board	3200	17900		1800			6400					29300
Attorney General	3600	2880		720	1440							8640
(Criminal Division)												
County Attorney's Council	8580	2200			2200	2090			7150			22220
State Public Defender	11100	11100			11100		13333		17778			64441
Crime Control Planning Bd.	203178	235889	402347	107862	45412	40238	9431	127051	130042	97948	145842	1543240
Administration	21625	113418	27811	12386	45412	37154	9431	127051	130042	33026	122888	680244
Planning, Research & Evaluation	181553	122471	374536	95476		3084				64922	22954	864996
Department of Corrections	301400	832900	356800	118900	487000	300000	506300	4000	486900	299500	93600	3787300
Institution Services		647500			387000	104200	195900		386900			1721500
Community Services					8500				8500			17000
Planning & Policy	116000		356800	118900						299500		891200
Management	185400	185400			91500	195800	310400	4000	91500		93600	1157600
Department of Public Safety	417561	191571	199974	227373	295038	227675	459114	48440	213412	116128	158887	2553173
Liquor Control	10607	21429		5000	6809	6785				1548		52178
Emergency Services	276700	36600	153400	153400	170050				39000		153400	1002350
Driver Vehicle Services	37100	37788	25757	49814	24057	60166	12030	2440	9760	6100	250	263262
Bureau of Criminal Apprehension	16204	13884	4922	4922	19051	10797	102213		52590	83678		308261
Fire Marshal	18742	16770			5442	6083	26277			8874		82188
State Patrol	5300	2650	1325	2650	5300	2650	288032		3975		3975	315857
Capitol Security	500	1000		1000		7000	500					10000
Administrative & Related Services	48625	41450	13939	9956	64329	134194	30062	46000	108087	15928		512570
Ancillary Services	3783		631	631							1262	6307
Administrative and Support Service Totals-Systemwide	1008264	1355314	1045593	478555	862575	586823	1005165	181655	868323	547021	404842	8344130

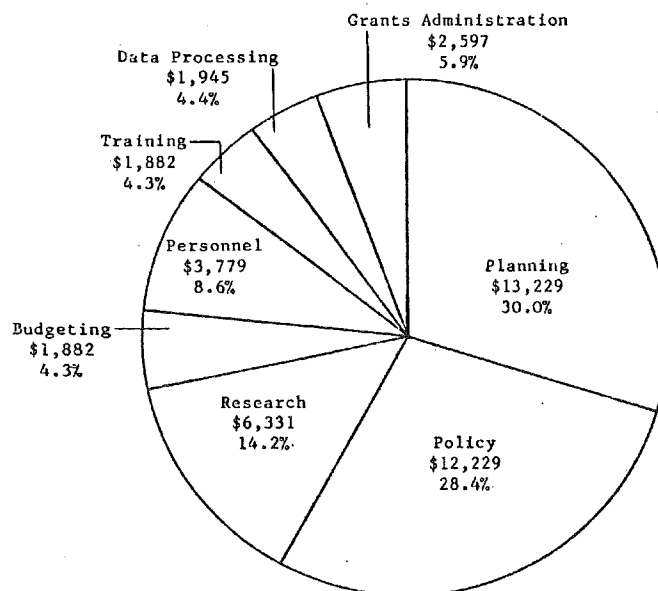


FIGURE 66a: Peace Officer Standards and Training Board
\$43,874 (9.8%)^a

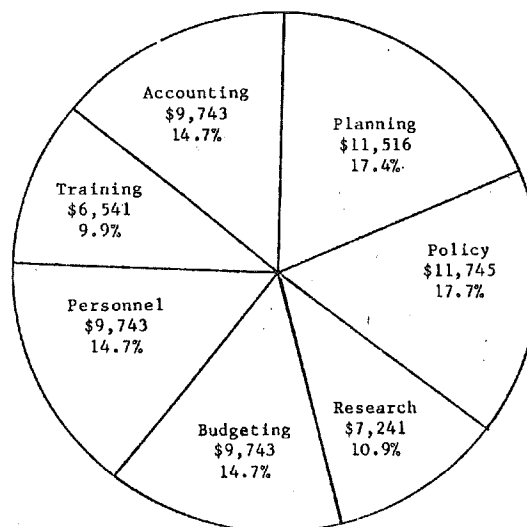


FIGURE 66b: Ombudsman for Corrections
\$66,272 (29.4%)^a

FIGURE 66: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. I. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total agency expenditures.

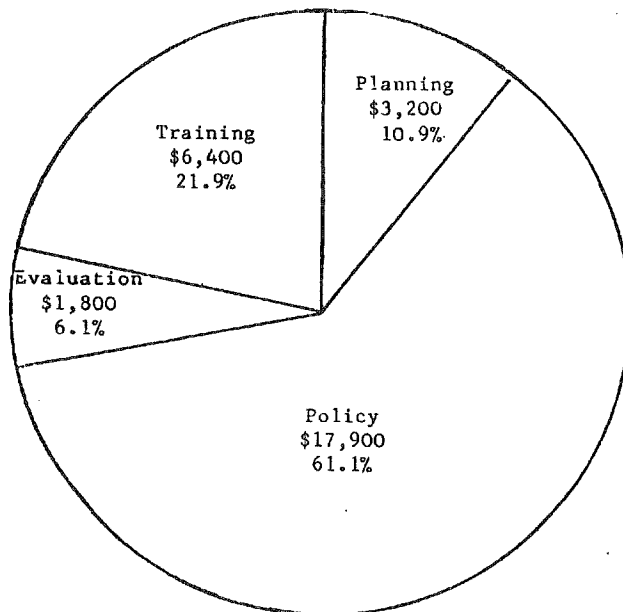


FIGURE 67a: Corrections Board
\$29,300 (9.2%)^a

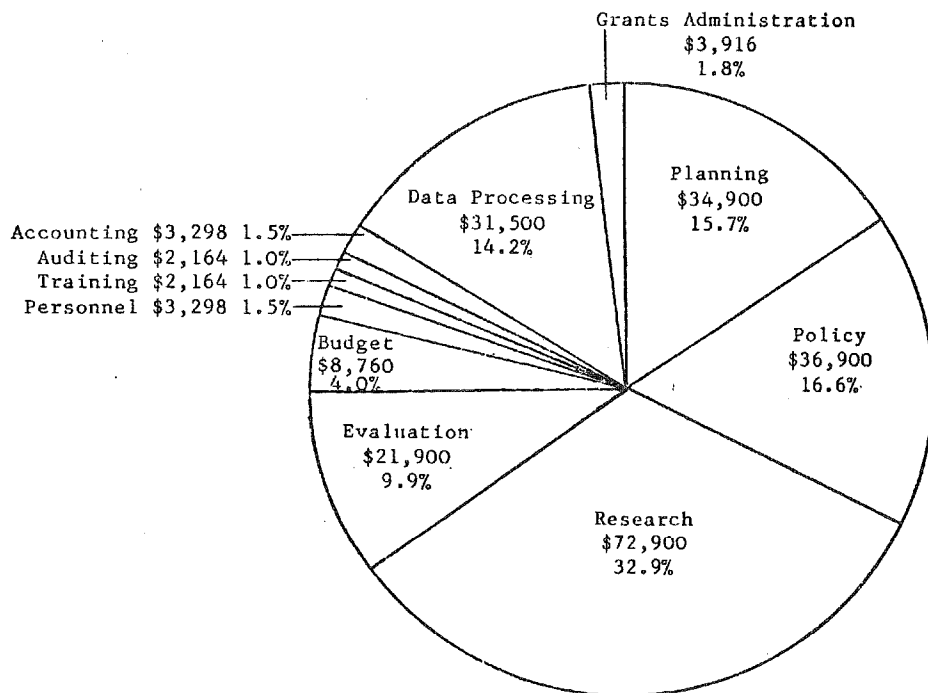


FIGURE 67b: Sentencing Guidelines Commission
\$221,700 (100%)^a

FIGURE 67: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. II. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total agency expenditures.

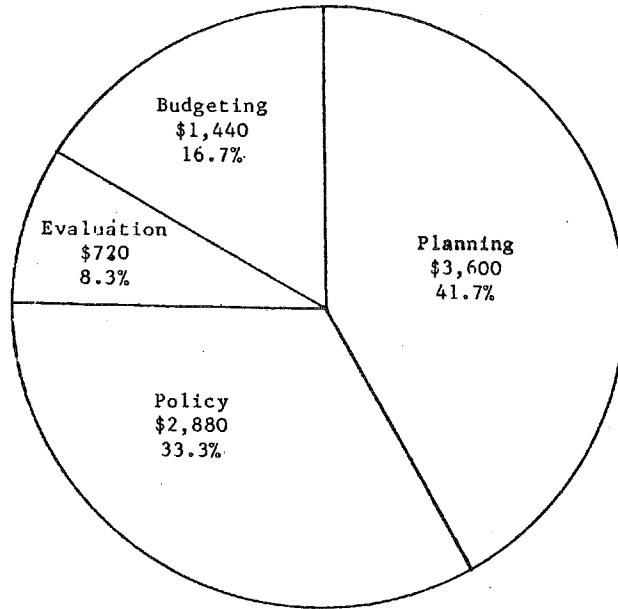


FIGURE 68a: Attorney General (Criminal Division)
\$8,640 (1.6%)^a

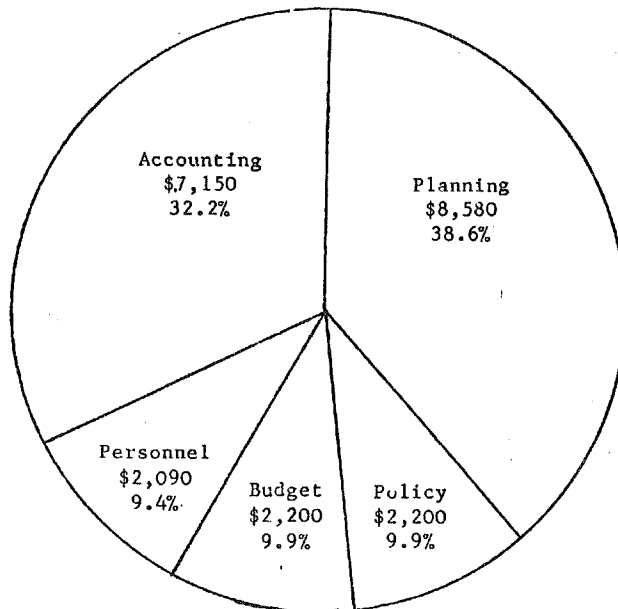


FIGURE 68b: County Attorneys Council
\$22,220 (15.0%)^a

FIGURE 68: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. III. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total agency expenditures.

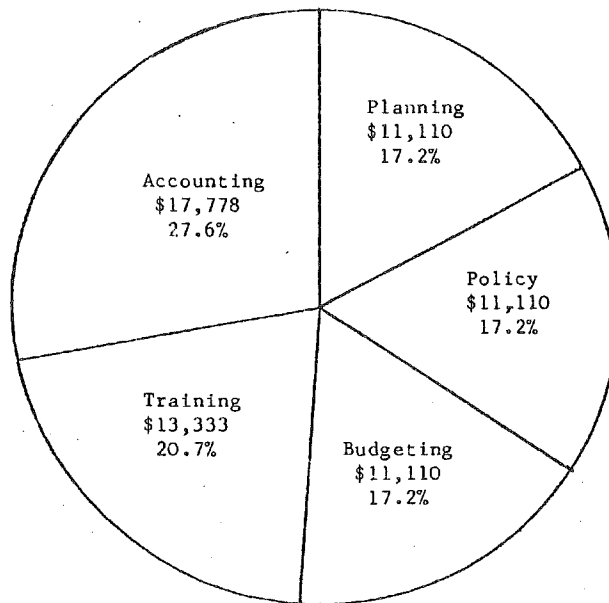


FIGURE 69a: State Public Defender
\$64,441 (8.7%)^a

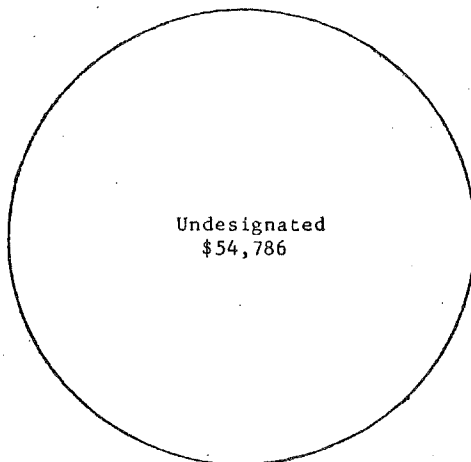


FIGURE 69b: Crime Victims Reparations Board
\$54,786

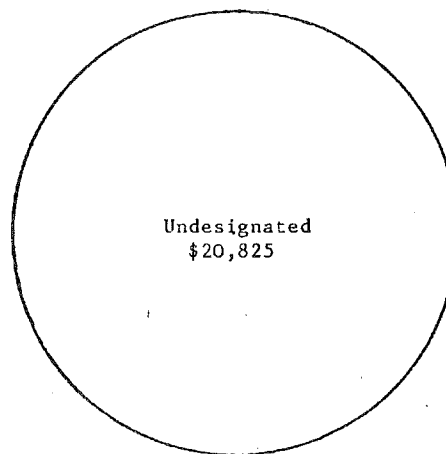


FIGURE 69c: Board of Pardons
\$20,825

FIGURE 69: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. IV. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total agency expenditures.

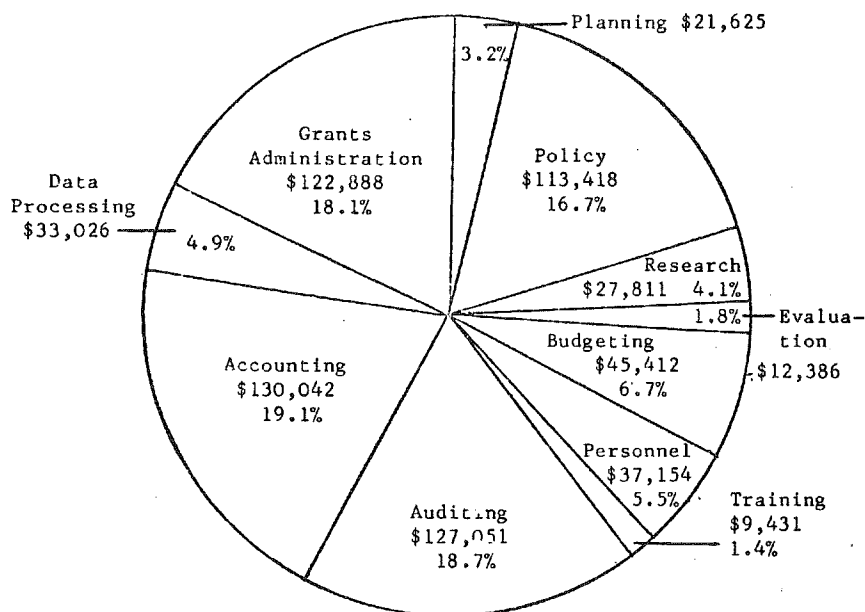


FIGURE 70a: Administration \$680,244 (100%)^a

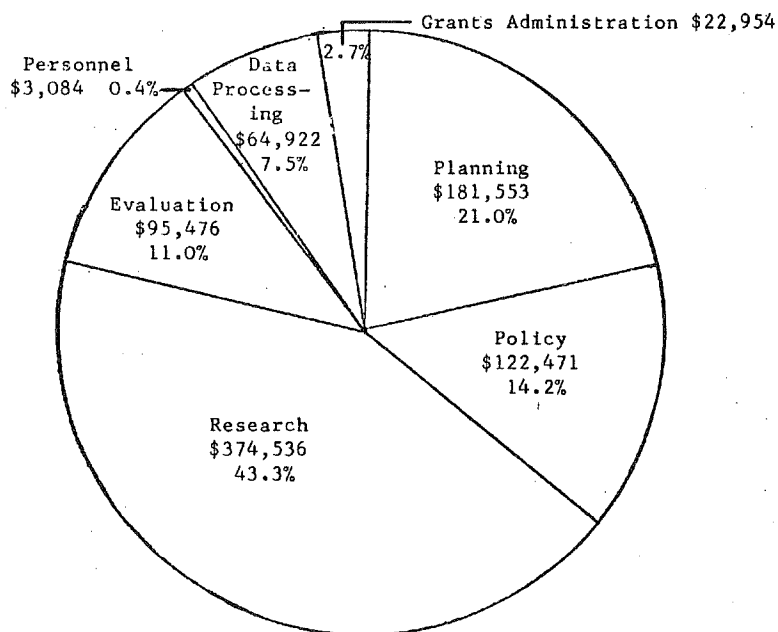
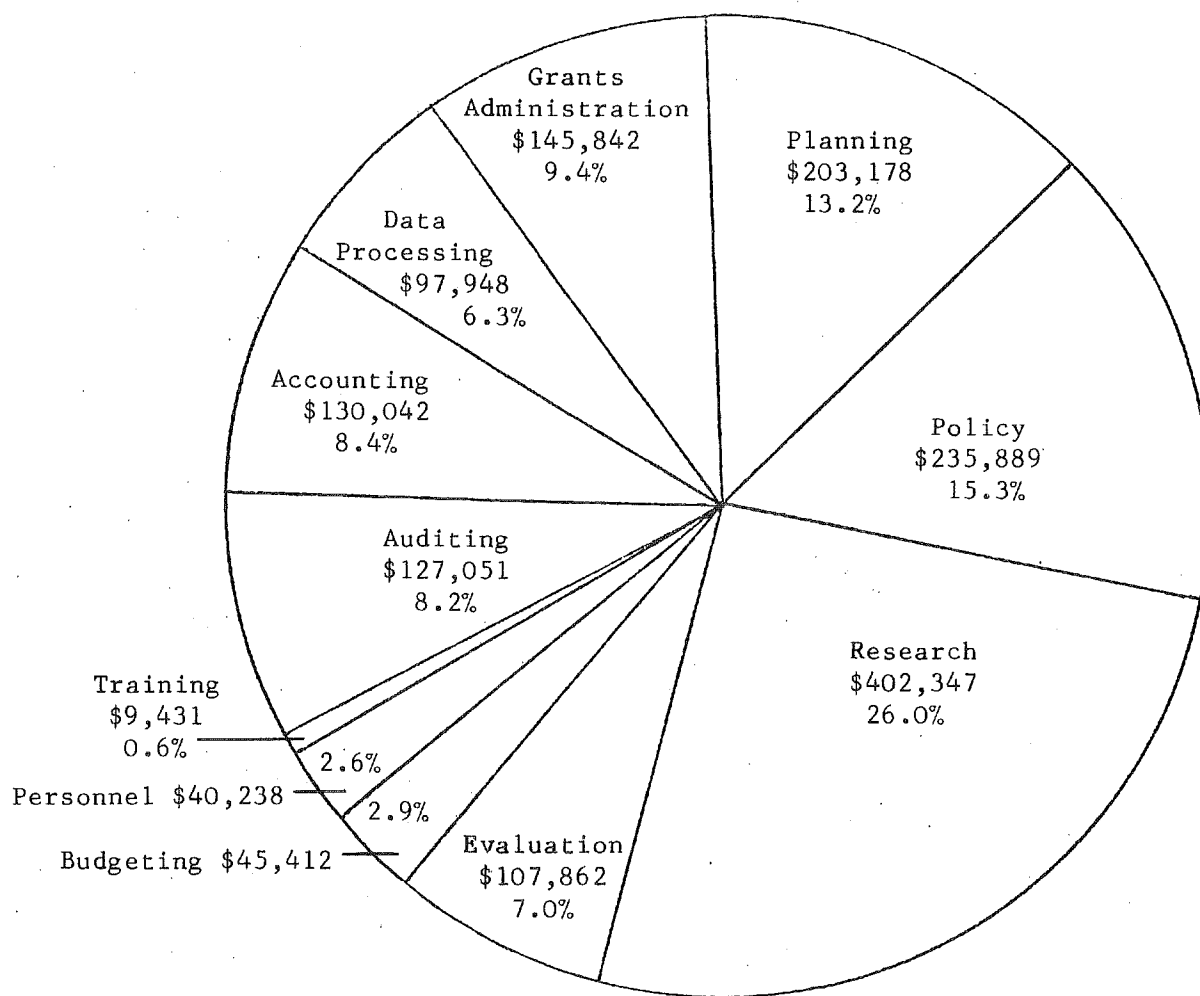


FIGURE 70b: Criminal Justice Planning, Research, and Evaluation \$864,996 (100%)^a

FIGURE 70: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. I. Crime Control Planning Board Programs. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.



Total Expenditures = \$1,545,240 (20.3%)^a

FIGURE 71: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. V. Crime Control Planning Board. See Table 5.

^aTotal dollars devoted to administrative service and support functions, and this amount as a percentage of total agency expenditures.

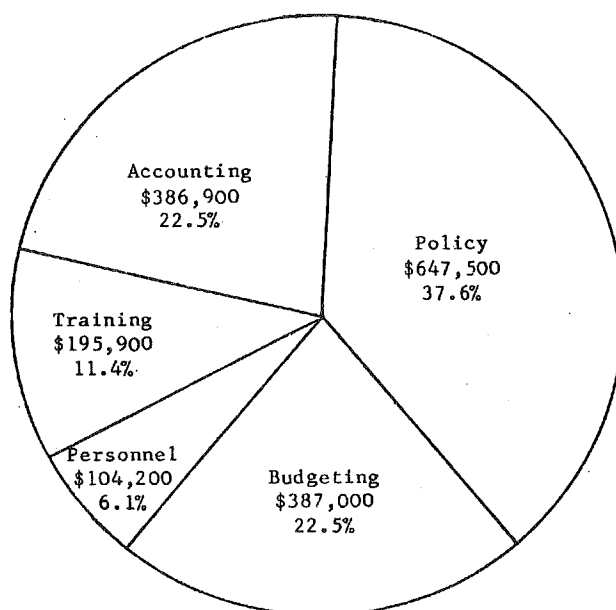


FIGURE 72a: Institution Services
\$1,721,500 (3.6%)^a

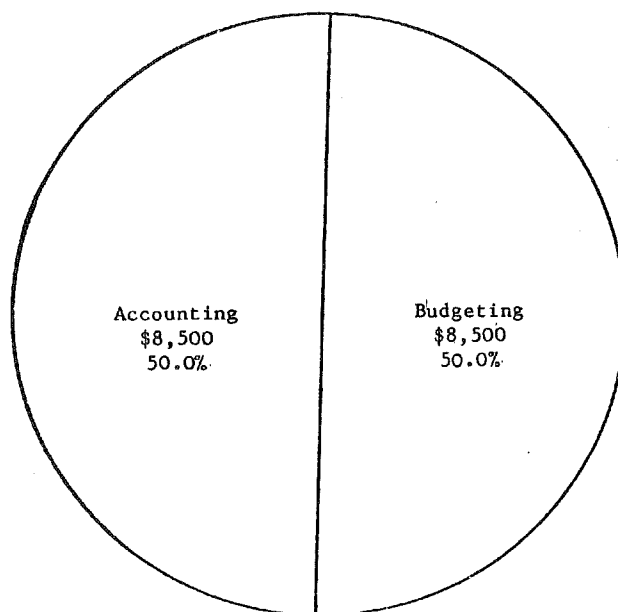


FIGURE 72b: Community Services
\$16,700 (0.01%)^a

FIGURE 72: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. II. Department of Corrections Programs--1. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.

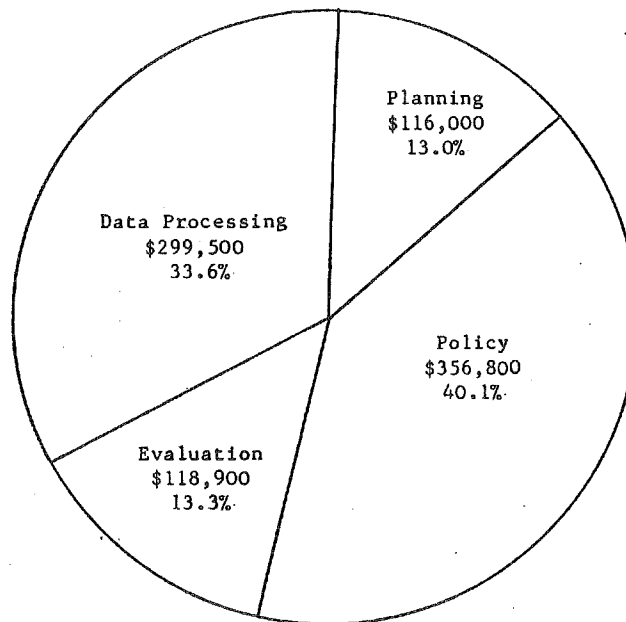


FIGURE 73a: Planning and Policy
\$891,200 (64.0%)^a

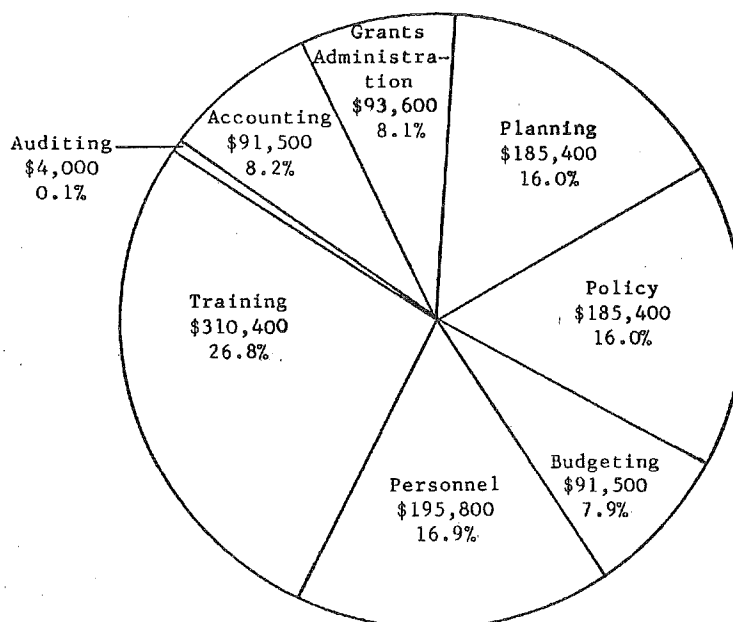
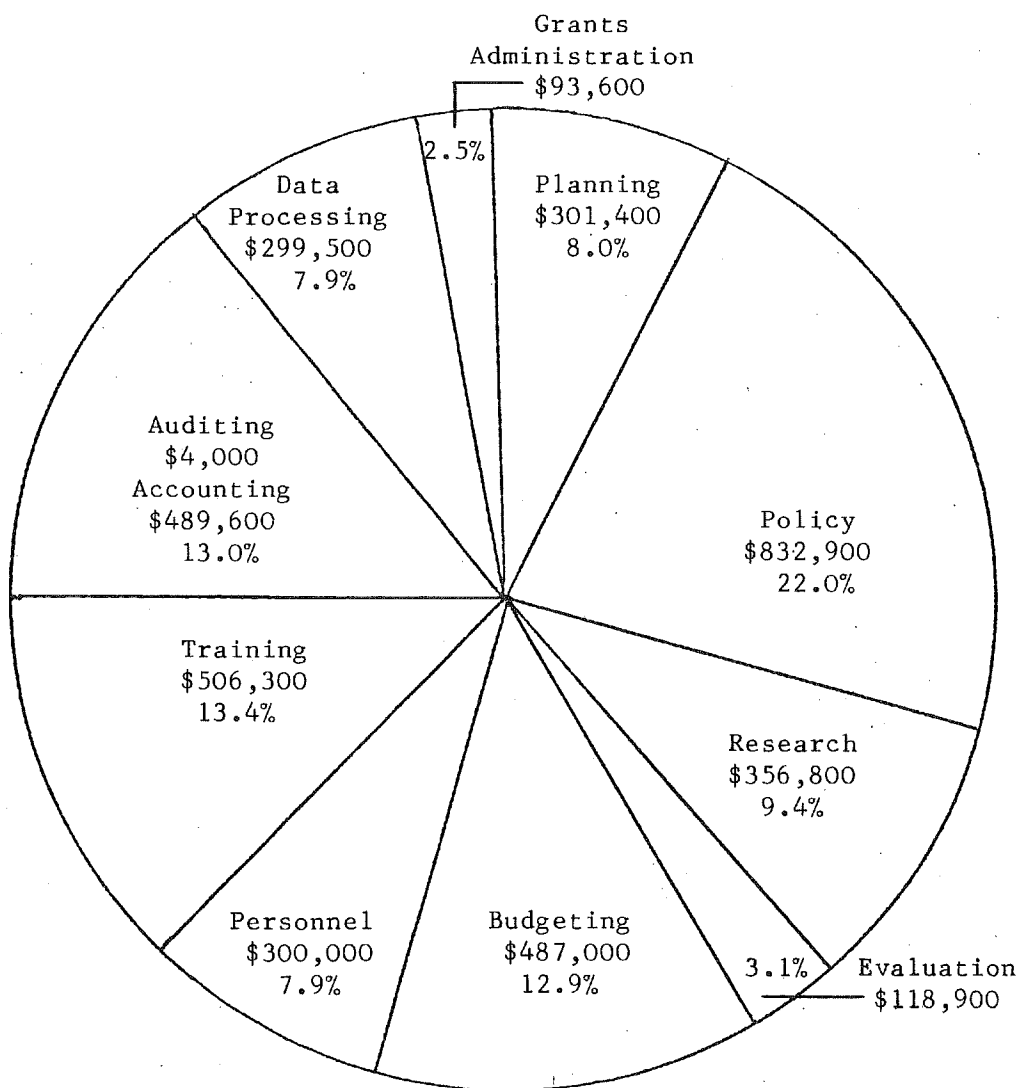


FIGURE 73b: Management
\$1,157,600 (32.1%)^a

FIGURE 73: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. III. Department of Corrections of Corrections Programs--2. See Table 5.

^a Total dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.



Total Expenditures = \$3,787,300 (5.3%)^a

FIGURE 74: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. VI. Department of Corrections. See Table 5.

^a Total dollars devoted to administrative service and support functions, and this amount as a percentage of total agency expenditures.

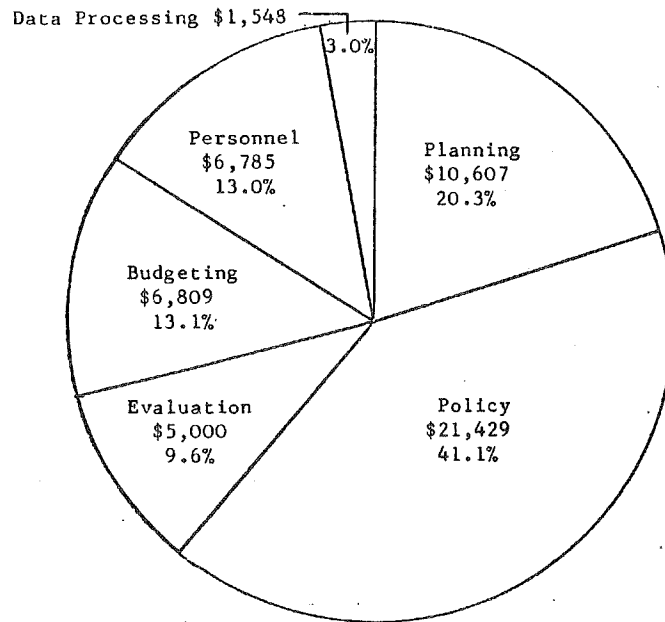


FIGURE 75a: Liquor Control
\$52,178 (11.8%)^a

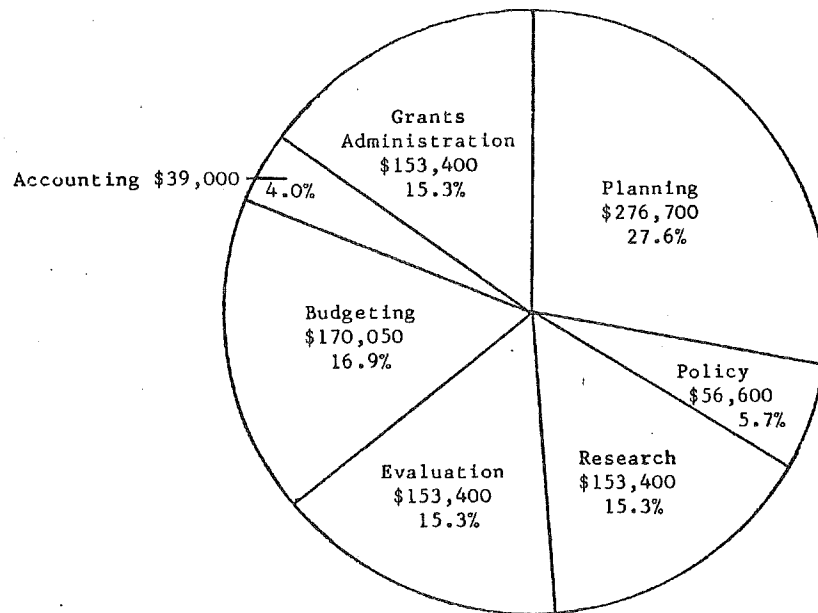


FIGURE 75b: Emergency Services
\$1,002,550 (44.8%)^a

FIGURE 75: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. IV. Department of Public Safety--1. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.

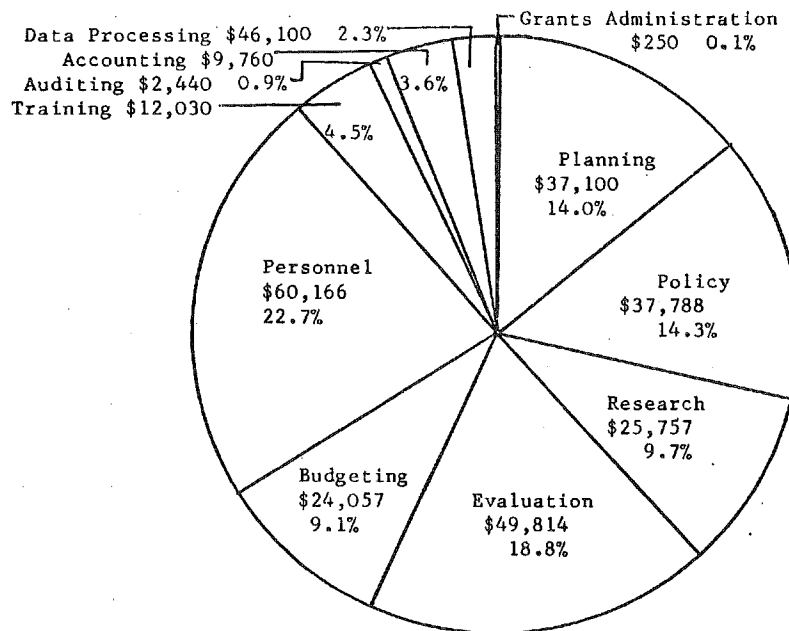


FIGURE 76a: Driver and Vehicle Services
\$265,262 (1.6%)^a

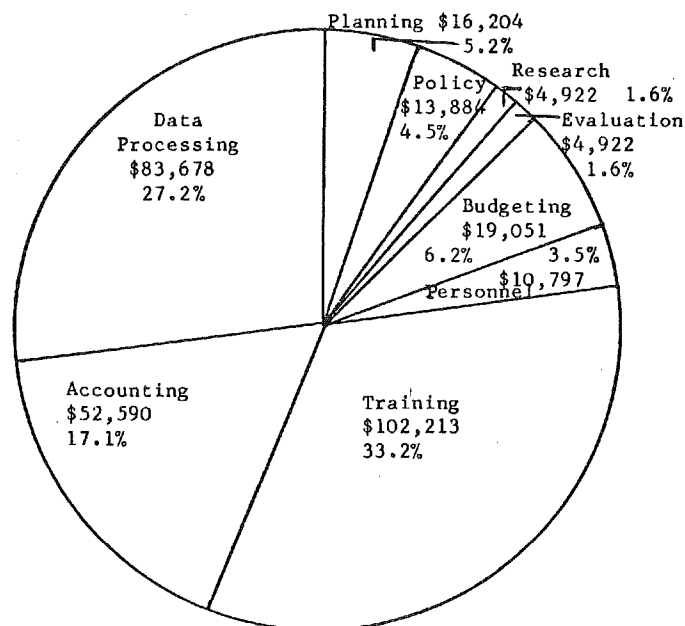


FIGURE 76b: Bureau of Criminal Apprehension
\$308,261 (4.2%)^a

FIGURE 76: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. V. Department of Public Safety--2. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.

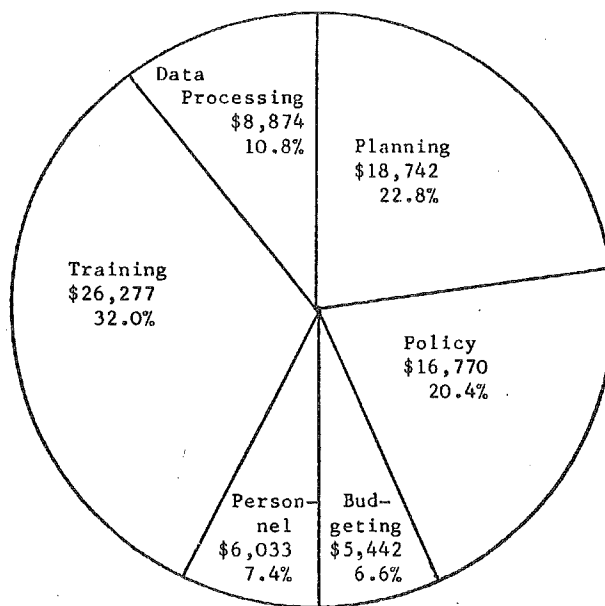


FIGURE 77a: Fire Marshal \$82,188 (6.5%)^a

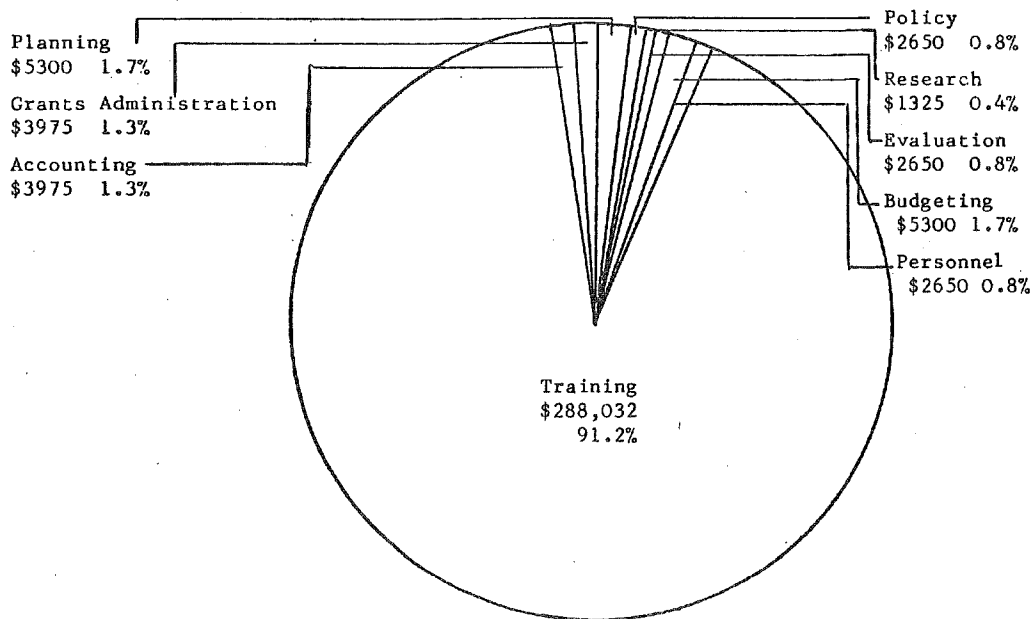


FIGURE 77b: State Patrol \$315,857 (1.35%)^a

FIGURE 77: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. VI. Department of Public Safety Programs--3. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.

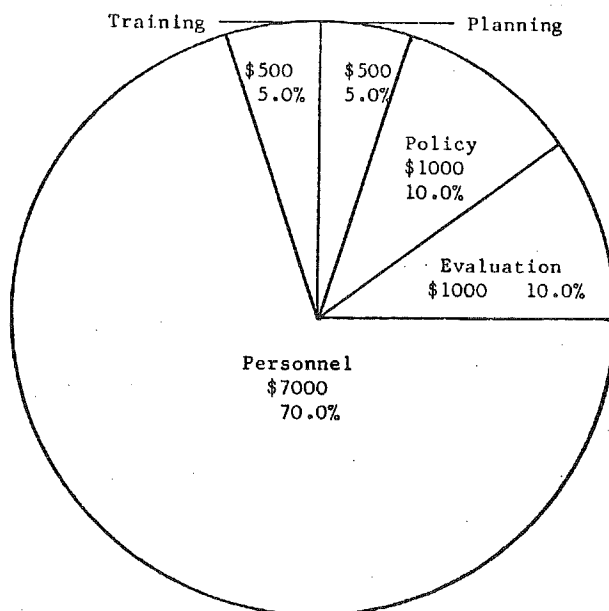


FIGURE 78a: Capitol Security \$10,000 (0.01%)^a

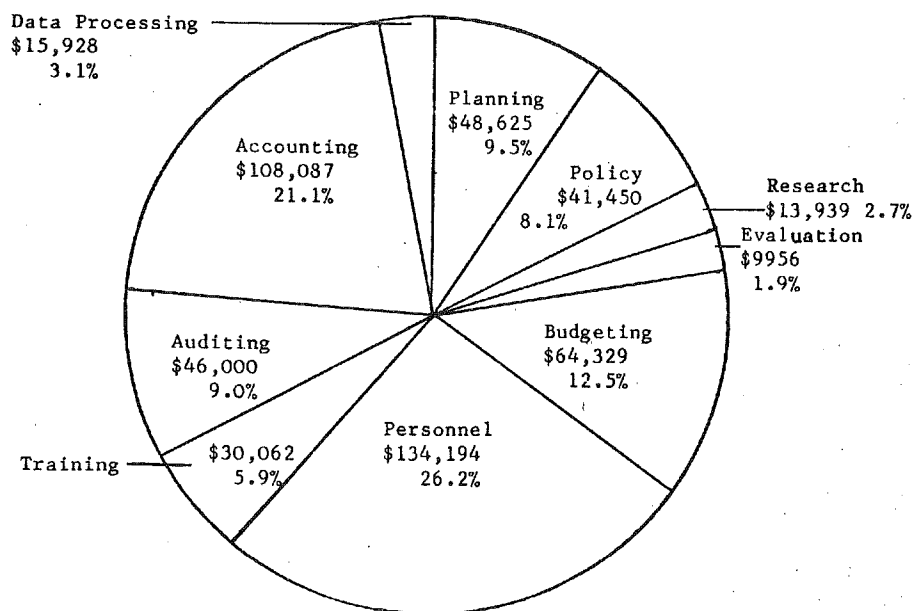
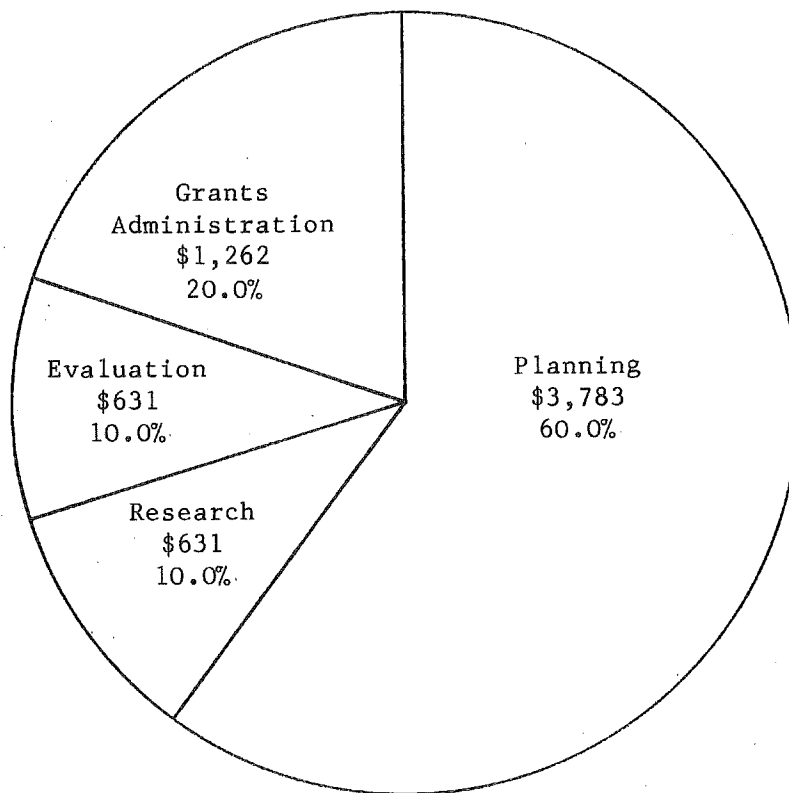


FIGURE 78b: Administrative and Related Services \$512,570 (26.0%)^a

FIGURE 78: Program Expenditures devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. VII. Department of Public Safety Programs--4. See Table 5.

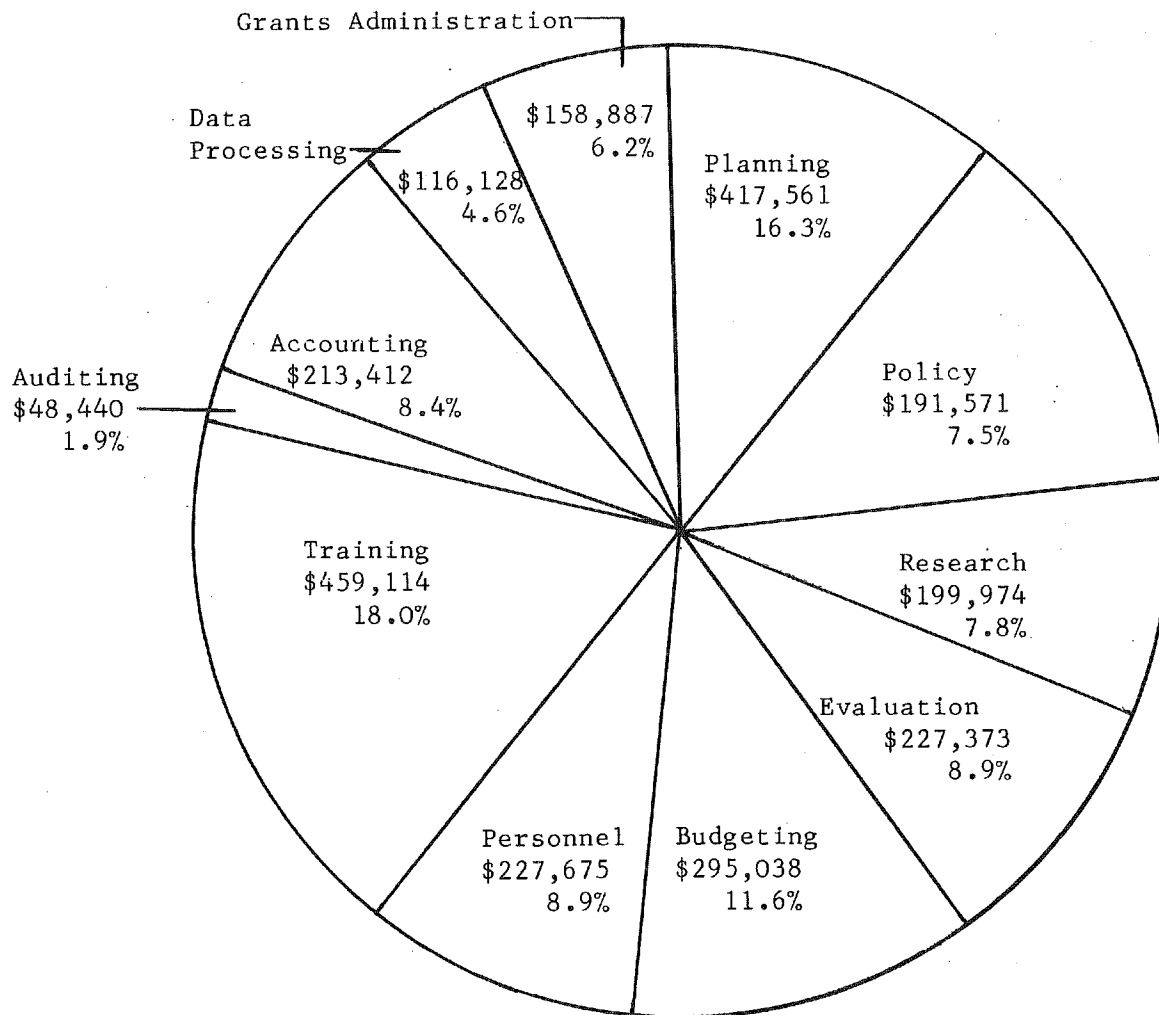
^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.



Ancillary Services: Traffic Safety
Total: \$6,307 (0.0075%)^a

FIGURE 79: Program Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. VIII. Department of Public Safety--5. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total program expenditures.



Total: \$2,555,173 (4.7%)^a

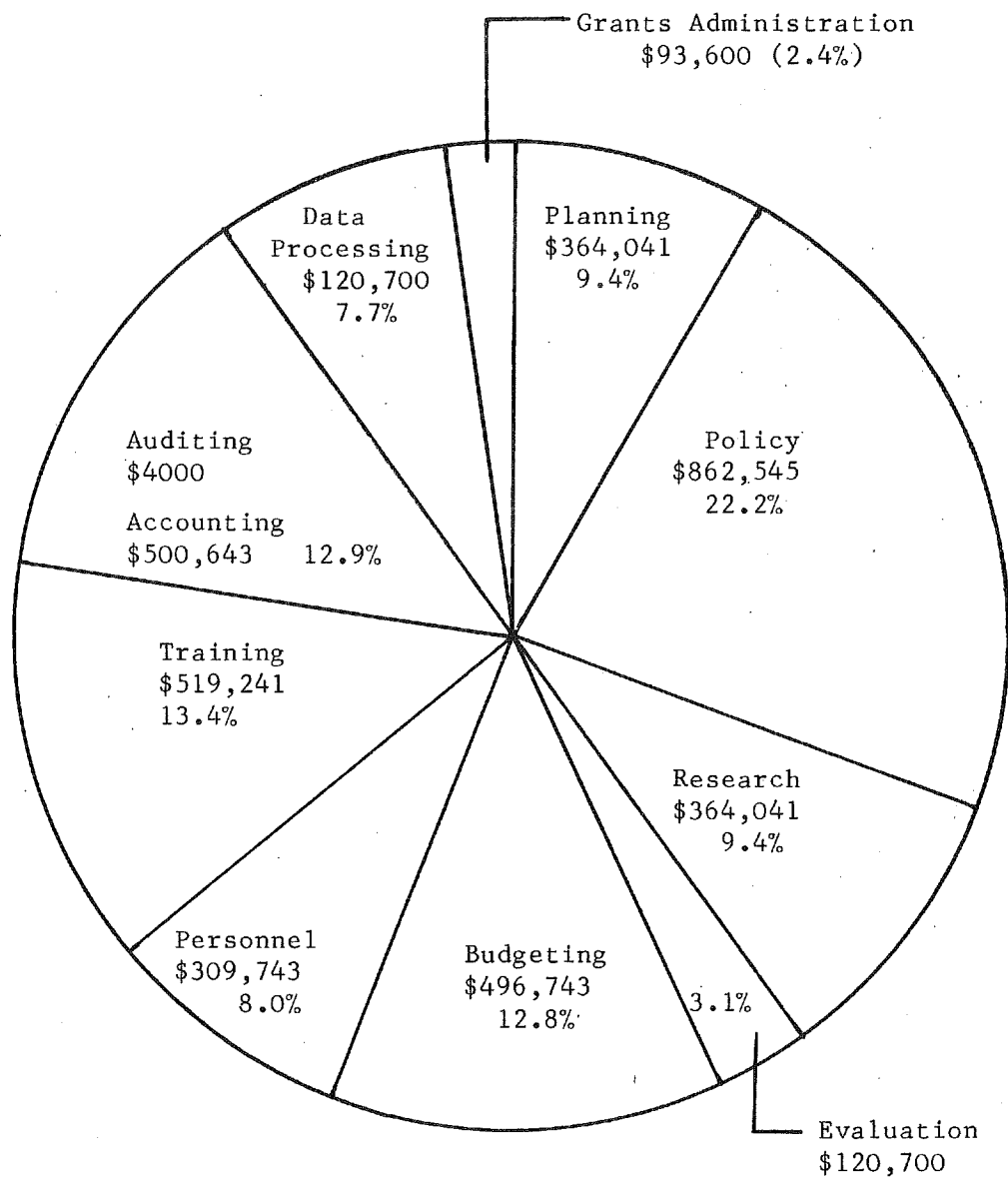
FIGURE 80: Agency Expenditures Devoted to Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980. VII. Department of Public Safety. See Table 5.

^aTotal dollar amounts devoted to administrative service and support functions, and as a percentage of total agency expenditures.

I. LINE FUNCTION ADMINISTRATIVE SERVICE AND SUPPORT EXPENDITURES

Figures 81-87 provide administrative service and support expenditure information in terms of the criminal justice line functions they support. Organization of expenditures in this fashion provides a comparative picture of the relative importance of each function in terms of resources supporting a set of line function services.

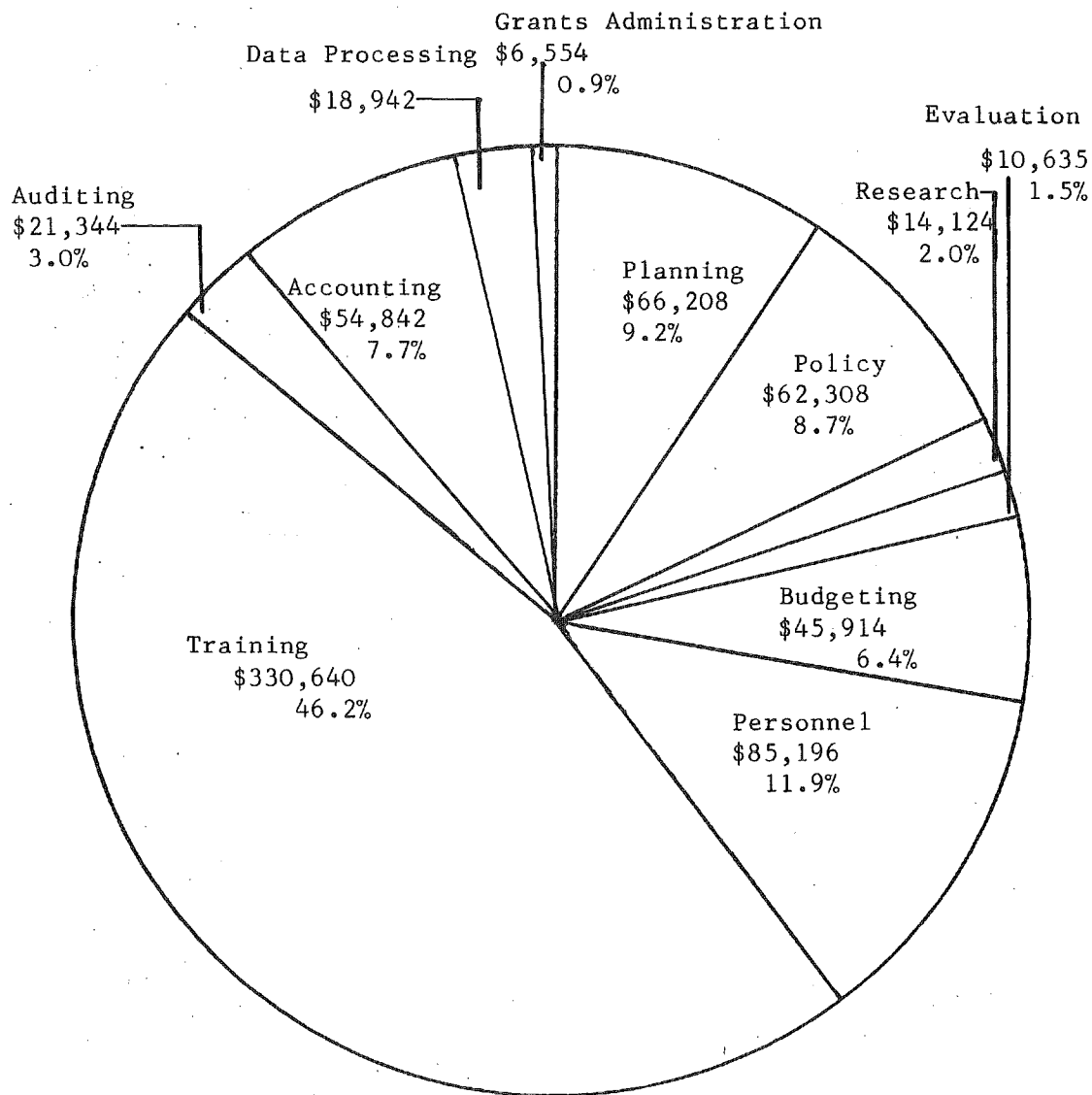
The interesting feature of the information provided in this section is the different administrative service and support functions dominating different line functions. For example, in terms of expenditures, whereas policy is the largest administrative service and support function for corrections activities, training is by far the most important function for law enforcement activities. Also, research is the most important function for systemwide criminal justice activities, whereas research is less important in terms of supporting other line functions.



Line Function: Corrections
Total: \$3,882,872 (5.6%)^a

FIGURE 81: Administrative Service and Support Expenditures Devoted to Corrections Activities (by Percentage and Dollar Amounts), Fiscal 1980.

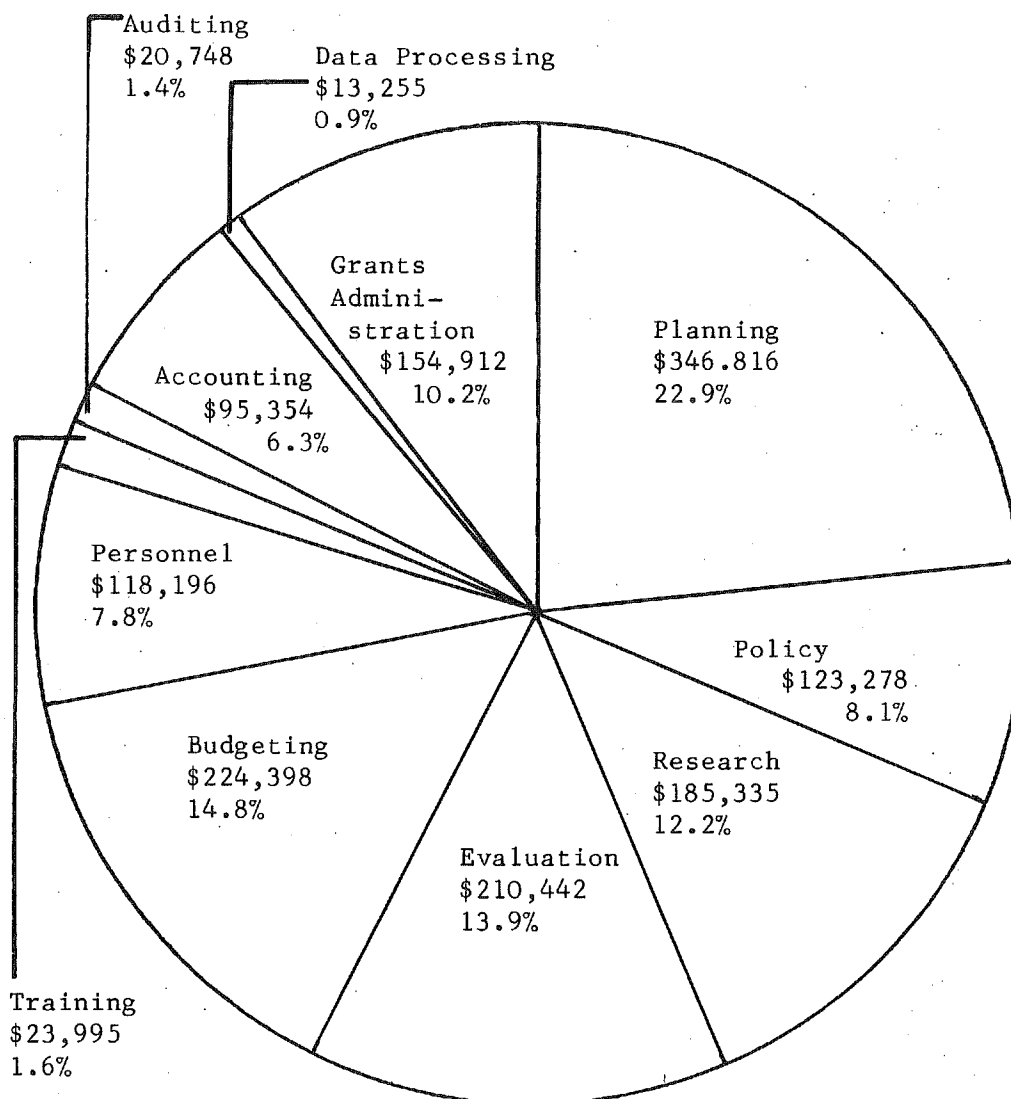
^a As a percentage of total expenditures devoted to corrections activities. See Figure 57.



Line Function: Law Enforcement
 Total: \$716,707 (2.8%)^a

FIGURE 82: Administrative Service and Support Expenditures Devoted to Law Enforcement Activities (by Percentage and Dollar Amounts), Fiscal 1980.

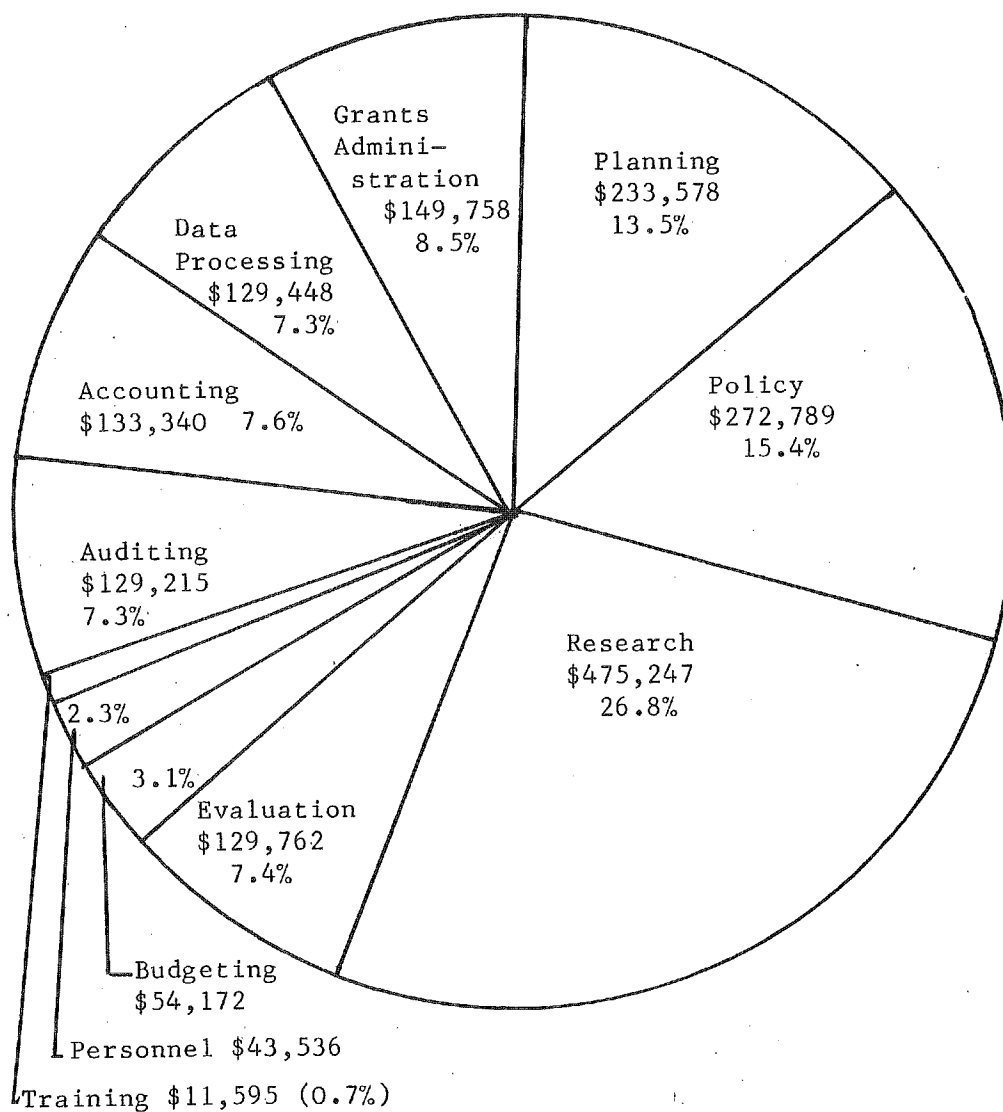
^aAs a percentage of total expenditures devoted to law enforcement activities. See Figure 57.



Line Function: Non-Criminal Justice Activities
 Total: \$1,516,729 (6.9%)^a

FIGURE 83: Administrative Service and Support Expenditures Devoted to Non-Criminal Justice Activities (by Percentage and Dollar Amounts), Fiscal 1980.

^a As a percentage of total expenditures devoted to non-criminal justice activities. See Figure 57.

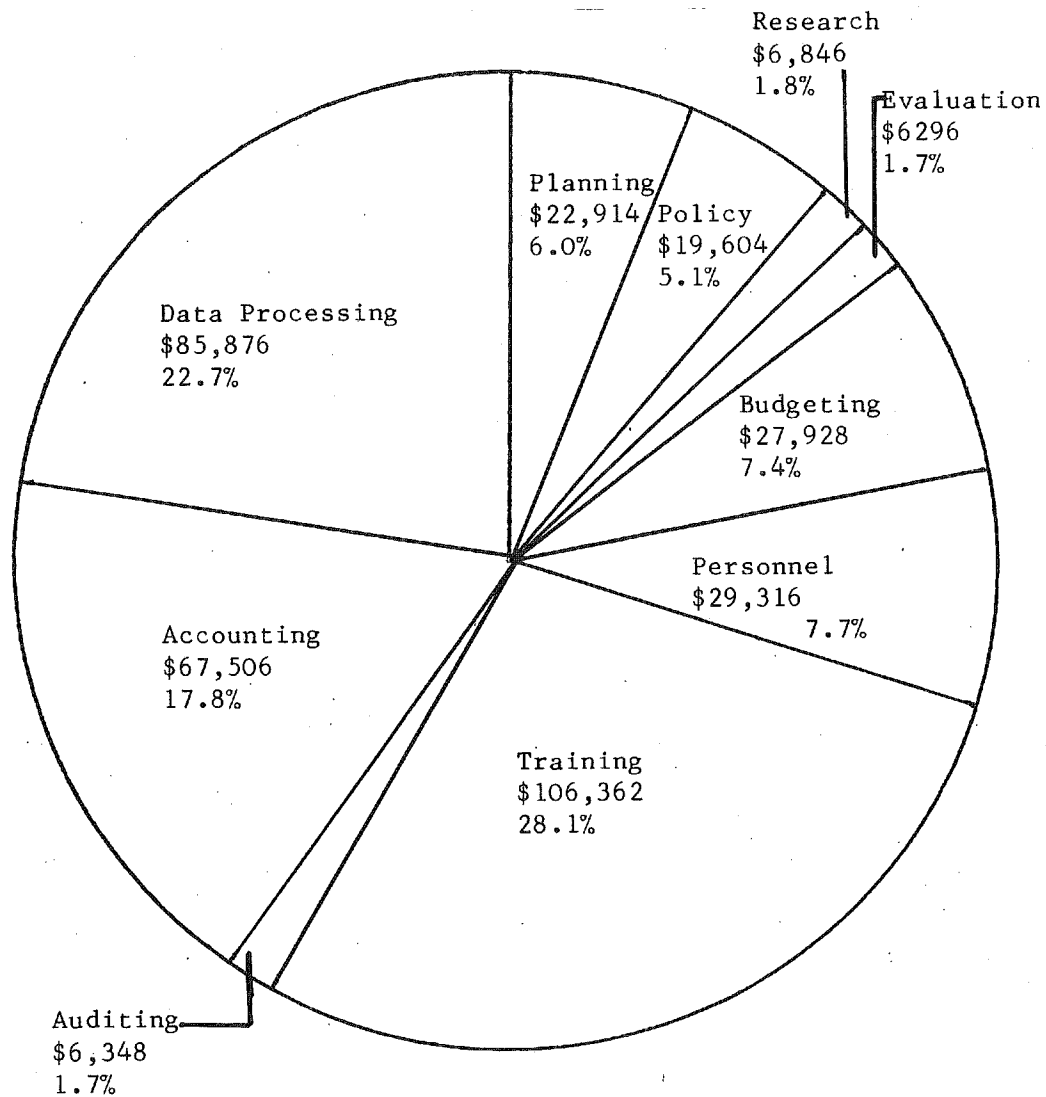


Line Function: Criminal Justice Systemwide (Undesignated)
 Total: \$1,766,940 (22.5%)^a

FIGURE 84: Administrative Service and Support Expenditures
 Devoted to Criminal Justice Systemwide Activities
 (by Percentage and Dollar Amounts), Fiscal 1980.^b

^a As a percentage of total expenditures devoted to criminal justice systemwide activities. See Figure 57.

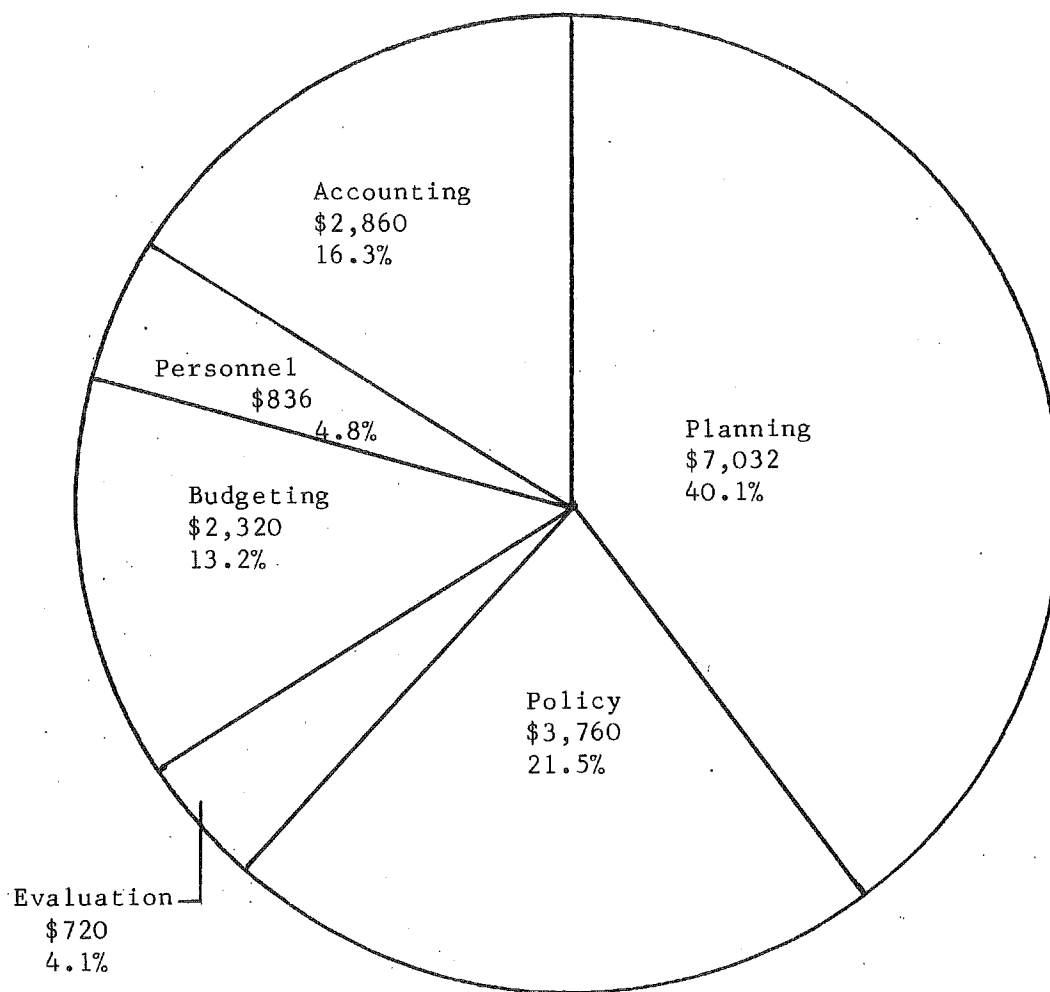
^b Does not include Board of Pardons where administrative and support service are provided by the Attorney General.



Line Function: Investigation
Total: \$378,996 (4.8%)^a

FIGURE 85: Administrative Service and Support Expenditures Devoted to Investigation Activities (by Percentage and Dollar Amounts), Fiscal 1980.

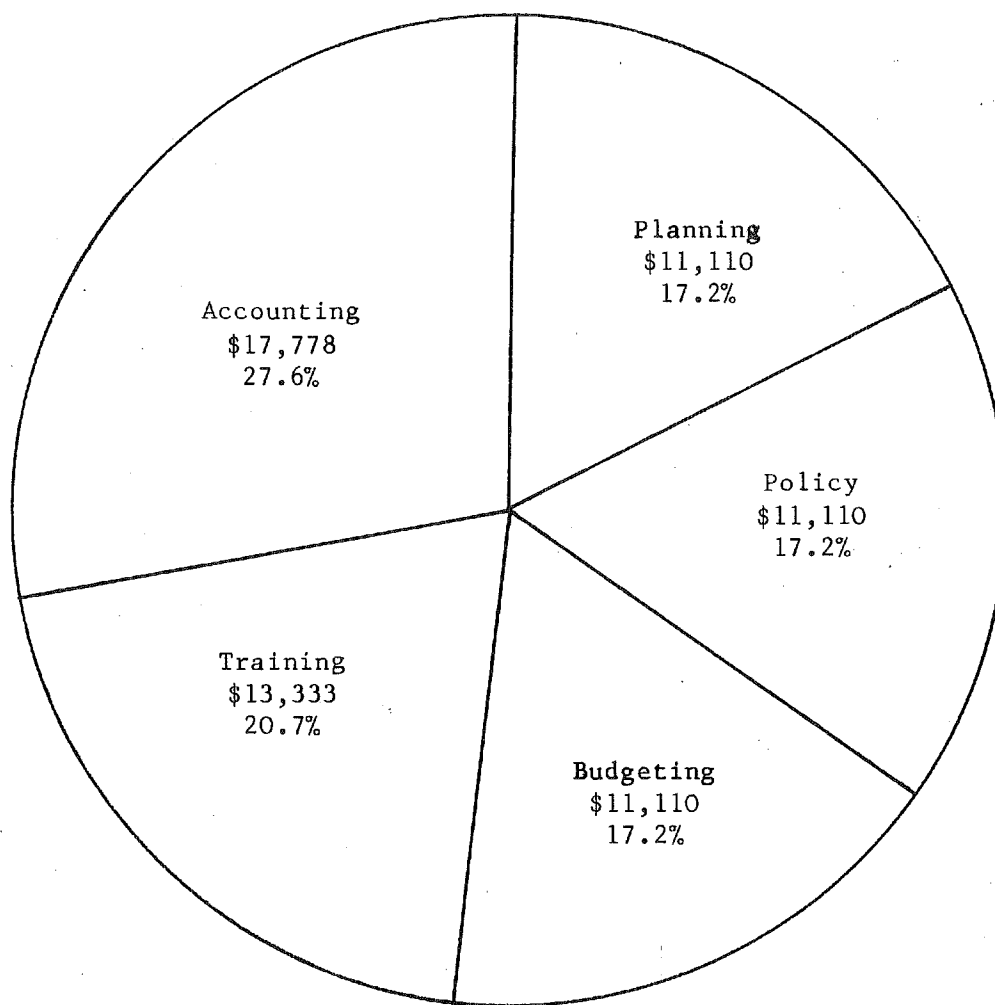
^aAs a percentage of total expenditures devoted to investigation activities. See Figure 57.



Line Function: Prosecution
Total: \$17,528 (1.6%)^a

FIGURE 86: Administrative Service and Support Expenditures Devoted to Prosecution Activities (by Percentage and Dollar Amounts), Fiscal 1980.

^a As a percentage of total expenditures devoted to prosecution activities. See Figure 57.



Line Function: Defense
Total: \$64,441 (8.7%)^a

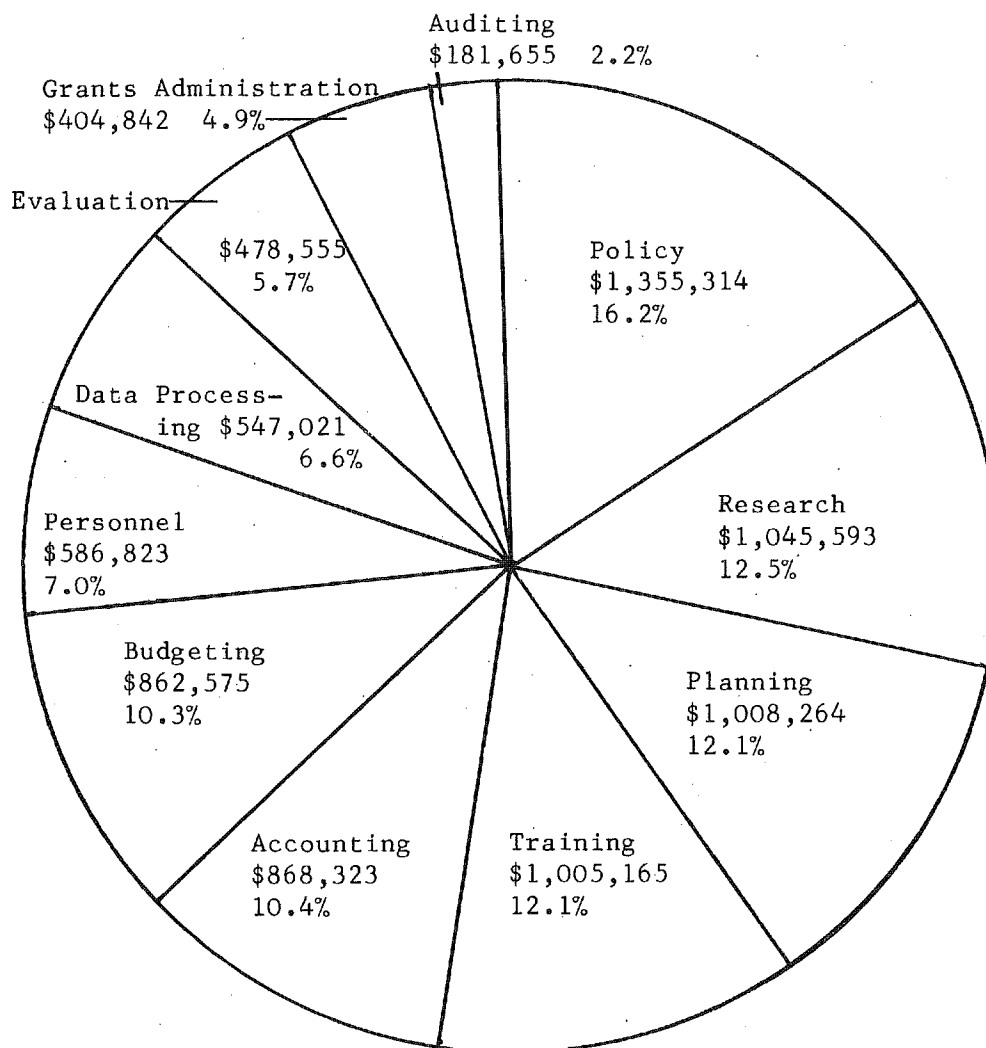
FIGURE 87: Administrative Service and Support Expenditures Devoted to Defense Activities (by Percentage and Dollar Amounts), Fiscal 1980.

^aAs a percentage of total expenditures devoted to defense activities. See Figure 57.

J. SYSTEMWIDE ADMINISTRATIVE SERVICE AND SUPPORT EXPENDITURES

Figure 88 presents an overview of administrative service and support expenditures for all the programs under study combined (see Table 5). The breakdown provides an indication of the relative importance of each function in terms of commanding resources in order to provide administrative and support services for the state criminal justice system as a whole. From a systemwide perspective, expenditures are fairly evenly distributed among functions, with policy commanding the largest share, followed closely by research, planning, and training. Together, these four functions command 53.0 percent of the total amount spent on administrative and support services systemwide.

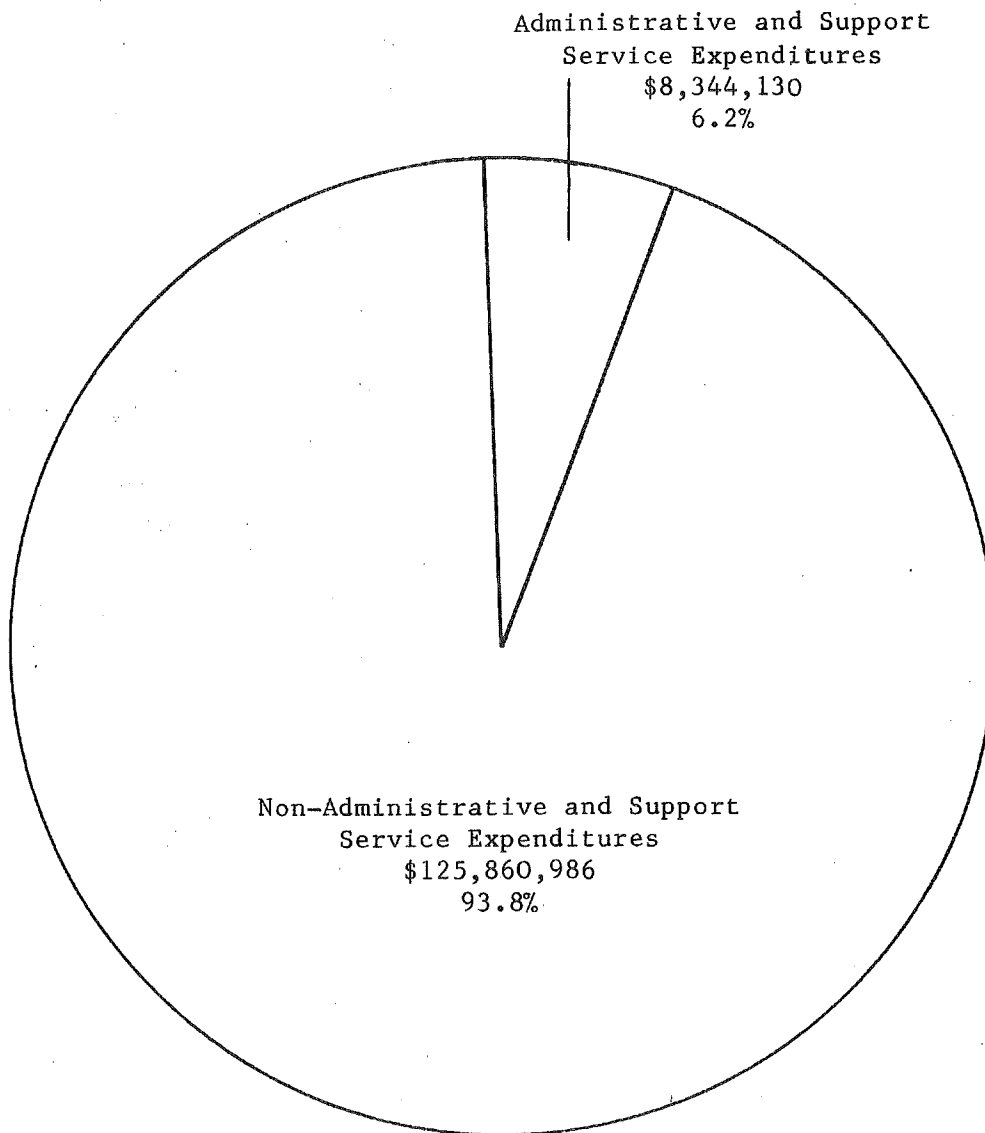
Figure 89 presents total expenditures on administrative service and support functions as a proportion of total systemwide expenditures. Administrative service and support activities command a relatively small portion (6.2 percent) of total resources spent in delivering a system of state criminal justice services.



Total: \$8,344,130 (6.2%)^a

FIGURE 88: Total Systemwide Expenditures on Administrative Service and Support Functions (by Percentage and Dollar Amounts), Fiscal 1980.

^aTotal dollar amounts devoted to administrative and support service functions, and as a percentage of total systemwide expenditures.



Total Expenditures = \$134,215,116

FIGURE 89: Portion of Total Systemwide Expenditures Devoted to Administrative Service and Support Functions, Fiscal 1980.

K. STAFF COMPOSITION

Figures 90-98 and Table 6 provide information on the staff composition for each of the programs and agencies. Staff positions are categorized according to the major classifications of the state employee compensation schedule.

This information supplements that presented in Section C which detailed categorical expenditures. As the majority of systemwide expenditures are devoted to wages and salaries, this section provides a further guide as to the type of human capital skills that are being purchased for each program through wage and salary expenditures.

The most interesting feature of the information presented in this section is not only the distribution of total employees among classifications systemwide, but also the distribution of different position classifications among the major agencies. The largest single category of employees is office workers, which composes 30.9 percent of total employees systemwide. The largest portion of office workers systemwide (72.5 percent) are employed by the Department of Public Safety, with 58.7 percent of the systemwide total being employed in the Driver and Vehicle Services program.

The second largest category systemwide is professionals, which comprises 24.5 percent of total employees. The Department of Correction employs 58.5 percent of all professionals systemwide, with 45.3 percent of the systemwide total being located in the Institution Services Program.

The third largest category systemwide is service workers which comprises 21.9 percent of total employees. The Department of Corrections employs 92.5 percent of all service workers systemwide, of which 90.8 percent of the systemwide total are located in the Institution Services Program.

The fourth significant category systemwide is State Patrol Troopers which comprise 14.3 percent of the systemwide total.

An additional feature of interest within the context of this report is a comparison of the ratio of managerial and professional employees to total employees within the two predominant agencies, the Department of Corrections and the Department of Public Safety, which together employ

95.9 percent of all employees systemwide. The reason this is of interest is the fact that managerial and professional employees are primarily responsible for carrying out administrative service and support functions. Although both agencies are almost identical in terms of the total number of employees, the managerial plus professional categories comprise 32.0 percent of total Department of Corrections employees, while these two combined categories comprise only 16.6 percent of total Department of Public Safety employees.

TABLE 6

AGENCY AND PROGRAM STAFF BY POSITION CLASSIFICATION
(IN FULL-TIME EQUIVALENTS), FISCAL 1980

Program/ Position Classification	Man- gerial	Profes- sional	Skilled Trades	Service	Technical	Office	Operative	Labor	State Patrol Troopers	Total Full-Time Equivalents
POST BOARD	1.0	6.0				4.0				11.0
Ombudsmen for Corrections	2.0	4.0				2.0				8.0
Sentencing Guidelines Commission		6.0				1.0				7.0
Corrections Board	5.0	4.5				2.0				11.5
Attorney General-Criminal Division	1.0	9.75				2.0				12.75
County Attorney's Council	1.0	1.5			1.0	1.0				4.5
State Public Defender		17.0				8.0				25.0
Crime Victim's Reparations Board		1.0				1.0				2.0
Board of Pardons		1.0*				1.0*				2.0
Crime Control Planning Board	6.0	38.0			2.0	12.5				58.5
Administration	4.0	15.0			2.0	6.5				27.5
Planning, Research & Evaluation	2.0	23.0				6.0				31.0
Department of Corrections	29.0	496.8	126.0	703.2	18.35	259.85	7.0			1640.2
Institution Services	15.0	384.1	126.0	690.2	16.35	118.95	7.0			1357.6
Community Services	3.0	76.5		12.0	1.0	80.1				172.6
Planning and Policy	2.0	16.0				33.80				51.8
Management	9.0	20.2		1.0	1.0	27.0				58.2
Department of Public Safety	17.0	262.5	10.0	57.0	22.0	778.0		44.0	495.0	1885.5
Liquor Control	2.0	3.0			6.0	7.0				18.0
Emergency Services	2.0	19.0			1.0	14.0				36.0
Driver & Vehicle Services	1.0	39.0	10.0			629.0				679.0
Bureau of Criminal Apprehension	3.0	109.5				53.5				166.0
Fire Marshal	2.0	40.0				6.5				48.5
State Patrol		1.0		18.0	13.0	35.0		44.0	495.0	606.0
Capitol Security		1.0		38.0		3.0				42.0
Administrative & Related	6.0	37.5		1.0	2.0	26.5				73.0
Auxiliary Services	1.0	12.5				3.5				17.0
Total Full-Time	62.0	848.05	136.0	760.2	43.35	1072.35	7.0	44.0	495.0	3467.95
Equivalents by Classification										

*Part-time

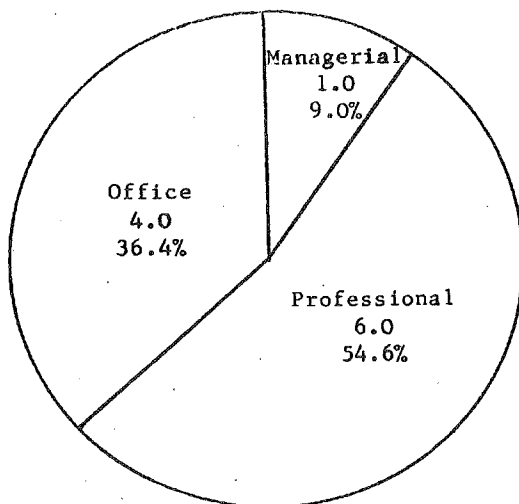


FIGURE 90a:

Peace Officer Standards
and Training Board
F.T.E. = 11.0

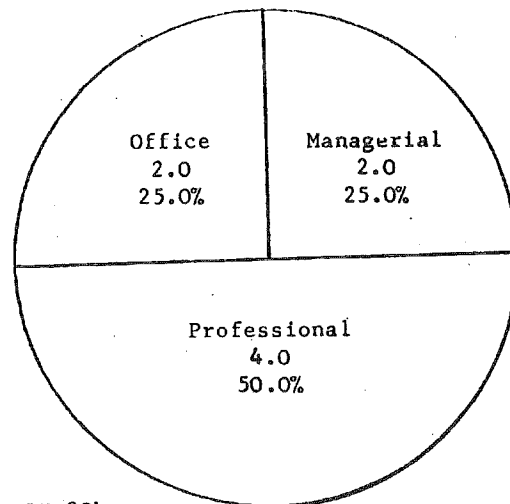


FIGURE 90b:

Ombudsman for Corrections
F.T.E. = 8.0

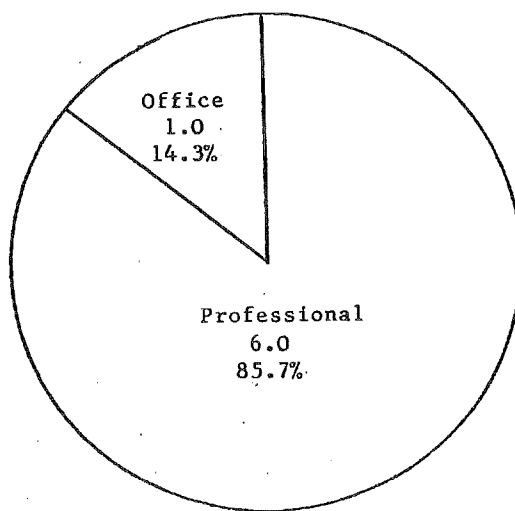


FIGURE 90c:

Sentencing Guidelines
Commission
F.T.E. = 7.0

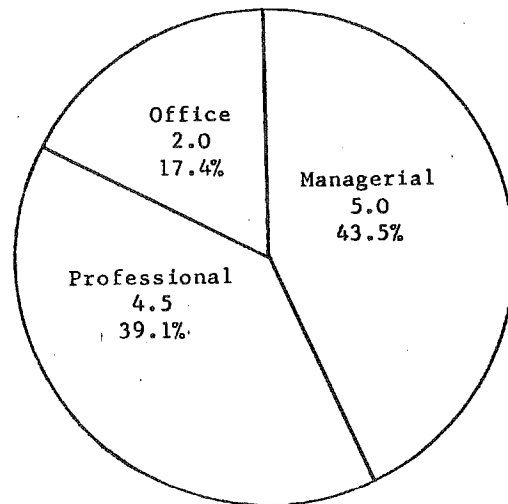


FIGURE 90d:

Corrections Board
F.T.E. = 11.5

FIGURE 90: Program Staff Composition by Position Classification
(in Full-Time Equivalents and as a Percentage of Total
Staff), Fiscal 1980. I. See Table 6.

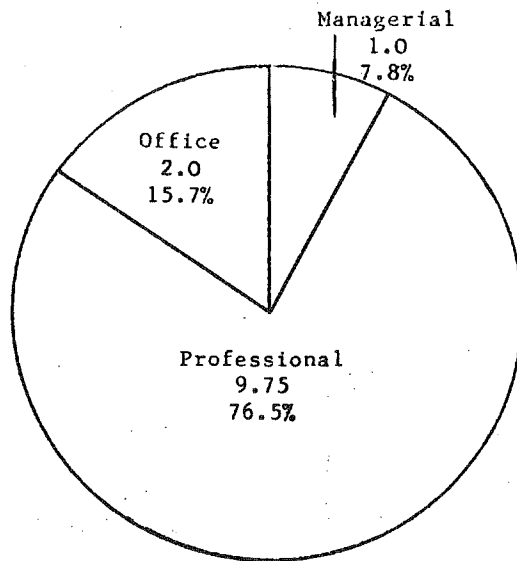


FIGURE 91a:

Attorney General--Criminal
Division
F.T.E. = 12.75

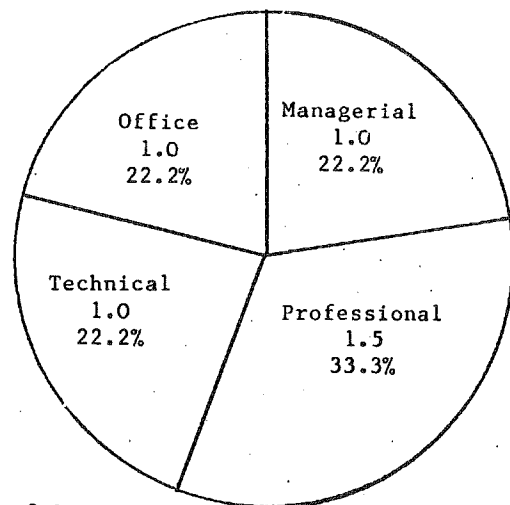


FIGURE 90b:

County Attorneys Council
F.T.E. = 4.5

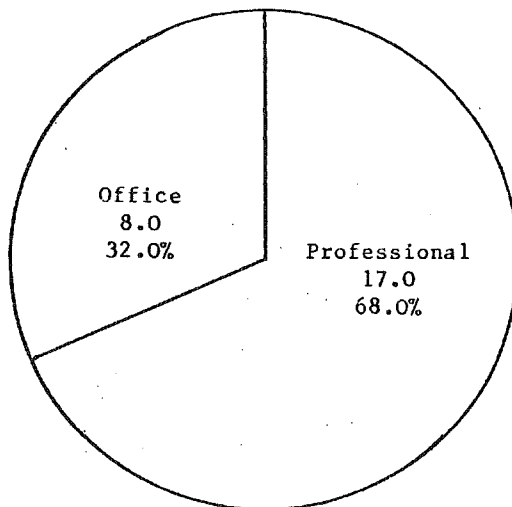


FIGURE 91c:

State Public Defender
F.T.E. = 25.0

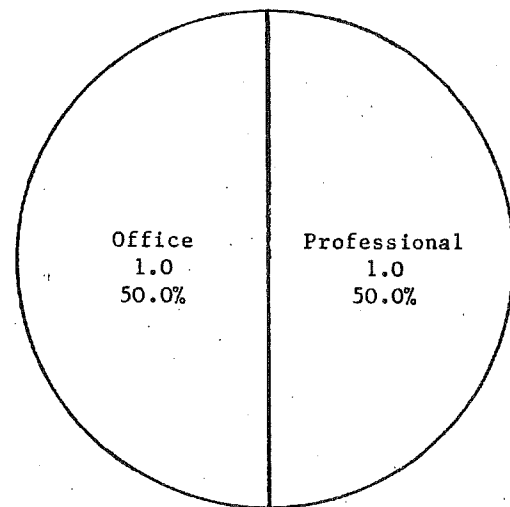


FIGURE 91d:

Crime Victims Reparations Board
F.T.E. = 2.0

FIGURE 91: Program Staff Composition by Position Classification
(in Full-Time Equivalents and as a Percentage of
Total Staff), Fiscal 1980. II. See Table 6.

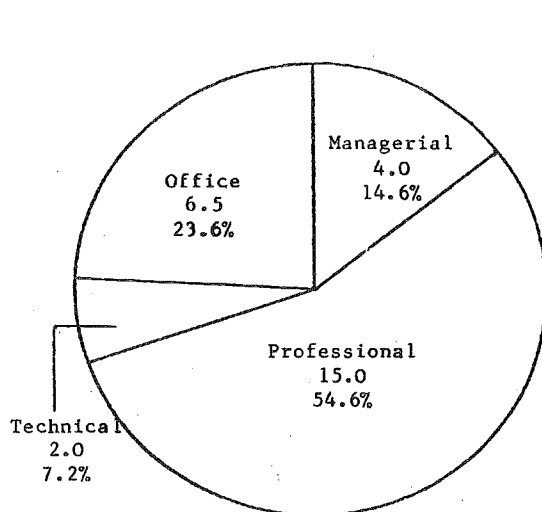


FIGURE 92a:

CCPCB Administration
F.T.E. = 27.5

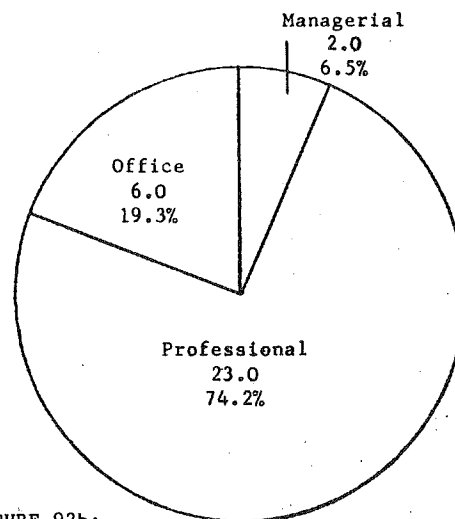


FIGURE 92b:

CCPCB Planning, Research,
and Evaluation
F.T.E. = 31.0

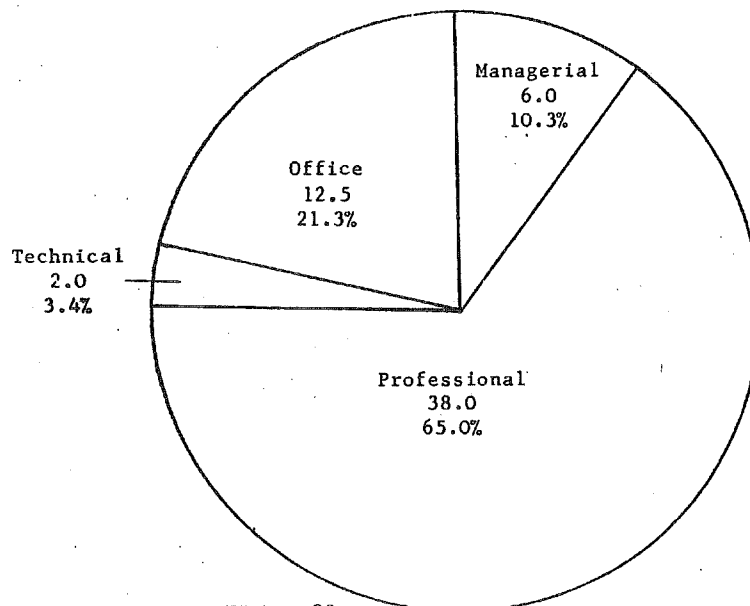


FIGURE 92c:

CCPCB Programs
F.T.E. = 58.5

FIGURE 92: Program Staff Composition by Position Classification (in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal, 1980. III. Crime Control Planning Board. See Table 6.

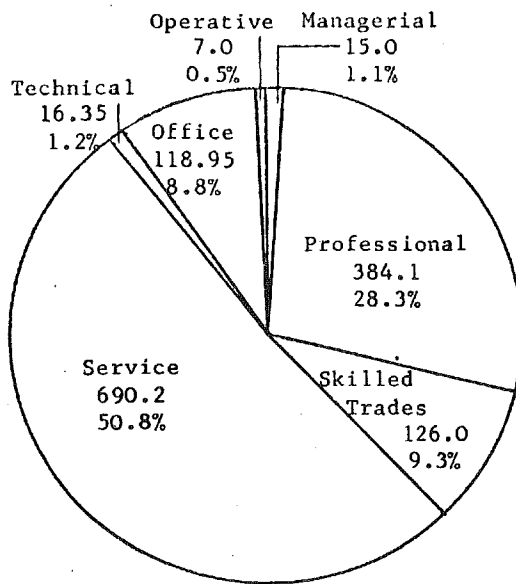


FIGURE 93a: Institution Services
F.T.E. = 1,357.6

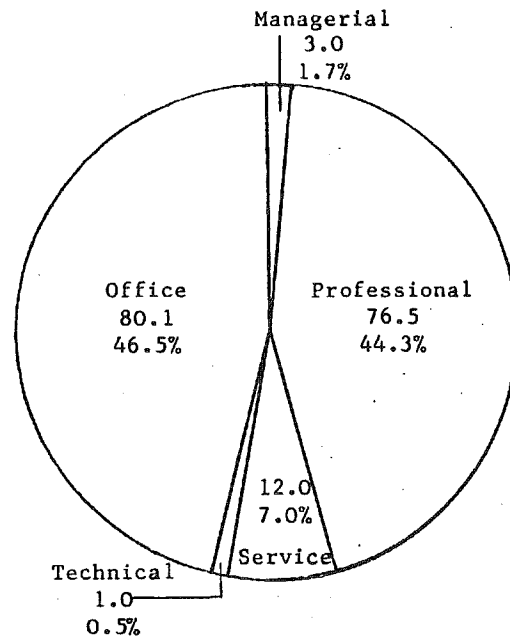


FIGURE 93b: Community Services
F.T.E. = 172.6

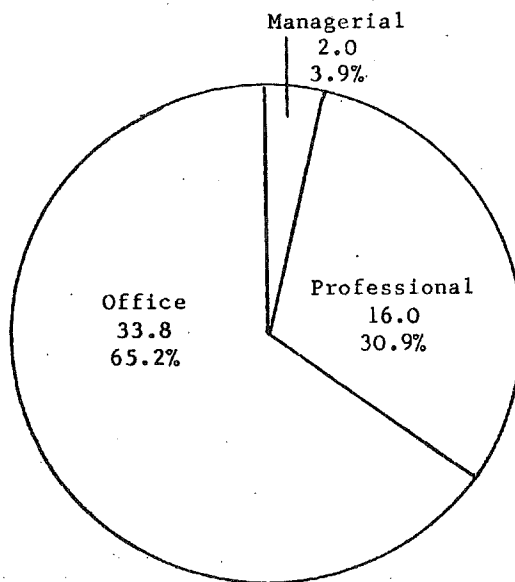


FIGURE 93c: Planning and Policy
F.T.E. = 51.8

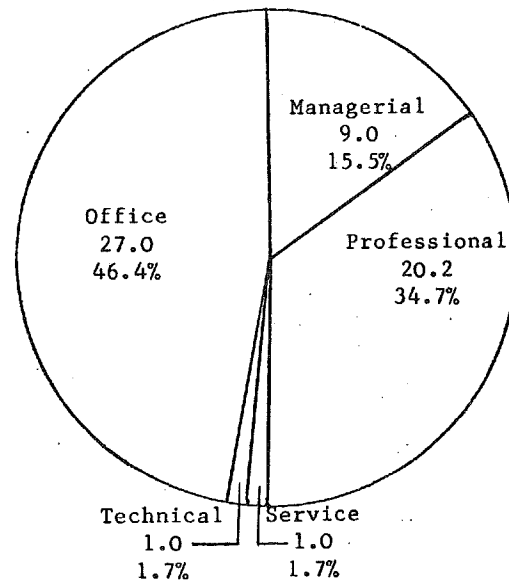
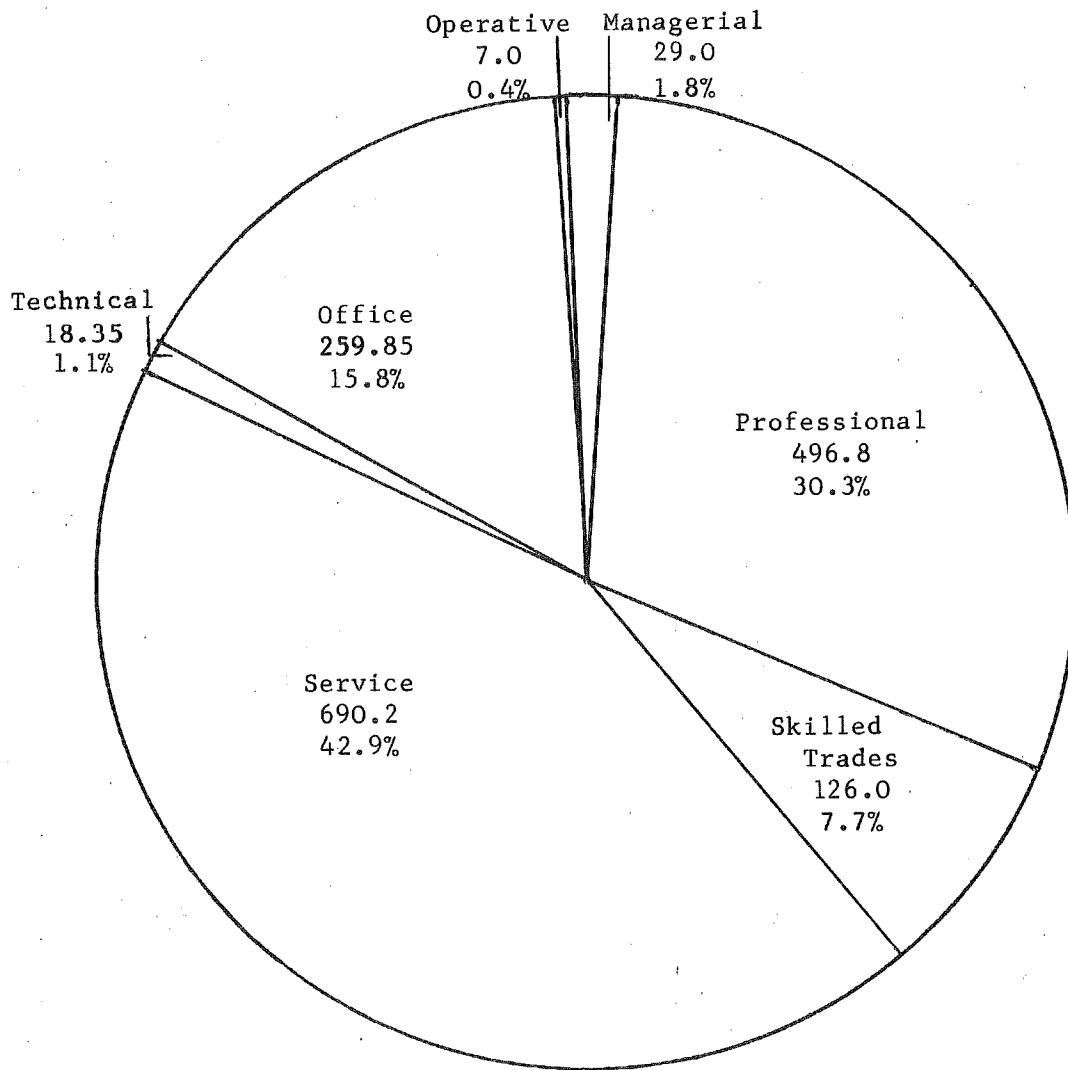


FIGURE 93d: Management
F.T.E. = 58.2

FIGURE 93: Program Staff Composition by Position Classification
(in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal 1980. IV. Department of Corrections Programs--1.



F.T.E. = 1,640.2

FIGURE 94: Program Staff Composition by Position Classification (in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal 1980. V. Department of Corrections Programs--2.

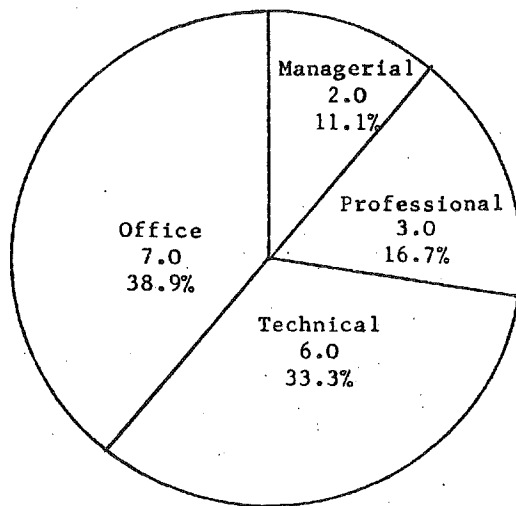


FIGURE 95a: Liquor Control
F.T.E. = 18.0

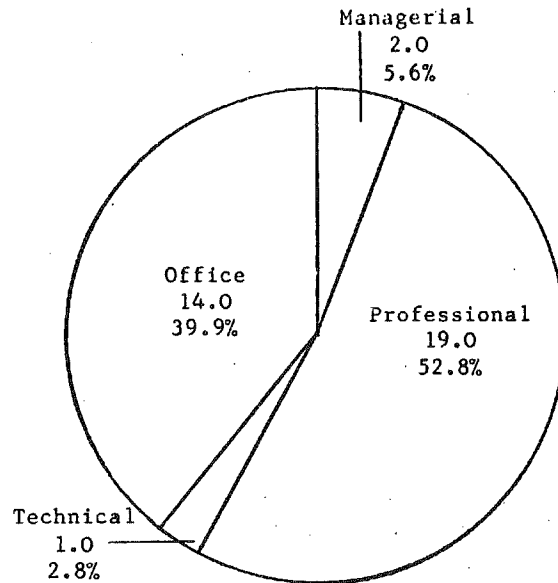


FIGURE 95b: Emergency Services
F.T.E. = 36.0

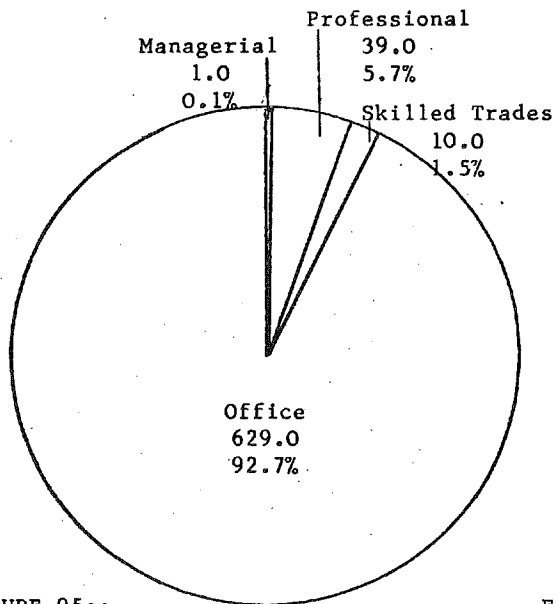


FIGURE 95c:
Driver and Vehicle Services
F.T.E. = 679.0

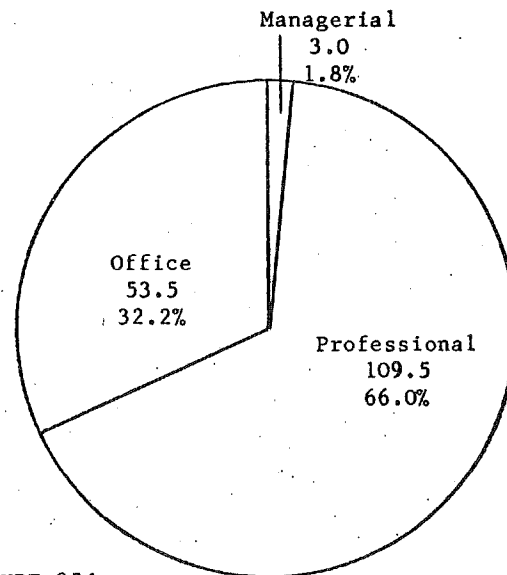


FIGURE 95d:
Bureau of Criminal Apprehension
F.T.E. = 166.0

FIGURE 95: Program Staff Composition by Position Classification
(in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal 1980. VI. Department of Public Safety Programs--1. See Table 6.

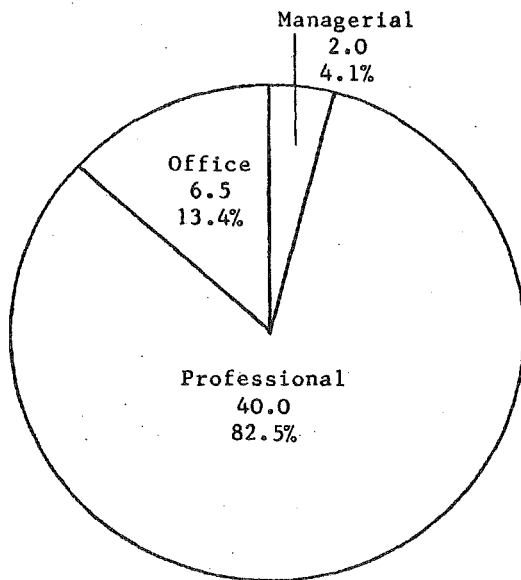


FIGURE 96a: Fire Marshal
F.T.E. = 48.5

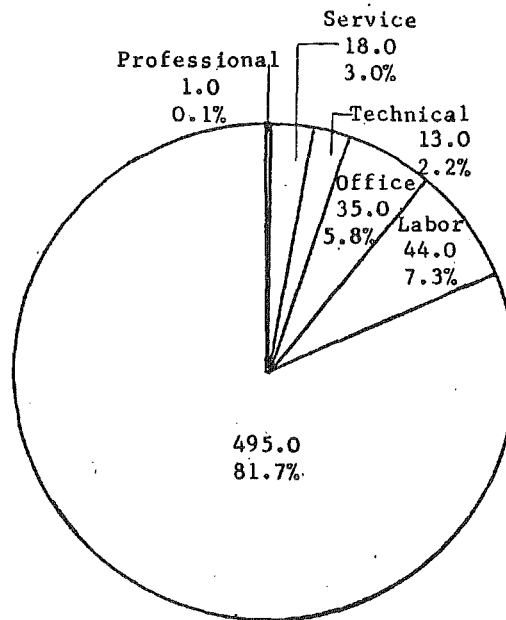


FIGURE 96b: State Patrol
F.T.E. = 606.0

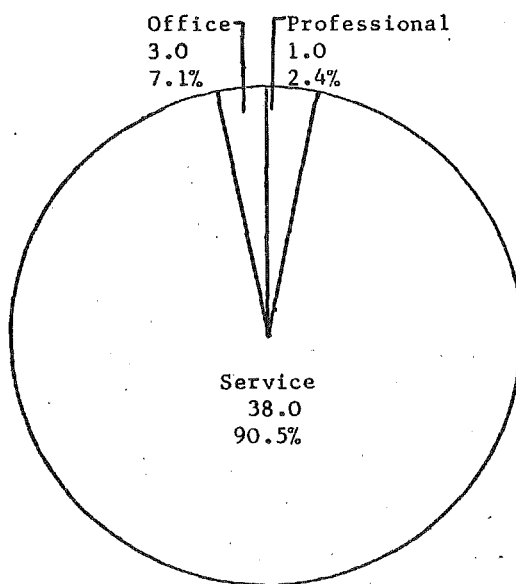


FIGURE 96c: Capitol Security
F.T.E. = 42.0

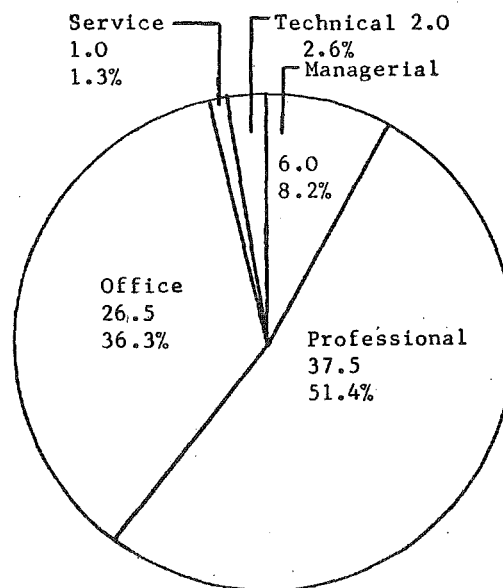


FIGURE 96d: Administrative and
Related Services
F.T.E. = 73.0

FIGURE 96: Program Staff Composition by Position Classification
(in Full-Time Equivalents and as a Percentage of Total
Staff), Fiscal 1980. VII. Department of Public Safety
Programs--2. See Table 6.

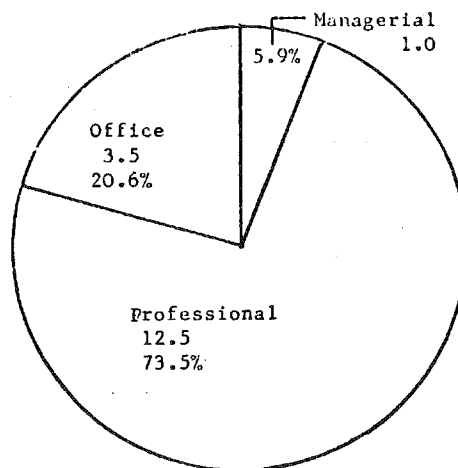


FIGURE 97a: Ancillary Services
F.T.E. = 17.0

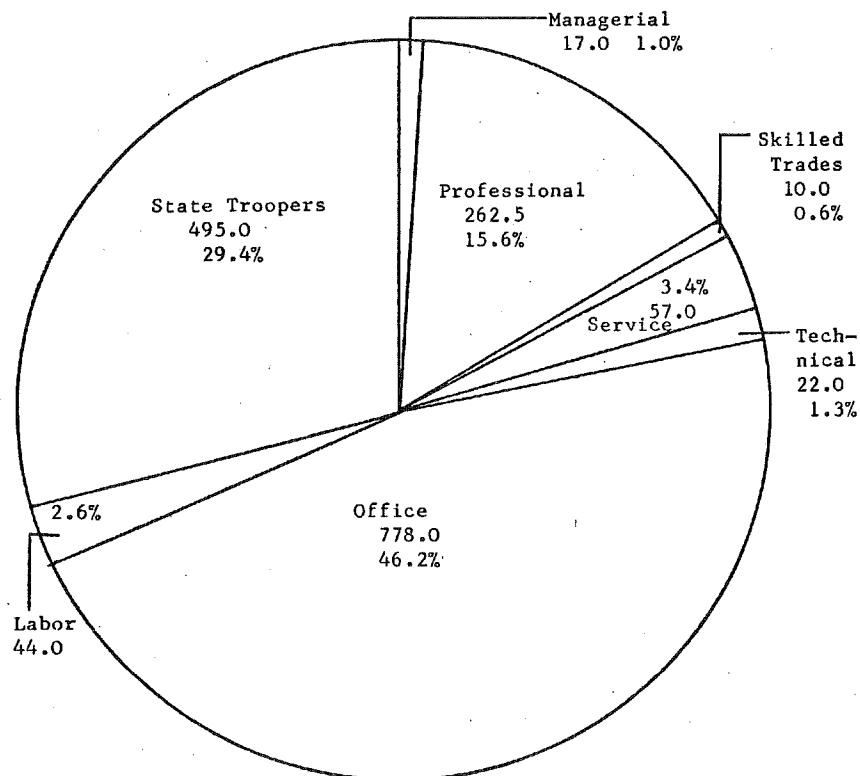
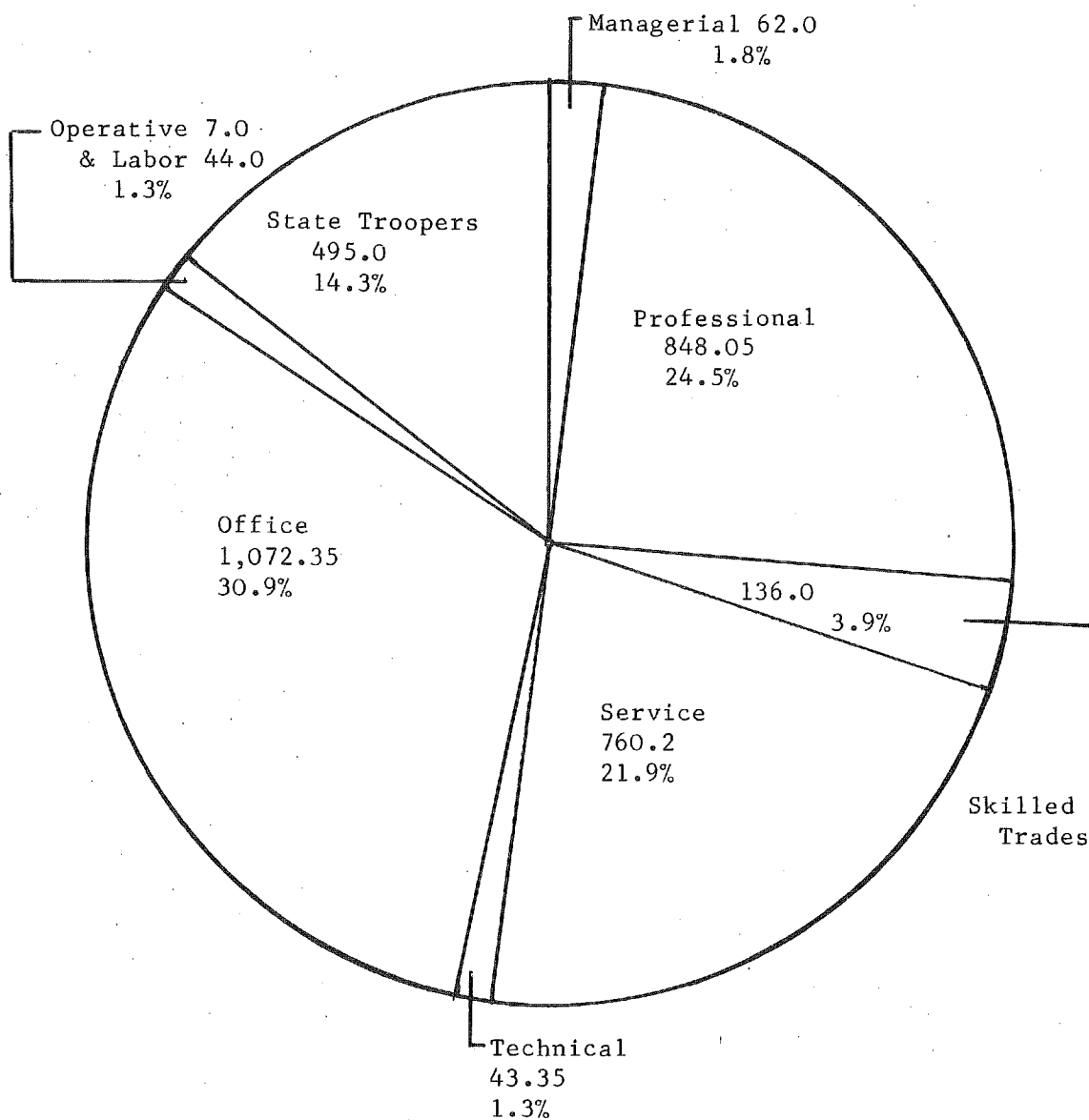


FIGURE 97b: Department of Public Safety Programs
F.T.E. = 1,685.5

FIGURE 97: Program Staff Composition by Position Classification (in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal 1980. VIII. Department of Public Safety Programs--3.



Total Executive Branch Criminal Justice Related Programs
Systemwide Total F.T.E. = 3,467.95

FIGURE 98: Systemwide Staff Composition by Position Classification (in Full-Time Equivalents and as a Percentage of Total Staff), Fiscal 1980. See Table 6.

L. INFORMATION ADDENDUM

The following summary briefly describes the expenditure information sources, adjustments, and allocation procedures used in developing each of the chapter sections.

Information contained in Sections B, C, and E is that reported by agencies with the exception of the Department of Public Safety. Information for Department of Public Safety programs was obtained from the *Statewide Accounting System General Expenditures and Encumbrances Report*, (data through 9-06-80).

In Sections D and F, total expenditures are allocated to line function as reported by agencies with the exception of the Department of Public Safety. Expenditures for Department of Public Safety programs were allocated to line function on the basis of the decision rule described earlier for each managerial activity budget within a program. Program expenditures and managerial activity budgets providing support services to more than one line function were prorated to the appropriate line function based on the size of program budget they support.

Information in Section F integrates the information presented in Sections D and E based on the information sources and allocation rules described above.

Information contained in Section H is that reported by agencies and programs with the exception where non-salary and wage expenditures for administrative service and support functions were not submitted or were determined to be incomplete. In such instances, administrative service and support expenditures were adjusted to an "operating cost" level in order to offer a more accurate basis of comparison among programs. The ratio of total program salary and wage expenditures to total program expenditures less expenditures on claims and grants was used as the operating cost base for adjustment. Reported salary and wage expenditures for each administrative service and support function were compared to this operating cost ratio in order to bring non-salary and wage expenditures to this base level in cases where information was missing. Further minor adjustments were made depending on the particular administrative service and support function, the operating mission of the program, and the level of expenditures.

Information contained in Sections G and J is an integration and summarization of the information contained in Sections B and H. Information contained in Section I is an integration and summarization of information contained in Sections D and H.

Information contained in Section K is that reported by agencies and programs.

GLOSSARY

CRIMINAL JUSTICE LINE FUNCTIONS

Corrections - the community's official reactions to the apprehended offender, whether adult or juvenile. The process of confinement and treatment of adult felons, and the care, custody, and treatment of youthful offenders and juveniles.

Defense - provision of legal representation and services to those persons accused of violating the criminal code and other statutes which involve state mandated sanctions.

Investigation - methodically inquiring into the facts after there has been an apparent violation of the criminal code and other statutes which involve state mandated sanctions.

Law Enforcement - compelling observance of, and compliance with, the criminal code and other statutes which involve state mandated sanctions.

Prosecution - conducting criminal proceedings in court against those persons accused of violating the criminal code and other statutes which involve state mandated sanctions.

CRIMINAL JUSTICE ADMINISTRATIVE SERVICE AND SUPPORT FUNCTIONS AND ACTIVITIES

Accounting - a grouping of related activities which classify, record, and summarize public programmatic and financial transactions in books of account, and analyze, verify, and report the results. A process to provide a statement of programmatic and financial transactions during a fiscal period showing the resulting balance.

Activities:

- 1) Recording various types of transactions into statewide accounting such as allotments, encumbrances, payments, receipts, transfers, and other books of account.

- 2) Analyzing and classifying the various transactions by chart of accounts, appropriation accounts, allotment accounts (AIDS), and object codes.
- 3) Preparing summarized and detailed reports for use by management either through the standard reports available from the statewide accounting system, special reports produced internally, or financial reports, and projecting cash flows and balances.

Auditing - a grouping of related activities which involve the formal and official examination and verification of books of account (as for reporting on the financial or programmatic conditions of a public agency or program).

Activities:

- 1) Planning the audit and surveying the organization.
- 2) Preparing the audit program and conformity standards.
- 3) Doing the field work; modifying the program based on field records; reviewing grant and program files; and evaluating accounting and internal controls and the testing of transactions.
- 4) Drafting an audit report with recommendations.
- 5) Monitoring financial and programmatic books of account between official audits.

Budgeting - a grouping of related activities which involve financial forecasting and planning, acquiring funds, and making decisions on how funds are spent.

Activities:

- 1) Distributing guidelines for budget preparation to managers.
- 2) Preparing proposed budgets in accordance with the guidelines by operating units.
- 3) Discussing proposed budgets between operating unit managers and their supervisors.
- 4) Holding final discussions on the proposed budgets and submitting them to final approval authority.
- 5) Implementing and monitoring budgets during fiscal period.

Data Processing - a grouping of related activities which involve the logical arrangement and manipulation of data in electronic systems, the purposes of which are to increase the speed and accuracy of data retrieval regarding effective and efficient organizational decisions, operations, and management. The systems utilize computer hardware, software, and a data base.

Activities:

- 1) Analyzing and monitoring information needs. Planning, development, and implementation of data processing and word processing systems (systems analysis activity).
- 2) Storing and manipulating user information needs by way of computer languages and removing logical and technical error from computer program (retrieval activity).
- 3) Inputting raw data and generating output through the manipulation of computer hardware and software (operations activity).
- 4) Coordinating automated data processing in cooperation with other state, federal, and public agencies.

Evaluation - a grouping of related activities which involve the application of scientific methodologies for the purposes of answering questions about the management, efficiency, and effectiveness of agency (or agency-sponsored) programs. Evaluation, therefore, may be performed to help the agency make management decisions about the operation, continuation, or reorganization of its programs.

Activities:

- 1) Selecting programs to be evaluated and negotiating management questions to be answered by the evaluations.
- 2) Developing valid evaluation designs, given statutory, regulatory, economic, methodological, and ethical considerations, requirements, and constraints.
- 3) Implementing the evaluation designs through the collection of data and other pertinent information.
- 4) Analyzing data and interpreting the results/findings.
- 5) Producing and disseminating written and/or oral reports, reviews, and/or summaries and recommendations.
- 6) Providing technical assistance to program management in order to help implement the recommendations.

Grants Administration - a grouping of related activities designed and maintained to ensure the efficient and effective conduct of a grant program within the programmatic and fiscal parameters set forth by the funding authorities.

Activities:

- 1) Developing and maintaining rules, policies, procedures, and forms.
- 2) Providing information, materials, training, and technical assistance to potential and actual grant recipients.
- 3) Providing formal reports feedback to the funding authorities.

- 4) Providing fiscal and technical proposal reviews for completeness, compliance with program requirements, adherence to cost principles, conformity of budget to project work plan; and the development of a funding recommendation as appropriate to decision makers.
- 5) Executing and managing a written contract with the recipient to include payments and report processing; on-site visits; requests for changes, interpretation, and clarification; close-out; and audit clearance.

Management Analysis - the grouping of related activities which examine the operations and interrelationships of units within complex organizations. Through the use of various methodologies, an effort is made to determine if the purposes, missions, goals, and objectives of the agency are being achieved and to make recommendations for improving its efficiency and effectiveness.

Activities:

- 1) Selecting units to be analyzed and deciding the management questions to be answered.
- 2) Developing research designs which will provide information needed to perform the analysis.
- 3) Collecting data, analyzing, and interpreting the results.
- 4) Providing reports.
- 5) Providing technical assistance to agency management to implement the recommendations.

Personnel - a grouping of related activities which are concerned primarily with the selection, placement, training, firing, and retiring of employees; and with the formulation of policies and procedures which define the relations between management and employees. The general purpose of the personnel function is to effectively utilize manpower to obtain optimum efficiency of human resources.

Activities:

- 1) Recruiting new employees through publication of available positions and their requirements, and the selecting of new employees through the use of oral and written examinations and interviews.
- 2) Developing human resources through the use of training seminars, tuition reimbursement programs, and related training activities.
- 3) Maintaining labor relations through effective collective bargaining, and through administration of labor contracts, affirmative action programs, and benefits packages.
- 4) Developing and maintaining job classification and compensation schemes.

- 5) Ongoing position processing including handling data concerning payroll, performance appraisals, firing of personnel who do not conform to the performance standards, and retiring of personnel when appropriate.

Planning - a grouping of related activities which lays out, within identified resource constraints, how the organizational unit will achieve its purposes, duties, and responsibilities. The function includes techniques of looking into the future and establishing goals, policies, and procedures.

Activities:

- 1) Collecting and analyzing information on the needs of the clients or audience served by the agency as they relate to the agency's goals and objectives.
- 2) Recommending specific plans, policies, and programs for achieving goals and objectives.
- 3) Analyzing current programs to determine whether they are achieving goals and objectives.
- 4) Developing and testing alternative programs for achieving unmet goals and objectives.
- 5) Assessing the agency's internal operational and organizational needs.
- 6) Analyzing current operations and organization to determine whether they meet the agency's needs.
- 7) Developing, testing, and recommending alternative practices and procedures.

Policy - a grouping of related activities which sets out a process through which guidelines for decision making are established. Proper policy should exhibit the following characteristics: 1) Policy should relate to the goals and objectives of the public agency. 2) Policy should be easily understood and written down. 3) Policy should prescribe limits and yardsticks for future action. 4) Policy must be capable of being easily changed. 5) Policy must be reasonable and capable of accomplishment. 6) Policy should allow some discretion.

Activities:

- 1) Identifying agency goals, objectives, decision-making hierarchy, and the population upon whom the policy impacts (internal or external).
- 2) Identifying the problem the policy is to resolve.
- 3) Preparing alternative policy recommendations, taking into account fiscal, manpower, legal, and political constraints and supports and the effect policy will have on the goals and objectives of the agency.

- 4) Drafting and communicating the policy, and monitoring its impact.
- 5) Reviewing and amending policy when necessary.

Research - a grouping of related activities which inquire and investigate for the purpose of discovering new facts and their correct interpretation; the revision of accepted conclusions, theories, or laws in the light of newly discovered facts, or the practical application of such materials. Research may also be operational--to help the agency organize its resources more efficiently to achieve its purposes, or to obtain new facts about the subject matter over which the agency exercises control.

Activities:

- 1) Developing valid research designs.
- 2) Designing and/or maintaining the necessary information systems and/or data bases.
- 3) Collecting data and other pertinent information needed to carry out the research.
- 4) Analyzing data and interpreting the results/findings.
- 5) Producing written and/or oral reports, reviews, and/or summaries.
- 6) Disseminating the data, information, findings, or policy/planning recommendations.

Training - a grouping of related activities which develop particular skills or groups of skills in public service employees.

Activities:

- 1) Evaluating performance, assessing training and development needs, setting objectives, and developing training materials and programs.
- 2) Scheduling and conducting training programs including the assembling of human and material resources.
- 3) Providing training to the widest possible audience in the most convenient locations and at the least possible cost.
- 4) Evaluating the effectiveness of training programs in terms of the participants' achieving the desired performance levels.

TECHNICAL TERMS USED IN ANALYZING
COMPLEX PUBLIC ORGANIZATIONS

Activity - the organizing and supervising of a number of related, specific tasks or duties for the purpose of performing a function.

Example: Activity X^1 is comprised of tasks or duties X^{1A} , X^{1B} , and X^{1C} , organized for the purpose of performing function X.

Cooperation - organizational units are working together for a common purpose.

Coordination - bringing about common organizational action, movement, or conditions, and harmony of organizational work, through administrative service functions (planning, research, evaluation, monitoring, management, etc.) and other political, legal, and organizational means.

Duplication - when the functions and activities of one organizational unit are copied or made double by the functions and activities of another organizational unit.

Example: Organizational unit X engages in functions and activities A, B, C, and D; organizational unit Y engages in functions and activities A, B, C, and D. Duplication occurs when units X and Y perform the same functions and activities.

Fragmentation - when a function or activity is exclusive to an organizational unit, and that function or activity is also performed by many other organizational units.

Example: Function or activity A is the only function or activity performed by organizational units X, Y, and Z.

Function - the grouping of a number of related activities for the purpose of achieving a goal or objective.

Example: Function X is comprised of activities X^1 , X^2 , and X^3 , grouped for the purpose of achieving goal or objective K.

Integration - the act of uniting, incorporating, combining, and centralizing similar functions and activities into a single organizational unit.

Example: Similar functions and activities A¹, A², and A³ are placed into a single organizational unit. (For our purposes, integration is a synonym for unification and consolidation.)

Organization - the systematic coordination of the functions and activities of two or more people for the accomplishment of a set of goals, with written regulations, relative permanence, and a hierarchical structure.

Organizational Hierarchy - the vertical ranking of functions and activities within an organization.

Organizational Unit - components within an organization, from the smallest to the largest, which are engaged in one or more functions or activities required to accomplish the goals of the organization.

Overlap - when some functions and activities of one organizational unit extend over and cover some functions and activities of other organizational units.

Example: Organizational unit X engages in functions and activities A, B, C, and D; organizational units Y and Z engage in functions and activities C, D, E, and F. Overlap occurs when organizational units X, Y, and Z perform functions and activities C and D.

State Executive Branch Criminal Justice Agencies - those agencies located within the executive branch of state government, which are concerned with the apprehension and disposition of persons who violate the criminal code and other statutes which involve state mandated sanctions. These laws are executed through state public agencies engaged in the functions of investigation, law enforcement, prosecution, defense, corrections, and justice planning, research, evaluation, monitoring, and management.

System - is a set or parts coordinated to accomplish a set of goals (Churchman, C. West. *The Systems Approach*. New York: Dell Publishing Co., Inc. 1968).

Task - a specific, assigned piece of work, often to be completed within a certain time, for the purpose of performing an activity.

Example: Task X^{1A} is a piece of work assigned for the purpose of performing activity X^1 .

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The following is a bibliography of materials that the JSIS staff found useful in preparing the research design for the project, collecting and analyzing data, and writing the final report. One of the disappointments experienced by the staff was the paucity of research materials centering on the analysis of complex public organizations. Our expectation is that others conducting research into the nature and structure of state criminal justice agencies will find the sources below useful.

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