

# Funding for Probation Services

January 1996

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Program Evaluation Division  
Office of the Legislative Auditor  
State of Minnesota

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**January 1996**

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Office of the Legislative Auditor  
State of Minnesota





STATE OF MINNESOTA  
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January 12, 1996

Members  
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Probation services are an important and growing part of Minnesota's response to crime. The 1995 Legislature significantly increased state funding for probation services, but some legislators expressed concerns about the way new probation funding might be allocated. Specifically, they questioned whether funding would be adequately tied to probation workloads and to supervision of high-risk offenders.

At the request of the 1995 Legislature, the Legislative Audit Commission directed us to study probation services in Minnesota and to suggest a way of allocating new state probation funds. We concluded, however, that it would not be appropriate for us to recommend a single method of allocation, and so we have set forth several options.

Currently, the state's 42 probation service providers do not have a uniform method of risk classification for offenders, and it would take time to implement such an approach. If the Legislature is interested in allocating funds based on uniform classifications at some time in the future, this report suggests a series of steps that would need to occur first.

Our report offers several options for allocating probation funds in the absence of a uniform system of offender classification. Also, our report identifies ways to improve accountability for Minnesota probation services, regardless of the funding option selected by the Legislature.

Our report was researched and written by Joel Alter (project manager), Jan Sandberg, and Michael Blumfield, and cost approximately \$45,000. We received the full cooperation of the Department of Corrections, the State Court Administrator's Office, the Sentencing Guidelines Commission, and numerous probation service providers throughout Minnesota.

Sincerely,

  
James Nobles  
Legislative Auditor

  
Roger Brooks  
Deputy Legislative Auditor



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# Funding for Probation Services

## EXECUTIVE SUMMARY

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**Minnesota uses probation more than most states.**

**L**ike many other parts of the nation, Minnesota has experienced increasing rates of violent crime in recent years. But, compared with other states, Minnesota has tended to rely less on prison and more on community correctional services to respond to crime problems. This is one reason that Minnesota had more adults on probation in 1994 per 1,000 population than all but four states. As a result, probation services play an important role in Minnesota's criminal justice system.

The 1995 Legislature asked the Legislative Auditor's Office to study a particular aspect of probation services. Specifically, we were asked to conduct "a weighted workload study. . . based on uniform workload standards and level of risk of individual offenders," and to recommend a method of probation funding that could be implemented in fiscal year 1997.<sup>1</sup> In subsequent discussions with legislators, including members of the Legislative Audit Commission who attended a roundtable discussion on this topic, we learned of broader concerns which caused us to modify the focus of our study somewhat. Therefore, our evaluation asked:

- **To what extent are there regional variations in the number of persons on probation, the length of probation, and the services provided by probation offices?**
- **How do probation agencies in Minnesota determine the levels of supervision that offenders will receive? What steps would be required to implement a statewide offender classification system that could be used to allocate state funds?**
- **To what extent do probation agencies measure the outcomes of their services?**
- **How should state funds be allocated to reflect offender risks and agency workloads?**

To conduct our study, we surveyed all state and local agencies that administer probation services in Minnesota. In addition, we visited 13 of these agencies and spoke by phone with staff of most of the others. We also spoke with national ex-

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<sup>1</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

perts about offender classification, and we contacted officials in all 50 states to discuss their classification practices.

We learned that there are currently no uniform, statewide methods of categorizing offenders by risk in Minnesota, and it would take a significant amount of time for service providers to implement them. As a result, we concluded that a "weighted workload study. . . based on. . . the risk of individual offenders" cannot be done at this time. Instead, in this report we provide the Legislature with (1) options for allocating state probation funds that could be implemented in fiscal year 1997 but which are not based on individual risk assessments, and (2) suggestions for how to implement a statewide method of offender risk assessment, if the Legislature believes that this should be a longer-term goal.

## ORGANIZATION AND FUNDING

As shown in Figure 1, Minnesota has a complicated system for providing probation services, with a mix of state and local service providers. In fact, a recent national review of probation practices singled out Minnesota and three other states as having "particularly complex combinations of responsibility for probation services."<sup>2</sup> In the 31 counties that participate in Minnesota's Community Corrections Act (CCA), county staff provide all juvenile and adult probation services. These counties have 16 separate administrative agencies, and they account for 71 percent of Minnesota's population and include most of the Twin Cities metropolitan area. In 24 other counties, the Department of Corrections provides all probation services. In the remaining 32 counties, there are 25 separate county probation agencies that provide probation services in combination with the Department of Corrections, but the division of responsibilities is not set forth clearly in state law.

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**Minnesota has a complex probation system.**

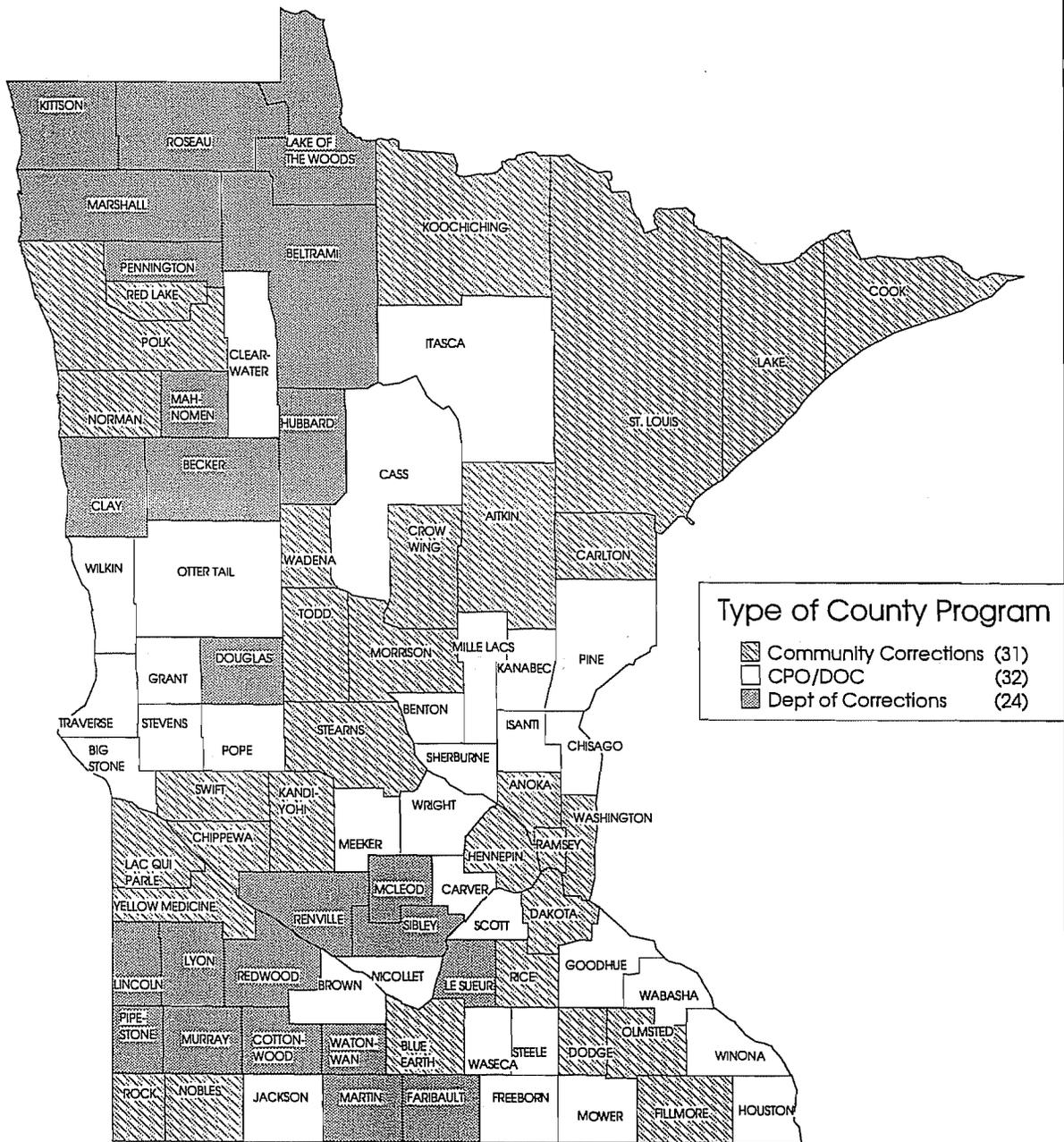
Probation services are funded primarily by a combination of state and county revenues. First, counties that participate in the Community Corrections Act are eligible for state block grants, which can be used for probation and other correctional purposes. These grants pay for about 19 percent of correctional expenditures in CCA counties statewide, although this ranges from 12 percent in Hennepin County to 79 percent in Rock/Nobles counties.<sup>3</sup> County property taxes pay for most of the correctional expenditures in these counties that are not funded by state CCA grants. Second, the state reimburses half of county expenditures for the salaries of adult misdemeanant and juvenile probation officers in non-CCA counties. Third, the Department of Corrections receives a state appropriation for the full cost of providing probation services to adult felons in non-CCA counties. Finally, the 1995 Minnesota Legislature appropriated \$14.5 million for the 1996-97 biennium to help service providers throughout Minnesota reduce their probation caseloads.

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<sup>2</sup> LIS, Incorporated, *State and Local Probation Systems in the United States: A Survey of Current Practice* (Washington, D.C.: National Institute of Corrections, July 1993), 7.

<sup>3</sup> Probation agencies representing 9 of the 31 CCA counties received more than 50 percent of their funds from state CCA grants in 1994.

Figure 1: Categories of Probation Service Providers, by County



Note: "CPO/DOC" counties are those counties where probation responsibilities are split between county probation officers and Department of Corrections staff.

Source: Minnesota Department of Corrections.

Service providers spent an estimated \$20.5 million in state funds for probation in 1995.<sup>4</sup> As we examined state spending for probation in individual counties, we computed expenditures per capita to adjust for differences in county populations. There was considerable variation in per capita spending in 1995 among counties, but CCA counties--as a group-- spent significantly less in state funds per capita than non-CCA counties as a group (\$3.59 compared with \$6.83). In our view, the spending difference largely reflected the varying methods used to provide state funding to CCA and non-CCA counties. For example, probation services for adult felons in non-CCA counties are entirely funded by the state, but these services are paid for with a combination of state and county funds in CCA counties.<sup>5</sup>

## USE OF PROBATION IN MINNESOTA

Each year, probation agencies provide the Minnesota Department of Corrections with information on the number of offenders they are supervising. Agencies reported that on December 31, 1994 they supervised 97,318 persons on court-ordered probation, plus another 1,929 offenders on parole or supervised release from prison. Minnesota had 24.6 adults on probation per 1,000 adult residents in 1994, compared with a national rate of 15.4 adult probationers per 1,000 adult residents. Minnesota's rate was exceeded only by those of Texas (30.2), Delaware (29.2), Washington (28.3), and Georgia (27.3). As shown in Figure 2, most of Minnesota's growth in probation over the past decade reflected growth in probation for adult misdemeanants and gross misdemeanants, with lower rates of growth in the number of adult felons and juveniles on probation.

In addition, we found that:

- **There is wide variation across Minnesota counties in the proportion of adults and juveniles on probation.**

The number of adults on probation per 1,000 population ranged from 2.9 in Kittson County to 52.4 in Pine County. Likewise, the number of juveniles on probation per 1,000 persons aged 12 to 17 ranged from 4.9 in Sibley County to 127.7 in Meeker County.

To a considerable degree, such variation reflects differences in the willingness of Minnesota courts to use probation, especially for adult misdemeanants and juveniles. For example, probation officials in northwestern Minnesota told us their courts prefer to place relatively few adults on probation for misdemeanors--partly reflecting the courts' desire to make the most effective possible use of their limited probation resources. In contrast, two counties elsewhere in Minnesota had more than 30 misdemeanants on probation per 1,000 population in 1994. Likewise, 22 counties had no more than one juvenile on probation for "status offenses" in 1994,

<sup>4</sup> We estimated that service providers spent at least \$34 million in county funds for probation in 1995, although we did not have complete 1995 data on county spending.

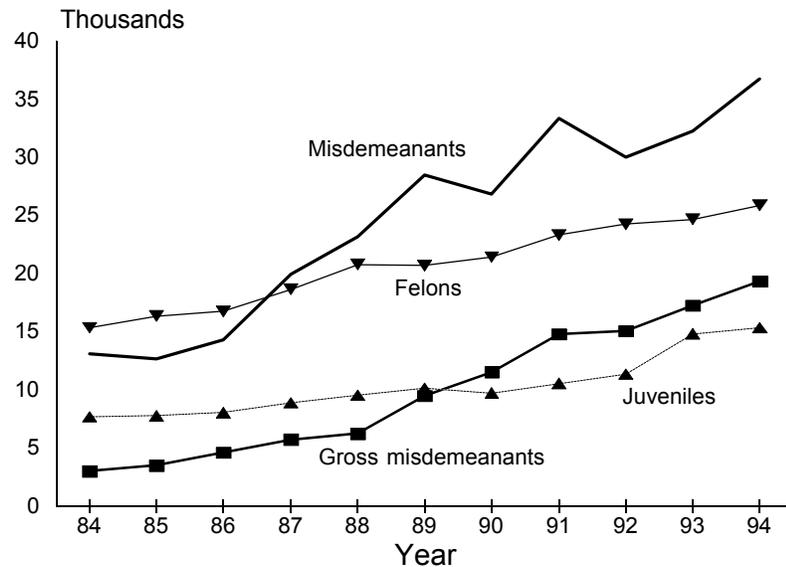
<sup>5</sup> In non-CCA counties, as a group, state funds paid for more than two-thirds of total probation spending in 1995. In CCA counties, as a group, state funds paid for less than one-fourth of total probation spending.

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**Variation in county use of probation often reflects differing judicial practices.**

There has been significant growth in the number of misdemeanants and gross misdemeanants on probation.

**Figure 2: Number of Persons on Probation in Minnesota, 1984-94**



Source: Minnesota Department of Corrections annual probation survey.

while six had more than 20 such offenders per 1,000 population aged 12 to 17. One county had no juvenile property offenders on probation, while another had 67 such offenders per 1,000 population aged 12 to 17.

We considered whether variation in the use of probation might reflect differing crime rates. However, for both adults and juveniles, we found relatively weak relationships between counties' number of arrests per 1,000 population and their number of probationers per 1,000 population. We did find a strong relationship between counties' number of **felons convicted** per 1,000 population in 1993 and their total number of felons on probation per 1,000 population at the end of 1993.

## DIFFERENCES IN PROBATION SERVICES AND OFFENDER CLASSIFICATION

Legislators asked our office to conduct a study of probation services partly because they wanted to know more about the components of probation in Minnesota. We found that:

- It is difficult to describe "typical" probation services because there is considerable variation in the content of services around the state—especially services for offenders other than adult felons.

We learned that agencies vary in the following ways:

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**Probation agencies vary in the scope and nature of the services they provide.**

- **The frequency with which they meet with offenders.** For example, 3 of 50 service providers estimated that they meet every month with all offenders that have been placed on probation for non-felony crimes against persons; in contrast, 10 service providers told us that they meet monthly with 25 percent or fewer of these types of offenders.
- **The nature of their contacts with offenders.** Ten of 47 probation agencies that serve juveniles told us that at least 80 percent of their meetings with juveniles occur at the probation office. In contrast, nine probation agencies have more than half of their meetings with juveniles at schools or homes, which likely requires more time spent traveling.

In addition, all service providers conduct "one-on-one" meetings with certain adult and juvenile offenders, but some providers use alternative approaches for those considered low risks for reoffending. For instance, 12 of Minnesota's 50 service providers conduct periodic group meetings as a way of maintaining or increasing staff contacts with offenders, and one service provider requires several hundred offenders to contact the probation office periodically through an electronic kiosk.

- **The number of presentence investigations (PSIs) ordered by the courts and the time devoted to each.** For example, 3 of the 25 agencies that serve felony offenders told us that their courts ask for PSIs on no more than half of their convicted felons, despite the fact that these investigations are required by law. According to probation officials, the number of PSIs conducted and the thoroughness with which they are prepared largely reflect the expectations of the courts they serve.
- **The duties for which probation officers are responsible.** In some counties, probation agencies use their own staff to provide counseling services, diversion programs, drug testing, and mediation services in family disputes; in other counties, these services might be provided by private or other public agencies. In some counties, probation officers collect payments of fines and restitution from offenders; in other counties these tasks are handled by court administrative staff. Some service providers use volunteers to assist with supervision, investigations, or administrative duties, but most do not.

By highlighting service variations, we do not necessarily mean to suggest that probation services should be uniform throughout Minnesota. Many variations exist because probation officials have tailored their services to meet the expectations of their courts and the communities they serve. Service variations may also result from differences in probation agencies' workloads and their ability to pay for services. But we think it is important for legislators to recognize that variations in probation services complicate the task of developing a uniform funding formula that accurately reflects the time that agencies spend working with offenders. For example, even if a study were to document the statewide **average** amount of time per month that service providers devote to a certain category of offenders, it is likely that many service providers would vary from this average considerably.

Probation agencies differ not only in the services they provide but also in the way they determine which offenders should receive particular levels of supervision. Corrections experts usually recommend that probation offices use formal methods of classifying offenders to determine those who need high levels of supervision and those who do not. We found that service providers in nearly all Minnesota counties have formal methods for classifying adult felons on probation, but such methods are not used as often for adult misdemeanants and juveniles. For example, of the 32 counties in which probation responsibilities are split between county and state employees, county staff in only 6 classify adult misdemeanants in a systematic way.<sup>6</sup>

Of those Minnesota agencies that use formal classification practices, all but one assess offenders based on their risk of reoffending.<sup>7</sup> However,

- **Minnesota service providers do not all use the same instrument to assess offender risk.**

**Many agencies classify persons on probation based on their risk of reoffending, but few actually measure recidivism.**

This contrasts with the practices of 42 states that have statewide classification systems for their adults on probation and 16 states that have statewide classification systems for juveniles. Unlike Minnesota, most of the states with uniform, statewide classification approaches have probation systems in which services for all offenders are provided by state employees.

We also found that only one service provider in Minnesota has "validated" its risk classification instrument in the past five years--that is, examined whether offenders classified as "high risk" do, in fact, reoffend at higher rates than other offenders. Without validating risk assessment instruments, probation agencies cannot be certain that they are managing offender risks effectively. The lack of validation studies reflects the fact that:

- **Few Minnesota probation agencies have tried to systematically measure and report on the "outcomes" of their services.**

For example, probation offices usually do not determine the recidivism rates of the offenders they supervise, nor do most determine the total percentage of restitution owed to crime victims that has been collected from offenders.

## FUNDING OPTIONS

In addition to asking for "a weighted workload study. . . based on uniform workload standards and level of risk of individual offenders," the Legislature asked us to recommend a method for allocating probation funds in fiscal year 1997 that

<sup>6</sup> In contrast, the Department of Corrections classifies misdemeanants in a standardized way in all 24 counties where it provides all probation services, and staff in most CCA counties use formal methods to classify misdemeanants.

<sup>7</sup> Several probation offices supplement their risk assessments by using general "needs" assessments to identify offenders for special types of services or interventions. Also, one large county classifies offenders based on number of prior offenses and the severity of the most recent offense.

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**It would take time before funds for probation services could be allocated based on uniform offender classifications.**

would use these standards and risk assessments. Our study found that Minnesota service providers differ in the methods they use to classify offenders; there is not consensus on the "best" method of classification. If the state adopted a single, uniform method of offender classification, it would take a significant amount of time for service providers to implement the system and collect data on the risk of individual offenders that could be used as a basis for fund allocations.

Thus, while our report identifies the steps required to implement a funding system based on a uniform method of risk assessment (which we call **Option 1**), it cannot be implemented in fiscal year 1997. In fact, if the Legislature believes that Option 1 should be implemented, we think that fiscal year 1999 would be the earliest possible time that it could be used to make funding allocations.<sup>8</sup>

Consequently, we evaluated other options that the Legislature could use to allocate probation funds, starting this year. For example, to address the Legislature's stated interest in a funding approach based on uniform workload standards, we examined two funding options (Options 2A and 2B) that would incorporate workload standards recommended in 1994 by Minnesota probation officials.

**Option 2A** would use "maximum caseload" standards recommended by the legislatively-established Probation Standards Task Force to weight data on probation caseloads reported annually by service providers to the Department of Corrections. Service providers would not be guaranteed a level of state funding that would enable these standards to be achieved, and service providers would not be required to comply with the standards. But these standards provide a basis for estimating the **relative** amount of time and effort that various types of offenders should require, in the judgment of the task force.

Some service providers have expressed concerns about the reliability of the probation caseload data collected by the department, which would be used in Option 2A to compute funding allocations. We share these concerns, especially due to differences throughout Minnesota in the proportions of adult misdemeanants and juveniles placed on probation and in the types of probation services provided to them. In addition, allocating funds based on actual probation caseloads might create incentives for offenders to be placed or kept on probation, perhaps in cases where this would not be appropriate.

For these reasons, we examined another approach (**Option 2B**) that would use a second set of "maximum caseload" standards recommended by the Probation Standards Task Force. By applying these standards to the number of persons **entering** probation, rather than the number on probation at a given time, this approach might at least reduce financial incentives to keep offenders on probation. Like Option 2A, this option relies on workload standards that seem to have considerable support among Minnesota probation officials, but which may need further scrutiny.

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<sup>8</sup> Given the time required to adopt and implement a uniform instrument, it would be **at least** calendar year 1998 before service providers could produce information on **one year's** worth of offenders who entered probation. It would be preferable to have at least two years of data to use for purposes of fund allocation.

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**There are several options for allocating probation funds this year, but none will perfectly reflect offender risks or agency workloads.**

Finally, **Option 3** would allocate probation funds statewide using the Community Corrections Act formula, presumably with revisions recommended by a legislative work group in 1995.<sup>9</sup> This approach would allocate funds based on measures of arrests, court cases, convictions, population, and county ability to pay—not based on the number of persons on probation. Option 3 would eliminate incentives to place or keep people on probation, but its measures (and their weights) would not necessarily reflect the workloads of probation agencies or the risks of the offenders they serve. For example, the measures of county arrests and court cases in the proposed formula are not closely related to the rates of probation use in Minnesota counties.

Our report discusses each option in detail, and we offer general guidelines for selecting one. However, we think the choice of an option will depend on legislators' goals for a funding formula and their interpretations of the options' fiscal impacts. None of these options would allocate funds in a way that perfectly reflects the risks of offenders or the workloads of individual probation agencies, but we think they represent plausible funding approaches that the Legislature should consider.

Table 1 shows each option's potential fiscal impacts on Minnesota's three categories of service providers. If used to allocate caseload reduction funds appropriated by the 1995 Legislature, Options 2A and 3 would result in CCA counties, as a group, receiving a percentage of new funding that would be slightly larger than their proportion of the state's 1995 population. All of the options would provide CCA counties with a percentage of new funding substantially larger than their estimated share of 1995 state-funded probation expenditures in Minnesota. The counties in which the Department of Corrections provides all services would, as a group, receive a percentage of state funding under Options 2A and 2B that is less than their percentage of the state's population; under Option 3, they would receive a percentage of funding larger than their percentage of the population. As a group, the counties in which county and state employees both provide probation services would receive a percentage of funding under Options 2A and 2B that is larger than their share of the state's population; under Option 3, they would receive a smaller share of funding.

If these options do not adequately address the Legislature's goals for probation funding, they can be modified. For example, if legislators believe that it is particularly important to use state funds to reduce caseloads for persons convicted of felonies or domestic assaults, the "weights" assigned to these offenders could be increased. Or, legislators may wish to incorporate a measure of county ability to pay into Option 2A or 2B. These changes would alter the fiscal impacts shown in Table 1.

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<sup>9</sup> It would be possible to allocate new probation funds using the existing CCA formula, as the Legislature mandated for fiscal year 1996. But the 1995 Legislature created a work group to recommend a "new formula that is more fair and equitable" (*Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3), apparently reflecting legislative concern about the adequacy of the existing CCA formula.

**Table 1: Percentage of New Probation Funds That Would be Allocated to Service Providers Under Various Funding Options**

	<u>CCA Counties</u>	<u>County Probation Officer/DOC Counties</u>	<u>DOC Contract Counties</u>
Option 2A	71.6%	20.9%	7.4%
Option 2B	69.5	21.9	8.6
Option 3	72.9	17.2	9.9
Percentage of estimated state population, 1995	71.1	19.4	9.4
Percentage of estimated state-funded probation expenditures, 1995	56.7	27.0	16.4

Source: Options 2A and 2B: Program Evaluation Division analysis of Department of Corrections 1994 probation data, Minnesota Sentencing Guidelines Commission 1993 felony sentencing data, and Office of the State Court Administrator 1994 disposition data, weighted by Probation Standards Task Force standards; Option 3: Working Group on Community Corrections, established by 1995 Legislature; population estimates: Minnesota Planning; spending estimates: Program Evaluation Division analysis of Department of Corrections data.

## RECOMMENDATIONS

Regardless of the funding options selected, we think there are several actions that the Legislature should take to improve accountability for Minnesota probation services. We recommend:

- **The Legislature should amend state law to clarify the respective roles of county probation offices and the Department of Corrections.**

**The Legislature should clarify laws that govern the allocation of probation funds and state-county responsibilities for probation services.**

First, for purposes of allocating new state probation funds, the Legislature should clarify whether the Department of Corrections should approve the spending plans of service providers in addition to allocating funds to counties in accordance with the adopted funding formula. To receive fiscal year 1996 caseload reduction funding, service providers were required by the department to show that their planned expenditures met criteria set forth in law. If the 1996 Legislature would like to continue this state review before new funds are allocated, it should explicitly require this procedure in law. Second, the Legislature should consider how decisions about fund allocations should be made in those counties where probation services are provided both by county and Department of Corrections employees. Because responsibility for probation services is split in these counties, the allocation of a county's caseload reduction funds between the providers could be the subject of disagreements.

Although not required for the purpose of allocating future caseload reduction funds, we think the Legislature should also consider clarifying in law which serv-

ice providers are responsible for various categories of offenders. The law does not indicate which service providers should supervise gross misdemeanants in counties where both state and county employees provide probation services, and practices vary throughout Minnesota. Also, although the Department of Corrections is the sole provider of probation services to adult felons in non-CCA counties and receives a state appropriation for this purpose, the law does not appear to assign exclusive responsibility to the department for this population. Finally, although county staff in all non-CCA counties provide services to adult misdemeanants, their authorization for this responsibility is in the state's juvenile code (*Minn. Stat.* §260), and this is a source of possible confusion.

In addition, we think that it is important to track the outcomes of community correctional services to (1) help decision makers evaluate past funding choices and make new ones, and (2) enable service providers to validate risk-based classification instruments. We recommend:

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**The state needs to improve outcome measurement for probation services.**

- **The Legislature should direct the Department of Corrections to establish an outcome measurement task force to recommend by January 1997 statewide probation outcome measures, along with procedures for collecting outcome data. These recommendations should be subsequently reviewed by Minnesota's Criminal and Juvenile Justice Information Policy Group. The Legislature should require service providers to periodically report information to the Department of Corrections about the reoffending rates of adult offenders.**
- **The Department of Corrections should summarize statewide information on probationer reoffending in its November 2000 agency performance report.**

Even if the Legislature decides not to allocate state probation funds using a uniform, statewide classification instrument, we recommend that:

- **The Legislature should require each Minnesota probation agency to adopt written policies for classifying adult offenders.**
- **The Department of Corrections should provide training and technical assistance that will better enable service providers to implement effective, valid classification systems.**

As we have noted, there is very limited statewide information available on Minnesota probationers, and the accuracy of this information has been questioned. We recommend that:

- **The Legislature should require probation service providers to collect a standard set of information on each new offender on probation, subject to definitions established by the Department of Corrections during 1996 and reviewed by the Criminal and Juvenile Justice Information Policy Group. The department should report to the 1997**

**Legislature on ways to implement ongoing links between service providers' information systems.**

A uniform set of offender information could help service providers to more readily obtain information on offenders who have been on probation in other counties, and it could also be used to construct or validate classification instruments and produce statewide caseload information. Our report suggests types of information that the Department of Corrections may wish to require.

Finally, we recommend that:

- **The Legislature should amend Minnesota's criminal code (*Minn. Stat. 609*) by defining the term "probation" and establishing general goals for probation services. We offer suggested language in Chapter 3.**

If the Legislature clarifies the state's goals for probation services, we think that policy makers and service providers will have a stronger basis for selecting appropriate outcome measures and workload standards.

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# Introduction

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## The 1995 Legislature increased state funding for probation.

Like many parts of the nation, Minnesota has experienced increasing rates of violent crime in recent years. But, compared with other states, Minnesota has historically relied less on prisons and more on community-based correctional services to respond to crime problems. And, within community corrections, probation and supervised release services have assumed much of the burden for the growing number of difficult offenders.<sup>1</sup>

According to a task force created by the 1992 Legislature, probation officers widely believed that their services "are so underfunded and overburdened that they are becoming ineffective."<sup>2</sup> A subsequent task force concluded that Minnesota needed more than 500 new probation officers to meet minimum standards for offender supervision.<sup>3</sup> The 1995 Legislature responded to these concerns by appropriating an additional \$14.5 million in funding for probation services for the 1996-97 biennium, plus \$5.0 million in new block grant funding for community corrections.

However, legislators expressed concerns about whether these funds and any additional funds appropriated in the future would be targeted toward those service providers that need the most assistance. As a result, the Legislature required our office to conduct:

a weighted workload study to be used as a basis for fund distributions across all three probation delivery systems, based on uniform workload standards and level of risk of individual offenders, and to make ongoing outcome data available on cases.<sup>4</sup>

The Legislature specified that the study recommend:

a statewide, uniform workload system and definitions of levels of risk; a standardized data collection system using the uniform definitions of workload and risk, and a timeline for reporting data; and a new mecha-

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<sup>1</sup> Probation officers provide services to courts before offenders go to trial, after they have been convicted, and after they have been released from prison. In this report, we often use the term "probation" as a general term that applies to various forms of community-based supervision.

<sup>2</sup> Probation Standards Task Force, *Minnesota Probation: A System in Crisis* (St. Paul, February 1993), ii.

<sup>3</sup> Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 1.

<sup>4</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

nism or formula for aid distribution based on the data, that could be operational by July 1, 1996.<sup>5</sup>

The law says that, after reviewing our study, the Legislature will adopt uniform workload standards and levels of risk and, in fiscal year 1997, the Commissioner of Corrections shall use these standards to distribute funds appropriated "for state and county probation officer caseload reduction, increased intensive supervised release and reimbursement." Some legislators told us that they would like to consider allocating all state funds for probation using a single approach, not just the "new" funds appropriated to counties for caseload reduction.

In our study, we asked the following questions:

- **To what extent are there regional variations in the number of persons on probation, the length of probation, and the services provided by probation offices?**
- **How do probation agencies in Minnesota classify offenders for purposes of determining the type and amount of supervision they will receive? What steps would be required to implement a statewide classification system that could be used to allocate state funds?**
- **To what extent do probation agencies measure the outcomes of probation services?**
- **How should state funds be allocated to reflect offender risks and agency workloads?**

The purpose of our study was not to determine whether probation services in Minnesota are underfunded. This topic has been the subject of two recent task forces established by the Legislature, and we expect that it will continue to be a topic of legislative discussion. In addition, it was not the purpose of our study to measure the effects of probation services on offenders, although this study does suggest steps that should be taken to improve the measurement of probation outcomes.

Rather, the primary purpose of our study was to suggest a reasonable method of allocating state appropriations among probation service providers, whatever the size of the appropriation. We reviewed literature about offender classification and spoke with officials in all 50 states about their methods of classification and funding. To better understand the nature and scope of probation services throughout Minnesota, we surveyed (and received responses from) all Minnesota probation service providers. We also visited 13 probation offices in Minnesota, where we met with probation administrators and sometimes observed probation activities first-hand.

We also considered opinions expressed by Minnesota probation officials in several recent task force reports. In particular, we used recommendations of the 1994 Probation Standards Task Force as the starting point for two funding options that our

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**Our study examined possible ways to allocate new probation money.**

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<sup>5</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

report discusses at length. In the absence of empirical data on the time that probation agencies spend with various types of offenders, we thought that the normative standards developed by this task force of Minnesota probation officials deserved serious attention.

Chapter 1 of our report presents background information on Minnesota probation services, including the way they are organized and funded. Chapter 2 explores variations in the number of offenders served, the length of stayed sentences, approaches to offender classification, and the types of services provided by probation staff. Chapter 3 suggests guidelines for a probation funding formula and then discusses several funding options that the Legislature should consider.

Our study does not recommend a method of allocating probation funds that would perfectly reflect the risks of offenders and the workloads that they impose on probation offices. In fact, we concluded that it will be difficult to "fit" any uniform funding approach to Minnesota's highly diverse, decentralized service delivery system. Nevertheless, we have presented legislators with several plausible options for allocating probation funds--all with their own strengths and weaknesses. We have also suggested several ways to bring more accountability and consistency to Minnesota's probation services, regardless of the funding option selected.



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# Background

## CHAPTER 1

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In 1841, a Boston cobbler named John Augustus went to court to stand bail for a man charged with drunkenness. The court required the defendant to return in three weeks, during which time Augustus provided him with assistance. When the defendant returned to court, the judge was impressed by his improvement and chose not to incarcerate him. Over the next 18 years, Augustus "bailed on probation" nearly 2,000 persons that he thought were capable of improvement, and he helped many of them find jobs or enroll in education. Augustus is usually credited with originating the concept of probation in the United States.

Since Augustus' time, probation and other forms of community-based supervision have become important parts of the criminal justice systems of all 50 states. Minnesota's courts place about 80 percent of convicted adult felons on probation rather than sending them to prison, and they place large percentages of other offenders on probation, too. While many courts still expect probation services to help rehabilitate offenders, the courts have increasingly viewed probation services as a means of monitoring and punishing offenders, and as a way to provide help to crime victims. We asked:

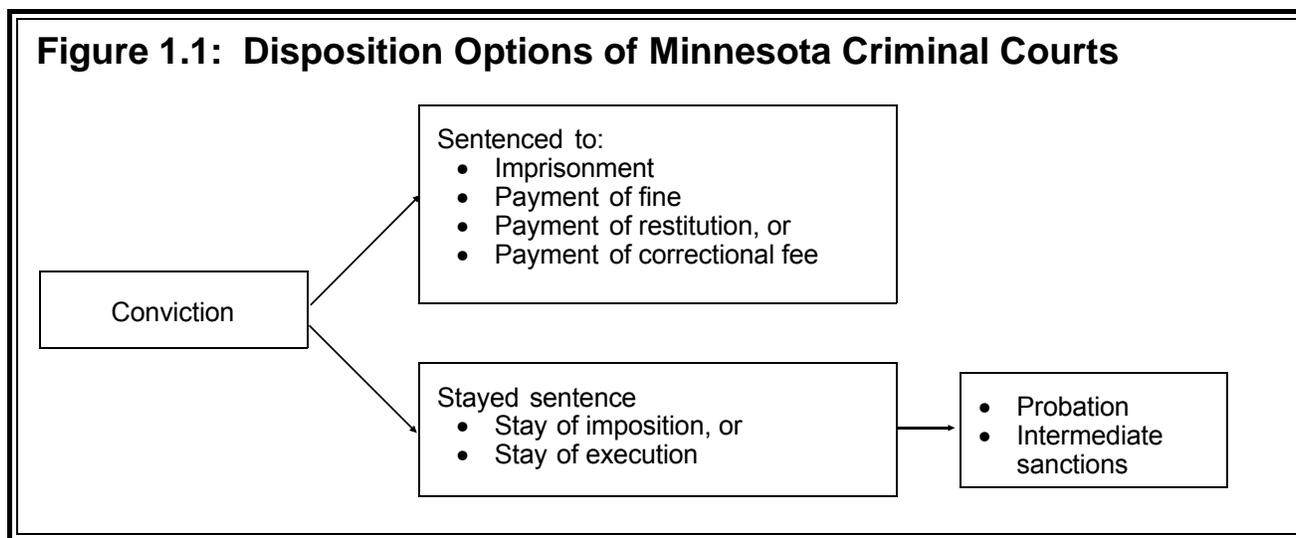
- **What role does community-based supervision play in Minnesota's criminal justice system, and how does Minnesota's reliance on probation compare with other states?**
- **What is the purpose of probation?**
- **How are probation services organized and funded in Minnesota, and to what extent does state spending for probation vary throughout Minnesota?**
- **What have recent task forces recommended about state funding for probation services?**

We found that Minnesota has more offenders on probation per capita than all but four states. This partly reflects Minnesota's traditional reliance on community-based supervision to serve the vast majority of offenders. In addition, growth in the number of misdemeanants and gross misdemeanants on probation during the past decade has significantly increased Minnesota's total probation population.

Minnesota has a complex probation system, with more than 40 agencies administering probation services. There is a mix of state and county service providers--in fact, both provide probation services in more than one-third of Minnesota counties, and the division of their responsibilities is not clearly drawn in state law. There are several methods by which state probation funds are allocated to service providers, and two recent task forces have recommended that Minnesota adopt a uniform funding approach.

## MINNESOTA'S USE OF COMMUNITY SUPERVISION

Minnesota's criminal code (*Minn. Stat. §609*) defines various crimes, sets maximum sentences that may be imposed by the courts for these crimes, and outlines post-conviction procedures for the courts. As shown in Figure 1.1, persons convicted of crimes may be sentenced to imprisonment, payment of a fine, payment of restitution, payment of a local correctional fee, or combinations of these.



Alternatively, the court has the option for most crimes to stay the sentence.<sup>1</sup> If the sentence is stayed, the court may "place the defendant on probation with or without supervision and on the terms the court prescribes."<sup>2</sup> The terms of probation may include fines and up to one year of incarceration in a local jail. The court's other option for stayed sentences is to impose "intermediate sanctions" on the offenders. According to statute, intermediate sanctions include but are not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, "sentencing to service" programs, attendance at a day reporting center, treatment or counseling, restitution, fines, and community work service. The law states that intermediate sanctions should be ordered "where

<sup>1</sup> Stays may not be granted for those offenses with a mandatory sentence of life imprisonment or with mandatory minimum sentences required by *Minn. Stat. §609.11*.

<sup>2</sup> *Minn. Stat. §609.135, Subd. 1.*

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## Offenders given stayed sentences may be placed on probation.

practicable" in cases involving stayed sentences that do not include incarceration as a condition of the stay.<sup>3</sup>

The courts may grant persons placed on probation one of two types of stays: a "stay of imposition" or a "stay of execution." If the court stays imposition of the sentence of a convicted felon or gross misdemeanor and the defendant subsequently completes probation without being sentenced, the conviction will be considered a misdemeanor for civil purposes.<sup>4</sup> Some courts issue stays of imposition so that offenders who stay out of trouble with the law will not have to report felonies on their records when applying for jobs, for example. According to the Minnesota Sentencing Guidelines Commission, "stays of imposition are a less severe sanction and ought to be used for those convicted of less serious offenses and those with short criminal histories."<sup>5</sup>

As shown in Table 1.1, there is considerable variation among judicial districts in the use of the two types of stays for convicted adult felons. For example, in the first judicial district (which includes Carver, Dakota, Goodhue, LeSueur, McLeod, Scott, and Sibley counties), stays of imposition outnumbered stays of execution by more than 10 to 1 in 1993. In contrast, stays of execution outnumbered stays of imposition in the second district (Ramsey County), fourth district (Hennepin County), and sixth district (northeastern Minnesota).

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**Table 1.1: Types of Dispositions Ordered in Minnesota Felony Convictions, 1993**

Judicial District	Stays of Imposition	Stays of Execution	Sentence Imposed Without Stay	Total Dispositions
First	643	62	160	865
Second	529	615	353	1,497
Third	427	138	108	673
Fourth	686	923	680	2,289
Fifth	368	77	84	529
Sixth	205	239	97	541
Seventh	537	252	176	965
Eighth	96	86	52	234
Ninth	490	161	143	794
Tenth	659	369	222	1,250
Total	4,640 (48.1%)	2,922 (30.3%)	2,075 (21.5%)	9,637 (100.0%)

Source: Program Evaluation Division analysis of data provided by Minnesota Sentencing Guidelines Commission.

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<sup>3</sup> *Minn. Stat.* §609.135, Subd. 1, 6.

<sup>4</sup> *Minn. Stat.* §609.13, Subd. 1 (2). If the person is sentenced for a new offense while on probation, the original offense will be considered a felony or gross misdemeanor, not a misdemeanor.

<sup>5</sup> Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1994), 35.

For juveniles who are adjudicated by Minnesota courts, probation is one of several disposition options provided for in state law.<sup>6</sup> Juveniles are not "sentenced" by the courts, so there are no stayed sentences as there are with adults.

As of December 1994, there were 81,972 adults and 15,346 juveniles on probation in Minnesota as a result of court orders.<sup>7</sup> Not everyone on probation has regular contact with a probation officer. For example, some offenders on probation are required to pay restitution but are not expected to meet with probation officers regularly. Also, it is common for probation officers to meet regularly with offenders during the months following sentencing but then to reduce or even eliminate contacts with offenders over time.

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**Minnesota's  
rate of  
probation use  
for adults  
exceeds the  
national  
average.**

In 1994, Minnesota had 2,461 adults on probation per 100,000 adult residents, compared to a national rate of 1,540 adult probationers per 100,000 adult residents. Minnesota's rate was exceeded only by those of Texas (3,017), Delaware (2,920), Washington (2,832), and Georgia (2,725).<sup>8</sup> Minnesota's relatively high use of probation reflects, to some extent, the state's historical preference for placing offenders under community-based correctional supervision when possible, rather than incarcerating them in state prisons. One of the principles of Minnesota's system of sentencing guidelines, implemented in 1980, is that "sanctions used in sentencing convicted felons should be the least restrictive necessary to achieve the purposes of the sentence."<sup>9</sup> Minnesota's incarceration rate of 92 prisoners per 100,000 population was the second lowest of any state in 1993.<sup>10</sup>

During each of the past 15 years, about 20 percent of Minnesota's convicted felons have been sentenced to incarceration in a state prison, and the remaining 80 percent have remained in the community.<sup>11</sup> Nearly all convicted felons who were not sent to prison in 1993 were assigned to probation, for periods of time ranging up to 40 years, and most were incarcerated in local jails for up to one year.<sup>12</sup>

Since 1984, the Minnesota Department of Corrections has surveyed state and local probation offices to determine the number of offenders on probation at the end of each year.<sup>13</sup> As shown in Figure 1.2,

6 *Minn. Stat.* §260.185, 260.191, 260.193, and 260.195.

7 Minnesota Department of Corrections, *1994 Probation Survey* (St. Paul, May 8, 1995), 67. There is an undetermined amount of duplication in this count. The department instructs each probation agency to report a given offender only once on the survey, but offenders who have been placed on probation in more than one jurisdiction are double-counted.

8 Bureau of Justice Statistics, *The Nation's Correctional Population Tops Five Million* (Washington, D.C.: U.S. Department of Justice, August 27, 1995), 5.

9 Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1994), 1. The sentencing guidelines replaced an indeterminate sentencing system where releases from state prisons were determined by a parole board.

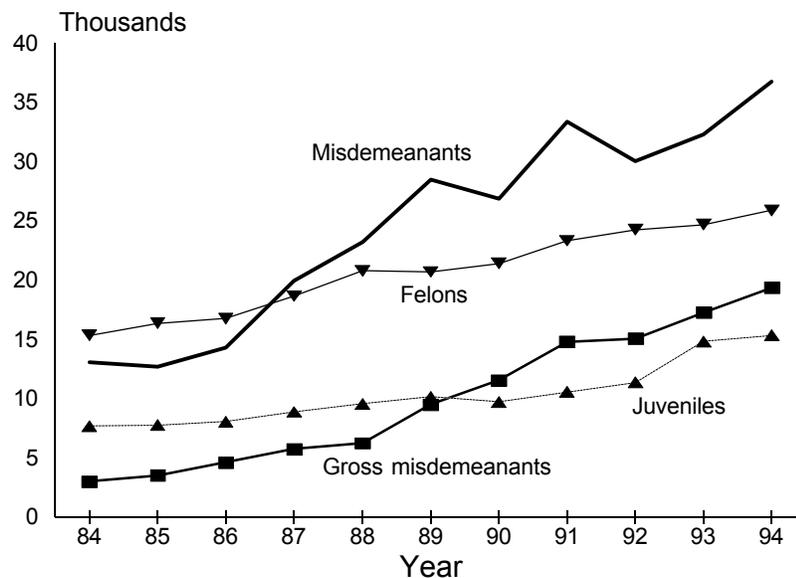
10 Bureau of Justice Statistics, *Correctional Populations in the United States, 1993* (Washington, D.C.: U.S. Department of Justice, October 1995), 95.

11 Between 1978 and 1993, the percentage of felons incarcerated in state prisons has been between 18 and 22 percent every year except for 1981, when 15 percent went to prison.

12 Of nearly 10,000 convicted felons sentenced in 1993, a total of 33 received stayed sentences of 30 years or longer; three of these had stayed sentences of 40 years. The length of stayed sentences may not exceed the maximum sentences set for various offenses in state law.

There has been especially large growth in the number of misdemeanants and gross misdemeanants on probation.

**Figure 1.2: Number of Persons on Probation in Minnesota, 1984-94**



Source: Minnesota Department of Corrections annual probation survey.

- **The number of adult offenders on probation in Minnesota for misdemeanors and gross misdemeanors grew more rapidly in the past decade than the number of felons on probation.**

The total number of adult felons on probation grew by 69 percent between 1984 and 1994, compared with an increase of 248 percent among the combined population of adult misdemeanants and gross misdemeanants. These increases were larger than increases in the number of arrests during the same period. During the 1984-94 period, Minnesota arrests of adults for "serious" offenses (commonly called "Part I" offenses) increased 22 percent, and arrests of adults for other offenses increased 49 percent.

The number of juveniles on probation in Minnesota increased 100 percent between 1984 and 1994. During this period, the number of juveniles apprehended for all offenses increased 79 percent.<sup>14</sup>

While persons given stayed sentences comprise the vast majority of offenders under community supervision, probation officers also supervise persons who have

<sup>13</sup> State and local officials cautioned us that the reliability of information gathered from service providers in the probation survey has been questionable, and we discuss some of these issues in Chapter 3. Service providers think that the accuracy of the survey has probably increased over time as instructions have become clearer and more service providers have computerized their records. We think the survey results, at a minimum, provide some indication of general trends in probation caseloads.

<sup>14</sup> There is no statewide information collected in the annual probation survey on the seriousness of offenses for which juveniles have been placed on probation. However, juvenile arrests for serious (Part I) offenses increased 41 percent between 1984 and 1994, and arrests for other offenses increased 113 percent.

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**Offenders on parole or supervised release from prison represent a relatively small part of community supervision caseloads statewide.**

been released from state prisons. In Minnesota, certain state and county probation agents are responsible for offenders on "conditional release" from state prisons, including parolees and offenders on "supervised release."

Offenders sentenced to prison for crimes committed before May 1, 1980 may be released on parole by the Commissioner of Corrections.<sup>15</sup> But, since implementation of Minnesota's sentencing guidelines more than 15 years ago, parolees have represented a diminishing part of the caseloads of probation officers in Minnesota. As of December 1994, there were 336 adult parolees under supervision in Minnesota, or about 0.3 percent of all adjudicated or convicted persons under supervision by probation officers. The Commissioner may discharge a person from parole when satisfied that (1) the person is reliable and trustworthy, (2) the person will remain at liberty without violating the law, and (3) the discharge is not incompatible with the welfare of society.<sup>16</sup> In addition, there were 283 juveniles released from Minnesota's state-operated facilities at Red Wing and Sauk Centre who were under parole supervision in December 1994.

Offenders sent to prison since May 1980 have served a "term of imprisonment" followed by a period of "supervised release" in the community. Offenders whose crimes occurred after August 1, 1993 serve two-thirds of their sentences in prison (plus additional time if confined for disciplinary reasons while in prison).<sup>17</sup> Offenders whose crimes occurred before August 1993 can have their terms of imprisonment reduced by one day for each two days in which they complied with prison rules. As of December 1994, there were 1,158 persons on supervised release in Minnesota, or 1.2 percent of all convicted or adjudicated persons under supervision by probation officers.<sup>18</sup> Many offenders released from prison are supervised as part of the regular probation caseloads of state or county probation agents, who determine the appropriate levels of monitoring or contact. However, five counties and four of the Department of Corrections' nine district offices operate state-funded "intensive supervised release" programs, and the Commissioner of Corrections may order inmates who are being released in these parts of Minnesota to be placed on intensive levels of supervision for all or part of their supervised release terms.<sup>19</sup>

As of December 1994, there were 39 adults on parole and supervised release from prison in Minnesota per 100,000 adult population, which was much lower than the

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<sup>15</sup> Felons in Minnesota used to receive indeterminate sentences, bounded by statutory minimum and maximum sentence lengths for various offenses. Parole boards determined the appropriateness of releasing offenders before the statutory maximum periods had expired. In 1978, the Legislature passed a law establishing sentencing guidelines for felons. The guidelines established presumptive, fixed sentences based on offenders' conviction offenses and criminal histories.

<sup>16</sup> *Minn. Stat.* §243.05, Subd. 3.

<sup>17</sup> *Minn. Stat.* §244.01, §244.05.

<sup>18</sup> There were an additional 152 offenders who were under conditional community supervision as participants in the intensive community supervision program (*Minn. Stat.* §§244.12-244.15) and challenge incarceration program (*Minn. Stat.* §§244.17-244.173).

<sup>19</sup> *Minn. Stat.* §244.05, Subd. 6, §§244.12-244.25.

rate for the nation as a whole (359).<sup>20</sup> In part, this reflects Minnesota's relatively small prison population. However, the total number of persons on some form of community supervision--including probation, parole, and supervised release--was substantially higher in Minnesota (2,500 per 100,000 adult population) than in the nation as a whole (1,899).

## PURPOSE OF PROBATION

Nationally, there is longstanding debate among corrections professionals about whether probation should primarily aim for (1) rehabilitation and community reintegration of the offender, or (2) the control and surveillance of offenders, and enforcement of their terms of probation. Although the enforcement role has become increasingly prominent over the past 20 years in probation offices nationwide, there continue to be many strong advocates for a rehabilitative purpose.<sup>21</sup>

As noted previously, the portion of Minnesota state law that establishes probation as a disposition option for the courts is the criminal code. The code's stated purposes are:

- (1) To protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentences authorized, the rehabilitation of those convicted, and their confinement when the public safety and interest requires; and
- (2) To protect the individual against the misuse of the criminal law by fairly defining the acts and omissions prohibited, authorizing sentences reasonably related to the conduct and character of the convicted person, and prescribing fair and reasonable postconviction procedures.<sup>22</sup>

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**The term  
"probation" is  
not defined in  
Minnesota law.**

However,

- **Minnesota's criminal code does not define the term "probation," nor does it establish goals for probation services apart from the code's general purposes (stated above).**

Although the criminal code does not set forth explicit goals for probation services, two other portions of Minnesota law provide some further indication of the pur-

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<sup>20</sup> Bureau of Justice Statistics, *The Nation's Correctional Population Tops Five Million*, 6. Minnesota's rate was based on the number of adults under supervision in Minnesota, as reported in the Department of Corrections' annual probation survey. The Minnesota rate included adults who had moved to Minnesota from other states, and it does not include Minnesotans who were on parole or supervised release in other states. The Minnesota rate includes offenders in the intensive community supervision program.

<sup>21</sup> For recent useful discussions of the goals of probation, see: Todd R. Clear and Edward J. Latessa, "Probation Officers' Roles in Intensive Supervision: Surveillance Versus Treatment," *Justice Quarterly* (September 1993), 441-462; Richard Lawrence, "Reexamining Community Corrections Models," *Crime and Delinquency* (October 1991), 449-464; and Thomas Ellsworth, "Identifying the Actual and Preferred Goals of Adult Probation," *Federal Probation* (June 1990), 10-15.

<sup>22</sup> *Minn. Stat.* §609.01, Subd. 1.

pose of probation. One is *Minn. Stat.* §260.311, which governed probation officers in all 87 counties prior to 1973 and still governs officers in 56 counties.<sup>23</sup> Figure 1.3 outlines the duties of probation agents that are identified in this law. Most of the prescribed duties require probation officers to carry out the wishes of the courts or the Commissioner of Corrections. However, officers are also required to initiate programs that will prevent delinquency and crime, and to rehabilitate offenders "who are properly subject to efforts to accomplish prevention and rehabilitation."

In addition, Minnesota law sets forth explicit goals for the state's two "intensive probation" programs. The programs started in 1990 with funding from the Minnesota Legislature and the federal government, and they operate only in certain parts of the state. The Legislature established one program to provide intensive community supervision of certain offenders who would otherwise go to prison. It established the other program to provide close supervision for certain offenders

### **Figure 1.3: Duties of County Probation Officers, *Minn. Stat.* §260.311**

County probation officers serving a district court shall:

- Act under the orders of the court in reference to any person committed to their care by the court;
- Make investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and furnish the court with information and assistance as may be required;
- Take charge of any person before, during, or after a trial or hearing when directed by the court;
- Keep records and reports ordered by the court;
- Provide probation and parole services to wards of the Commissioner of Corrections who live in the counties they serve, and carry out orders of the Commissioner related to these wards;
- Initiate programs for the welfare of persons coming within the court's jurisdiction to prevent delinquency and crime, and rehabilitate within the community persons under the court's jurisdiction who are properly subject to efforts to accomplish prevention and rehabilitation;
- Cooperate with law enforcement agencies, schools, public and private child welfare agencies, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency; and
- Make monthly and annual reports to the Commissioner of Corrections regarding cases (juvenile), offenses, adjudications, dispositions, and related matters required by the Commissioner.

Source: *Minn. Stat.* §260.311, Subd. 3.

<sup>23</sup> The 1973 Legislature passed the Community Corrections Act, which allows participating counties to "take over state and local correctional services presently provided in counties." "Local correctional services" are defined as services authorized by *Minn. Stat.* §260.311, Subd. 1. See *Minn. Stat.* §401.01 and §401.04.

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**Probation  
serves multiple  
goals.**

released from prison who might represent risks to the public. The law states that the Commissioner of Corrections shall administer the programs to advance the following goals:

- (1) To punish the offender;
- (2) To protect the safety of the public;
- (3) To facilitate employment of the offender during the intensive community supervision and afterward; and
- (4) To require the payment of restitution ordered by the court to compensate the victims of the offender's crime.<sup>24</sup>

The intensive probation programs serve a very small percentage of the total population of offenders who are being supervised in the community, but the programs' goals are clearer than those in law for other types of probation.<sup>25</sup>

A statewide probation task force established by the 1993 Legislature recently said that the focus of probation in Minnesota has shifted toward "punishment and surveillance as opposed to an earlier emphasis upon rehabilitation and treatment."<sup>26</sup> The task force adopted a definition of probation services and a statement of goals that encompassed the multiple purposes of probation:

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

The objectives of probation are: deterring further criminal behavior, punishment by the state, reparation to crime victims and communities, and assisting in the offender's rehabilitation efforts for the purposes of enhancing public safety.<sup>27</sup>

Courts and service providers in Minnesota have considerable latitude to determine the purpose and conditions of probation for individual offenders, and the type of probation that offenders receive in one county may differ from the type they would receive elsewhere. This is consistent with Minnesota's historical preferences for locally developed community corrections programs and an independent judicial branch. However, the varying goals and practices of probation offices in Minnesota complicate the task of establishing a statewide method of allocating probation funds to reflect staff workloads. For example, a probation office with a goal of helping to rehabilitate juveniles on probation might approach its work in a

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<sup>24</sup> *Minn. Stat.* §244.14, Subd. 1.

<sup>25</sup> In addition, a grant program that pays for intensive probation for repeat DWI offenders has a statutory goal of protecting public safety (*Minn. Stat.* §169.1265).

<sup>26</sup> Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 6.

<sup>27</sup> Probation Standards Task Force, *Probation in Minnesota*, 13.

very different manner than an office that has a goal of ensuring that the juveniles comply with the specific conditions of their probation.

## ORGANIZATION AND FUNDING OF MINNESOTA PROBATION SERVICES

### History

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**Probation services in Minnesota started nearly 100 years ago.**

Probation services have a long history in Minnesota, beginning with services for **juvenile** offenders nearly a century ago. In 1899, the Minnesota Legislature required the appointment of juvenile probation officers in counties with populations over 50,000.<sup>28</sup> In 1905, the Legislature created the state's first juvenile courts and gave them authority to appoint "persons of good character" to serve as probation officers.<sup>29</sup> Over the years, not all county boards chose to fund probation officers, so the 1945 Legislature authorized county **welfare** boards to provide and pay for probation services if requested by a judge.<sup>30</sup> In 1959, the Legislature required each Minnesota county to provide juvenile probation services using one of the following options:

- The district court could appoint, with approval of the county board, probation officers "to serve during the pleasure of the court,"
- Two or more county boards could agree to share probation officers, as appointed by their courts; or
- A county could request the "youth conservation commission" (amended to Commissioner of Corrections in 1969) to provide probation services.<sup>31</sup>

The 1959 Legislature also established a subsidy program for all counties providing juvenile probation and parole services under these service delivery options. In 1965, the Legislature changed the state reimbursement from 10 cents per county resident to 50 percent of costs.<sup>32</sup>

There is also a long history of community supervision of **adult** offenders in Minnesota, both by county and state employees. Minnesota law first authorized the appointment of "state agents" in 1889 to supervise and assist persons discharged from state prisons.<sup>33</sup> In 1909, the Legislature authorized criminal courts to sus-

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<sup>28</sup> *Minn. Laws* (1899), Ch. 154.

<sup>29</sup> *Minn. Laws* (1905), Ch. 285, Sec. 6.

<sup>30</sup> *Minn. Laws* (1945), Ch. 517, Sec. 4.

<sup>31</sup> *Minn. Laws* (1959), Ch. 698, Sec. 3. In counties with populations over 100,000, the court was required to appoint probation officers, so these options for service delivery did not apply.

<sup>32</sup> *Minn. Laws* (1965), Ch. 697, Sec. 1. This was amended by *Minn. Laws* (1977), Ch. 392, Sec. 8, which limited reimbursement to up to 50 percent of probation officer salaries.

<sup>33</sup> *Minn. Laws* (1889), Ch. 256, Sec. 23.

pend sentences in certain cases and place the offenders on probation. The law authorized the courts to place these persons "under the supervision of a probation officer in counties where such officer is provided by law, and in other counties under the supervision of some discreet person who will accept such supervision and serve without pay, making report to the court as required."<sup>34</sup> Minnesota law first authorized the use of "state agents" for supervision of adult probationers in 1945.<sup>35</sup> When the Legislature created the Minnesota Department of Corrections in 1959, it authorized the department to hire agents through the state civil service "when deemed necessary" for the purpose of supervising adult parolees and probationers.<sup>36</sup>

Until 1973, counties received all state probation funding in the form of probation officer salary reimbursements, in accordance with *Minn. Stat.* §260.311. The 1973 Legislature allowed counties to select an alternative way of receiving state funding for their community corrections programs, including probation and other services. The Legislature passed the Community Corrections Act (CCA) "for the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services."<sup>37</sup> The act authorized the Commissioner of Corrections to make block grants to counties (or groups of contiguous counties) for community correctional services, including services previously delivered in those counties by the Department of Corrections. To qualify for CCA funding, counties were required to establish a corrections advisory board, designate an administrative officer, and prepare a comprehensive plan for correctional services that was approved by the Commissioner of Corrections.

## Current Organization

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**Minnesota has a complicated system of community supervision.**

Minnesota's system of probation, supervised release, and parole services is complicated and sometimes confusing. In fact, a recent review of state probation practices singled out Minnesota and three other states as having "particularly complex combinations of responsibility for probation services."<sup>38</sup> In 35 of 50 states, **adult** probation services are provided exclusively by state agencies in the executive or judicial branches of government, and local governmental units are the exclusive service providers in another 8 states. State agencies are the exclusive providers of **juvenile** probation services in 27 states, and local governmental units are the exclusive service providers in 17 states.<sup>39</sup>

Each Minnesota county is in one of the following three categories, based on the way that its probation services are organized and funded:

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<sup>34</sup> *Minn. Laws* (1909), Ch. 391, Sec. 1, 2.

<sup>35</sup> *Minn. Laws* (1945), Ch. 258, Sec. 1 added probationers to the jurisdiction of the State Board of Parole, although it did not clearly specify which offenders were the board's responsibility.

<sup>36</sup> *Minn. Laws* (1959), Ch. 263, Sec. 6.

<sup>37</sup> *Minn. Laws* (1973), Ch. 354, Sec. 1.

<sup>38</sup> LIS, Incorporated, *State and Local Probation Systems in the United States: A Survey of Current Practice* (Washington, D.C.: National Institute of Corrections, July 30, 1993), 7. The other states were Pennsylvania, Ohio, and Oregon.

<sup>39</sup> Based on Program Evaluation Division phone calls to probation administrators in all 50 states.

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**A combination of state and county employees provide probation services in Minnesota.**

- **Community Corrections Act counties:** Thirty-one counties, representing 71 percent of the state's population, participate in the Minnesota Community Corrections Act (CCA) and provide probation and supervised release services to all of their adult and juvenile probationers. They pay for community corrections services primarily with a combination of state CCA block grants and county funds. Counties have considerable flexibility to determine the types of services that will be provided to offenders, subject to the Commissioner of Corrections' approval of their comprehensive CCA plans. The law requires the judiciary to be represented on the advisory boards established by CCA counties, but it does not specify a more direct role for the courts in supervising probation officers or other community corrections staff.<sup>40</sup>
- **Counties that contract with the Minnesota Department of Corrections:** In 24 counties representing 9 percent of Minnesota's population, the Department of Corrections provides all probation and supervised release services. Counties purchase probation for juveniles and adult misdemeanants from the department and are eligible for reimbursement for half of the salaries of the department's probation officers.<sup>41</sup> The department's services to adult felons in these counties are fully funded by its biennial state appropriation.
- **County Probation Officer (CPO)-Department of Corrections (DOC) counties:** Thirty-two counties, representing 19 percent of the state's population, have systems in which probation responsibilities are divided between county and state employees. County probation staff serve juveniles and adult misdemeanants, and the counties receive reimbursement for half of their probation officer salaries under *Minn. Stat.* §260.311. In many cases, staff hiring and termination decisions rest with the court, rather than with the county administration.<sup>42</sup> The Department of Corrections provides probation and supervised release services to adult felons in these counties, and its probation officers are fully funded by the department's biennial state appropriation. In this report, we will refer to these counties as County Probation Officer/DOC counties.

Figure 1.4 shows the counties that are in each of these three categories. There are instances in each category where two or more counties provide probation services through a consolidated office. Statewide, there are 16 Community Corrections

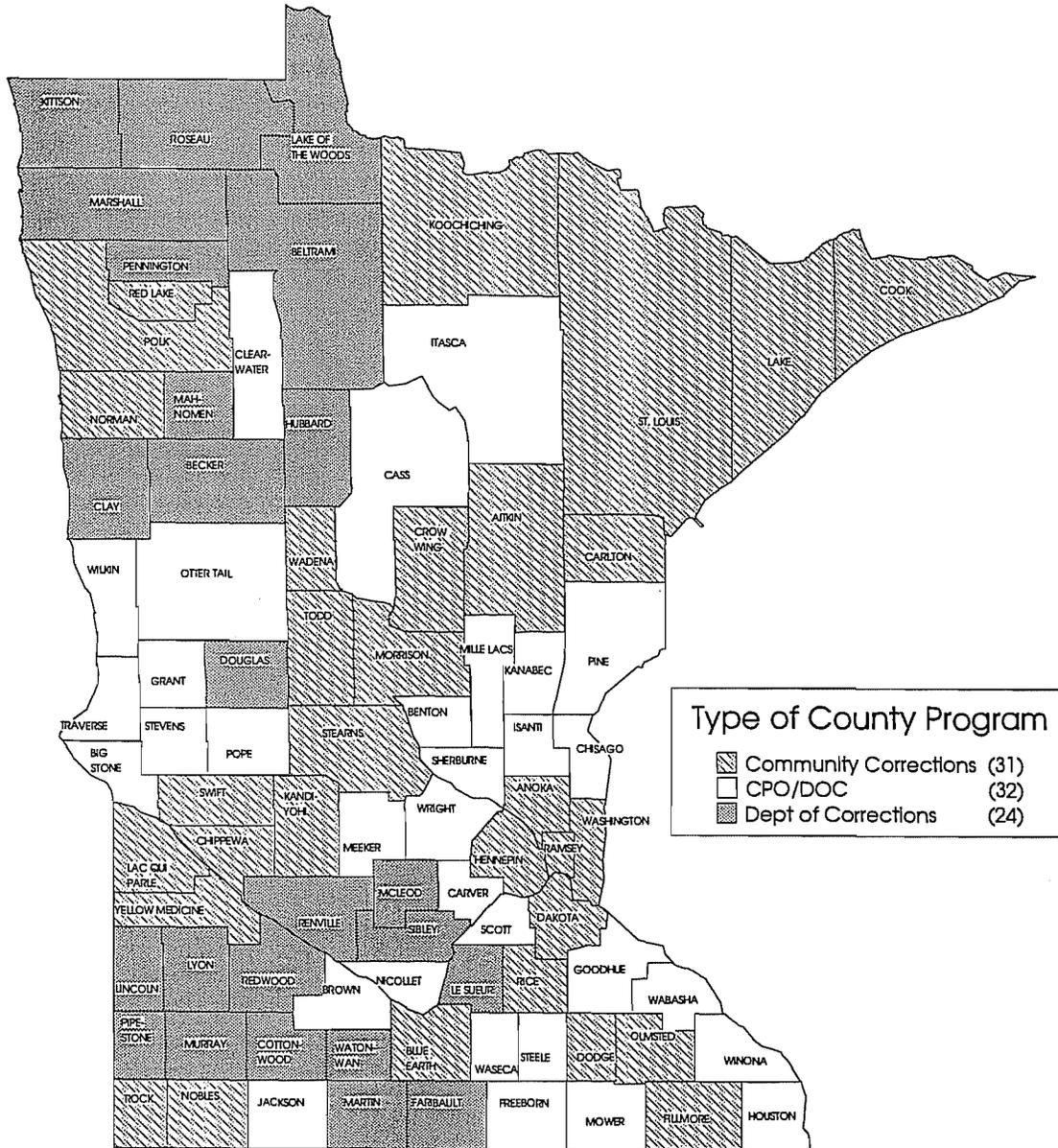
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<sup>40</sup> In 1982, the Minnesota Supreme Court voided the firing of a probation officer by a judge in a CCA county, holding that the authority to discharge employees was established in the employment and collective bargaining agreements that existed between the officer and his employer (the Arrowhead Regional Corrections Board). See *Arrowhead Regional Corrections Board v. The Honorable Robert S. Graff*, 321 N.W.2d 53.

<sup>41</sup> Contract agents are paid for by the Department of Corrections' community services appropriation, and counties are billed for these costs. Counties can then obtain state reimbursement for 50 percent of the probation officer salaries.

<sup>42</sup> In counties that have human services boards pursuant to *Minn. Stat.* Ch. 402, and in counties with populations over 200,000 that have not organized pursuant to this chapter, the district court is authorized by law to hire probation officers, and *Minn. Stat.* 260.311, Subd. 1, does not require approval of these actions by county boards. In other counties governed by *Minn. Stat.* 260.311, the court may appoint probation officers "with the approval of the county boards."

**Figure 1.4: Categories of Probation Service Providers, by County**



Source: Minnesota Department of Corrections.

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**Forty-two separate agencies administer probation services in Minnesota.**

Act administrative agencies, 9 Department of Corrections district offices, and 25 probation agencies that administer the county portion of services in the County Probation Officer/DOC counties. Thus, even if the Department of Corrections is viewed as a single service provider, there are still 42 separate agencies that administer probation services in Minnesota. Each agency--sometimes in consultation with the judges it serves--establishes its own service delivery policies and practices.<sup>43</sup> As a result, there can be variations in the frequency and type of contact between offenders and their probation officers, depending on which agency administers the service.<sup>44</sup>

In 56 counties, the Department of Corrections provides probation services to adult felons, and services to juveniles and adult misdemeanants in these counties are provided by county probation officers or contracted Department of Corrections officers. However, we found that:

- **State law is unclear about the division of responsibilities between state and county probation offices and the manner in which services provided by the state and counties should be funded.**

First, the statute under which non-CCA counties currently provide and receive reimbursement for probation services to **adult** misdemeanants (as well as juveniles) is part of the state's **juvenile** code (*Minn. Stat.* §260), and this is a source of some confusion. The 1971 Legislature amended the probation portion of this law (*Minn. Stat.* §260.311) to replace the term "children" and "child" with "persons" and "person." The Legislature also replaced the term "juvenile courts" with "county courts" in 1971 when it created these new courts to handle cases involving juveniles as well as those involving adult misdemeanants. These changes might have indicated a desire by the 1971 Legislature to expand the scope of the previous juvenile probation law, making it apply to adult offenders as well. However, because this law is still in the juvenile code, some people we spoke with questioned whether the counties' responsibility for adult probation services is adequately established in law.<sup>45</sup>

Second, the law does not indicate which service providers--state or county--are responsible for probation services for gross misdemeanor offenders in County Probation Officer/DOC counties, and practices vary around the state. For example, judges have assigned most gross misdemeanor cases to the Department of Corrections in the neighboring counties of Pine, Isanti, Chisago, and Kanabec. In contrast, county probation officers supervise all gross misdemeanants in Mower

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<sup>43</sup> Agencies follow Department of Corrections policies and procedures for offenders on supervised release.

<sup>44</sup> There are guidelines in law regarding intensive probation and supervised release programs that are funded by state grants. For example, the law specifies minimum lengths for these programs, plus minimum requirements for contacts with probation officers, drug testing, and employment.

<sup>45</sup> Some persons we spoke with thought that the 1971 Legislature may have applied the provisions of *Minn. Stat.* §260.311 to county courts (which assumed responsibilities for juvenile matters) without intending to make counties responsible for misdemeanor probation. However, for many years the Department of Corrections has administered state reimbursement for county probation services by providing reimbursement for adult misdemeanor officers as well as juvenile officers.

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## Responsibility for some probation services is not clearly defined in state law.

County.<sup>46</sup> The Department of Corrections' statewide supervisor for field services estimated that department staff have primary responsibility for gross misdemeanants in about half of the 32 County Probation Officer/DOC counties. In some cases, the department and judges have had differing views about who should have responsibility for gross misdemeanor probation. As the Legislature considers ways to allocate new probation funds to better reflect workloads, it may need to clarify whether a county's probation allocation should be divided among state and county service providers based on their respective workloads. The Legislature may also wish to consider whether the law should assign responsibility for gross misdemeanor probation in non-CCA counties in a consistent way statewide, rather than leaving this to the discretion of the courts.

Third, the law does not specify that the Department of Corrections should have exclusive responsibility for providing probation services for adult felons in non-CCA counties.<sup>47</sup> In practice, the department is the sole provider of probation for adults convicted of felonies in non-CCA counties, and it funds these services through its biennial appropriation. However, if *Minn. Stat.* 260.311 can be interpreted as giving counties the option of choosing the service providers for adult misdemeanor as well as juvenile probation (and receiving funding for both), then it could be interpreted as giving counties the option of deciding who should deliver felony probation services, too. This law originally governed probation services provided to juvenile courts, but subsequent amendments applied this law to county courts (which were responsible for juvenile and adult misdemeanor cases) and later district courts (which have responsibility for all juvenile and criminal cases).<sup>48</sup>

For the most part, questions about the division of responsibilities between state and county service providers have been resolved informally and amicably throughout Minnesota. We did not study whether probation services are provided more effectively by the state or by counties, and this report offers no recommendations for changes in the current state-local arrangements for providing probation services. However, to provide a clearer basis in law for allocations of probation funds in coming years, we suggest in Chapter 3 that the law may need clearer guidelines about which jurisdictions should receive the funds, and how funds should be divided in those counties where both state and county employees provide probation services.

## State Funding

Probation services in Minnesota are paid for mainly with state and county funds. We estimate that \$20.5 million in state funds and at least \$34 million in county

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<sup>46</sup> This is through a negotiated agreement between Mower County and the DOC. Mower County staff provide services to all gross misdemeanants and produce all bail evaluations for offenders in the county, including evaluations needed by DOC.

<sup>47</sup> The law authorizes the Commissioner of Corrections to supervise adults placed on probation or parole "as far as possible" (*Minn. Stat.* §243.05, Subd. 6). However, *Minn. Stat.* §260.311, Subd. 1 and §609.135, Subd. 1 authorize the department to provide services only when requested by counties or if services are not otherwise provided.

<sup>48</sup> *Minn. Laws* (1971), Ch. 951, Sec. 41-43. The 1971 Legislature created "county courts" in all counties except Hennepin, Ramsey, and St. Louis, and it gave them jurisdiction for juvenile and misdemeanor cases, among others.

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**There are four primary ways the state allocates funds for probation services.**

funds were spent on probation services in 1995.<sup>49</sup> There are four primary ways in which service providers receive state funding for probation services:

- **Salary reimbursements.** In calendar year 1995, the Department of Corrections allocated about \$3.0 million to 56 non-CCA counties to pay for 50 percent of the cost of the salaries of probation officers serving juveniles and adult misdemeanants. This included reimbursements paid to 24 counties for the cost of paying Department of Corrections officers to provide probation services.<sup>50</sup>
- **CCA block grants.** In calendar year 1995, the Department of Corrections allocated about \$28.9 million to CCA counties for community correctional services, including probation for adult and juvenile offenders, detention and incarceration, and other services. In the most recent year for which data were available (1994), state funds accounted for 19.1 percent of correctional spending in CCA counties statewide, ranging from 11.9 percent in Hennepin County to 78.6 percent in Rock/Nobles counties. County funds accounted for another 74.2 percent of spending statewide, but this ranged from 18.4 percent in Rock/Nobles counties to 87.1 percent in Hennepin County.

"Field services" (that is, probation and supervised release) accounted for about 34 percent of CCA counties' correctional expenditures statewide in 1994. This ranged from 16 percent in Tri-County Community Corrections (Polk, Norman, and Red Lake counties) to 70 percent in Rock/Nobles counties. Based on the assumption that each CCA county spent the same percentage of its state CCA block grants for probation and supervised release services in 1995 that it did in 1994, we estimated that the state contributed a total of \$10.5 million in 1995 toward probation and supervised release services through this form of funding.<sup>51</sup>

- **Department of Corrections appropriation:** The department pays for 100 percent of the cost of its adult felony probation officers in non-CCA counties using its state appropriation for community correctional services. In fiscal year 1995, the department spent \$5.5 million for adult felony supervision.<sup>52</sup>
- **Caseload reduction grants:** The Legislature appropriated \$1.5 million in fiscal year 1995, \$5.0 million in 1996, and \$9.1 million in 1997 to help service providers reduce their caseloads. In fiscal year 1996, this funding

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<sup>49</sup> The estimate of county spending does not include certain non-personnel and administrative costs.

<sup>50</sup> Based on total probation salary reimbursements and total population in these 56 counties, the reimbursements amounted to \$2.29 per capita.

<sup>51</sup> Across the 31 counties, the estimated total probation expenditures funded by state CCA grants divided by total CCA counties' population resulted in per capita expenditures of \$3.27.

<sup>52</sup> Across these 56 counties, the total spending for felony supervision divided by the total population of these counties resulted in per capita spending of \$4.20. These expenditures (and the "field services" expenditures shown in Table 1.2) do not include those for services in DOC contract counties that were initially paid for from the department's state appropriation but were later charged to counties.

is being allocated statewide to counties based on the current CCA funding formula in state law. Service providers are not required to provide matching funds for these grants.

Table 1.2 provides an estimate of the 1995 state-funded probation spending (and per capita spending) for probation and supervised release in each Minnesota county. For each CCA county, we estimated state-funded probation spending by assuming that the county spent a proportion of its total 1995 CCA grant on "field services" that was equivalent to field services' 1994 percentage of the county's total correctional spending. Although there are considerable variations in per capita spending among counties, we estimated that:

- **Community Corrections Act counties—as a group—spent fewer state funds per capita (\$3.59) for probation services in 1995 than service providers in non-CCA counties—as a group (\$6.83).**

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**There are differences in state-funded probation spending between CCA and non-CCA counties.**

Unlike non-CCA counties, CCA counties do not receive a "fixed" amount of state funding for probation services. Block grants provide CCA counties with some flexibility to increase or decrease the portion of their state grants devoted to probation services. In our view, however, it is noteworthy that CCA counties—which include many of the areas in Minnesota that have disproportionately high levels of violent crime—have had relatively low levels of state-funded probation expenditures per capita. This may be one of the reasons that the 1995 Legislature asked us to recommend ways of allocating probation funds that reflect the actual workloads of service providers and the risk of the offenders they supervise.

In our view, the spending differences largely reflect the varying methods used to provide state funding to CCA and non-CCA counties. For example, probation services for adult felons are entirely funded by the state in non-CCA counties, but these services are paid for with a combination of state and county funds in CCA counties.

Table 1.2 does not include state grants for "intensive probation" services that the Department of Corrections made in 1995 to five counties (Hennepin, Ramsey, Anoka, Washington, and Dakota) and four of its nine district offices (St. Cloud, Albert Lea, North Mankato, and Bemidji). The grants, which totalled \$1.6 million in fiscal year 1996, fund two programs in each location. The Intensive Community Supervision program diverts low-risk offenders into the community rather than sending them to prison. The Intensive Supervised Release program provides high levels of supervision for selected offenders being released from prison. State law requires the programs to have no more than an average of 15 offenders per agent.<sup>53</sup>

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<sup>53</sup> *Minn. Stat.* §244.13, Subd. 2.

**Table 1.2 Estimated State-Funded Probation Expenditures by County, 1995**

County Name	Estimated CY 1995 Expenditures for Field Services Funded by CCA Grants	CY 1995 Probation Officer Salary Reimbursement	Estimated FY 1995 DOC Field Services Expenditures	FY 1995 Adult Felony Caseload Grants	Estimated Total State Funding Calendar Year 1995	Estimated State Funding Per Capita
<b>CCA Counties</b>						
Aitkin	\$52,745	\$0	\$0	\$4,707	\$57,452	\$4.77
Anoka	744,358	0	0	91,838	836,196	3.16
Blue Earth	288,594	0	0	19,787	308,381	5.78
Carlton	122,986	0	0	11,299	134,285	4.61
Chippewa	73,761	0	0	4,599	78,360	6.22
Cook	15,095	0	0	1,388	16,483	4.34
Crow Wing	161,982	0	0	14,430	176,412	3.89
Dakota	928,804	0	0	80,506	1,009,310	3.22
Dodge	33,088	0	0	5,623	38,711	2.39
Fillmore	40,865	0	0	6,930	47,795	2.34
Hennepin	2,574,214	0	0	306,562	2,880,776	2.68
Kandiyohi	163,716	0	0	13,341	177,057	4.45
Koochiching	77,043	0	0	7,110	84,153	5.43
Lac Qui Parle	49,420	0	0	3,082	52,502	6.30
Lake	47,765	0	0	4,403	52,168	5.24
Morrison	127,632	0	0	11,361	138,993	4.67
Nobles	130,288	0	0	6,789	137,077	6.98
Norman	10,676	0	0	2,358	13,034	1.74
Olmsted	193,097	0	0	32,787	225,884	2.01
Polk	59,757	0	0	13,183	72,940	2.28
Ramsey	1,746,630	0	0	179,318	1,925,948	3.85
Red Lake	7,145	0	0	1,573	8,718	2.03
Rice	285,549	0	0	19,597	305,146	6.05
Rock	59,641	0	0	3,111	62,752	6.59
St. Louis	952,123	0	0	87,641	1,039,764	5.32
Stearns	742,726	0	0	45,662	788,388	6.49
Swift	59,214	0	0	3,688	62,902	6.27
Todd	144,840	0	0	10,378	155,218	6.83
Wadena	91,048	0	0	3,522	94,570	7.31
Washington	484,011	0	0	43,634	527,645	3.29
Yellow Medicine	60,573	0	0	3,773	64,346	5.80
SUBTOTAL	\$10,529,389	\$0	\$0	\$1,043,980	\$11,573,369	\$3.59
<b>County Probation Officer/ DOC Counties</b>						
Benton	\$0	\$70,820	\$181,679	\$ 0	\$252,499	\$7.86
Big Stone	0	9,528	8,721	0	18,249	3.11
Brown	0	80,678	72,671	0	153,349	5.81
Carver	0	169,576	181,679	0	351,255	6.62
Cass	0	43,349	145,343	0	188,692	8.51
Chisago	0	81,612	181,679	0	263,291	8.11
Clearwater	0	19,713	36,336	0	56,049	6.86
Freeborn	0	81,000	145,343	0	226,343	7.13
Goodhue	0	144,194	145,343	0	289,537	7.01
Grant	0	9,469	8,721	0	18,190	3.06
Houston	0	38,926	36,336	0	75,262	4.03
Isanti	0	75,594	181,679	0	257,273	9.57
Itasca	0	119,804	145,343	59,300	324,447	8.09
Jackson	0	23,815	36,336	0	60,151	5.46
Kanabec	0	32,168	72,671	0	104,839	7.98
Meeker	0	42,041	36,336	0	78,377	3.75
Mille Lacs	0	64,465	145,343	0	209,808	11.08

**Table 1.2 Estimated State-Funded Probation Expenditures by County, 1995, continued**

<u>County Name</u>	<u>Estimated CY 1995 Expenditures for Field Services Funded by CCA Grants</u>	<u>CY 1995 Probation Officer Salary Reimbursement</u>	<u>Estimated FY 1995 DOC Field Services Expenditures</u>	<u>FY 1995 Adult Felony Caseload Grants</u>	<u>Total State Funding Calendar Year 1995</u>	<u>Estimated State Funding Per Capita</u>
<b>County Probation Officer/ DOC Counties, cont.</b>						
Mower	\$0	\$83,462	\$72,671	\$64,715	\$220,848	\$5.96
Nicollet	0	80,988	72,671	0	153,659	5.40
Otter Tail	0	92,656	145,343	0	237,999	4.74
Pine	0	69,075	72,671	70,135	211,881	9.72
Pope	0	38,682	18,168	0	56,850	5.43
Scott	0	215,284	218,014	0	433,298	6.73
Sherburne	0	79,290	109,007	70,135	258,432	5.45
Steele	0	76,814	109,007	0	185,821	5.98
Stevens	0	16,120	10,174	0	26,294	2.58
Traverse	0	6,766	8,721	0	15,487	3.70
Wabasha	0	41,810	36,336	0	78,146	3.91
Waseca	0	43,854	36,336	0	80,190	4.48
Wilkin	0	11,394	18,168	0	29,562	4.07
Winona	0	91,152	145,343	0	236,495	4.94
Wright	0	198,520	218,014	0	416,534	5.69
<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$2,252,619</b>	<b>\$3,052,203</b>	<b>\$264,285</b>	<b>\$5,569,107</b>	<b>\$6.33</b>
<b>DOC Contract Counties</b>						
Becker	\$0	\$50,784	\$179,139	\$0	\$229,923	\$8.85
Beltrami	0	51,154	288,146	0	339,300	9.52
Clay	0	97,051	303,710	0	400,761	7.83
Cottonwood	0	23,772	56,833	0	80,605	6.68
Douglas	0	60,916	163,034	0	223,950	7.75
Faribault	0	47,740	78,004	0	125,744	7.88
Hubbard	0	8,367	71,859	0	80,226	5.25
Kittson	0	3,524	26,285	0	29,809	5.43
Lake of the Woods	0	2,588	16,968	0	19,556	4.62
LeSueur	0	52,616	144,495	0	197,111	8.42
Lincoln	0	6,770	131,563	0	138,333	21.41
Lyon	0	49,650	44,289	59,300	153,239	6.20
Mahnomen	0	63,975	153,776	0	217,751	6.59
Marshall	0	11,990	46,336	70,135	128,461	25.59
Martin	0	8,154	25,677	0	33,831	3.24
McLeod	0	57,186	169,685	0	226,871	10.20
Murray	0	9,522	30,814	0	40,336	4.43
Pennington	0	9,966	61,864	0	71,830	5.48
Pipestone	0	9,754	31,709	0	41,463	4.11
Redwood	0	28,485	159,487	0	187,972	11.39
Renville	0	26,206	80,951	0	107,157	6.34
Roseau	0	9,060	57,209	0	66,269	4.08
Sibley	0	26,048	89,371	0	115,419	8.22
Watsonwan	0	23,944	24,242	59,300	107,486	9.35
<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$739,222</b>	<b>\$2,435,446</b>	<b>\$188,735</b>	<b>\$3,363,403</b>	<b>\$7.87</b>
<b>TOTAL</b>	<b>\$10,529,389</b>	<b>\$2,991,841</b>	<b>\$5,487,649</b>	<b>\$1,497,000</b>	<b>\$20,505,879</b>	<b>\$4.53</b>

Source: Program Evaluation Division analysis of financial data provided by Minnesota Department of Corrections.

## RECENT TASK FORCES AND LEGISLATIVE ACTIONS

During the past four years, legislators and legislatively-established study groups have devoted considerable attention to probation services and funding. In this section, we discuss recent legislative actions and the key elements of several recent reports mandated by the Legislature--particularly those that relate to probation funding.

### 1992-93 Probation Standards Task Force

The 1992 Legislature required the Commissioner of Corrections to establish a task force to, among other duties, suggest "minimum caseload goals" and report on "the need for increasing the number of probation officers and the cost of doing so."<sup>54</sup> The task force concluded that "there is an overwhelming need for more probation officers and an urgency to define and limit the capacity of probation supervision."<sup>55</sup> However, the 1993 task force said that it was unable to quantify the number of officers needed or set caseload goals because the state lacked a central probation information system and standardized case and workload definitions.

The task force recommended that each probation agency develop a system for classifying offenders based on factors such as type of offenses, criminal history, risk, and service needs. The task force said that this should be done in order to establish "appropriate strategies for case management," but it did not suggest that the classification systems be used for purposes of allocating state funding.<sup>56</sup>

Among the task force's other recommendations were:

- The Legislature should consider eliminating certain statutory mandates that have not been adequately funded. The task force said, for example, that mandatory chemical assessments for intoxicated drivers and presentence investigations for felony property offenders should be reconsidered.
- Probation agencies and courts should consider reducing services to less serious offenders if adequate resources are not allocated.
- Local correctional agencies should be encouraged and subsidized to develop volunteer services and other innovative approaches.

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**The Probation Standards Task Force expressed concern about the lack of centralized caseload information.**

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<sup>54</sup> *Minn. Laws* (1992), Ch. 571, Art. 11, Sec. 15.

<sup>55</sup> Probation Standards Task Force, *Minnesota Probation: A System in Crisis* (St. Paul, February 1993), v.

<sup>56</sup> *Minnesota Probation: A System in Crisis*, 14.

## 1993-94 Correctional Delivery System Work Group

The 1993 Legislature created a work group to study various issues regarding the way that community correctional services are organized and funded.<sup>57</sup> For example, the group was asked to consider whether Minnesota should institute "a single funding system. . . for county operations," and whether community corrections services should be provided by county or state employees. The group's members included legislators, judges, representatives of state and local corrections agencies, and others.

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**The Correctional Delivery System Work Group recommended changes in the method of probation funding, but not changes in organizational structure.**

In its March 1994 report, the work group concluded, "There is a need to develop a uniform standard for determining funding for corrections/probation services that is based on primary correctional services and weighted workload units."<sup>58</sup> The work group identified a set of "primary correctional services" that should be available to the courts throughout Minnesota, and it said that a common funding formula for all service providers should be established for these services. It said that the funding system should:

- Provide equal primary services based on need and ability to pay;
- Be simple and easily understood;
- Protect service providers from funding reductions under the new formula "for a limited period of years;" and
- Have incentives to encourage innovation.

The work group said that, "The desirability of a 'weighted caseload' system is that it would recognize the differences in types of cases that may require varying amounts of time and resources to supervise."<sup>59</sup> The work group recommended that the Probation Standards Task Force be given responsibility for developing this system.

The work group recommended no changes in the organization of state and local probation services. It concluded that organizational structure had only "minor bearing" on the more important issues of "the need for fundamental probation services statewide, the need for adequate funding for those services, and the need for equity in the allocation of limited state resources."<sup>60</sup>

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57 *Minn. Laws* (1993), Ch. 146, Art. 2, Sec. 4, Subd. 2.

58 *Report of the Joint Legislative-Conference of Chief Judges Correctional Delivery System Study* (St. Paul, March 1994), 10.

59 *Ibid.*, 12.

60 *Ibid.*, 4.

## 1993-94 Probation Standards Task Force

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**The second Probation Standards Task Force said that Minnesota needed more than 500 additional probation officers.**

Because the previous Probation Standards Task Force did not make specific recommendations on funding or workload standards, the 1993 Legislature continued this task force and gave it new assignments. It asked the task force to determine the number and cost of additional probation officers needed statewide. The Legislature also asked the task force to recommend a method of funding these staff, standardized case definitions, legislative changes to implement objective case classification systems, and other changes that could improve probation services in Minnesota.<sup>61</sup>

The task force held a one-day focus group for 35 probation officers from throughout the state. Participants reached general agreement on "maximum caseload sizes" for various categories of offenders. The task force applied these standards to the number of offenders on probation statewide to conclude that Minnesota needed to increase the number of full-time equivalent probation officers by 70 percent (from 804 to 1,368).<sup>62</sup> The task force estimated that adding the recommended officers would cost \$41 million, and it recommended that the full cost be paid by the state. The task force recommended that probation funding be allocated to service providers based on a single funding formula, starting in 1995.

In addition, the task force recommended that the Legislature should require each service provider to implement a system for classifying its offenders in order "to target the use of resources devoted to offender supervision."<sup>63</sup> The task force recommended against having a single, statewide classification instrument, and it did not recommend that state probation funds be allocated on the basis of offender classifications. Rather, the task force proposed that the state allocate funds to service providers based on their "weighted" caseloads--using weights recommended by the task force that were intended to reflect the amount of time required by probation officers to work with various categories of offenders.

Finally, the task force recommended that each probation agency provide the Department of Corrections with (1) a written planning document outlining its correctional services, (2) uniform data on specified outcomes of probation services, and (3) information on the number and type of offenders assigned to probation.

## Increases in State Probation Funding, 1994 and 1995

In 1994 and 1995, the Legislature responded to concerns raised in the aforementioned reports by appropriating additional funds to help address high probation

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<sup>61</sup> *Minn. Laws* (1993), Ch. 326, Art. 10, Sec. 16.

<sup>62</sup> This did not include the cost of supervising juvenile status offenders, a service that the task force said did not meet the definition of "primary correctional services" adopted by the 1994 work group on the correctional delivery systems.

<sup>63</sup> Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 23.

caseloads. The 1994 Legislature supplemented existing probation funding for the 1994-95 biennium by appropriating an additional \$1.5 million, which the Department of Corrections allocated for the purpose of reducing adult felony caseloads. The department allocated 70 percent of these funds to Community Corrections Act counties, based on each county's share of CCA funding under the existing formula. The Department of Corrections used the remaining 30 percent to hire its own probation officers in seven counties where it provides services to adult felons.

In 1995, the Legislature appropriated an additional \$14.5 million for probation and supervised release services for the 1996-97 biennium to help reduce the caseloads of probation officers. The Legislature specified that increased supervision could be accomplished through various methods, such as traditional probation, cooperative agreements, prevention and diversion programs, and innovative technology.<sup>64</sup> In addition, the Legislature increased CCA funding by \$5.0 million for the 1996-97 biennium.

For fiscal year 1996, the Commissioner of Corrections will be distributing the caseload reduction funding to all 87 counties based on the existing CCA distribution formula.<sup>65</sup> The department required counties to submit proposals for their expenditures to help ensure that the new funds would, in fact, result in lower caseloads. For fiscal year 1997, the law states that the Commissioner of Corrections will distribute funds for "caseload reduction, increased intensive supervised release and reimbursement according to uniform standards and definitions of levels of risk adopted by the Legislature after review of the legislative auditor's weighted workload study."<sup>66</sup>

## 1995 Community Corrections Act Work Group

**The work group concluded that the CCA fund allocation formula is flawed.**

The 1995 Legislature required the chairs of the House Judiciary Finance Committee and the Finance Division of the Senate Crime Prevention Committee to convene a work group to recommend changes in the existing formula for allocating funds to counties under the Community Corrections Act. The current formula is shown in Figure 1.5.

The work group concluded that the existing formula has many flaws. For example, they said that the formula fluctuates too much from one biennium to the next, is too complex, and does not adequately measure counties' "ability to pay" for services. In addition, the work group determined that the formula, despite its complexity, allocates funds nearly in direct relationship to county total population.<sup>67</sup>

<sup>64</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

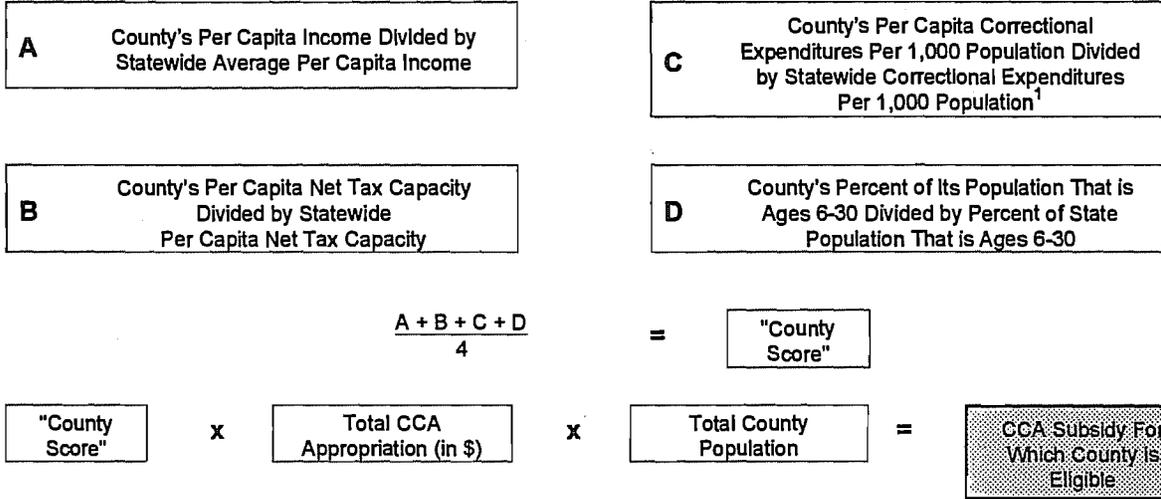
<sup>65</sup> In accordance with *Minn. Stat.* §401.10, the Department of Corrections "scores" all 87 counties on the CCA formula factors, although it usually has used this formula only to make allocations to the 31 CCA counties.

<sup>66</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3

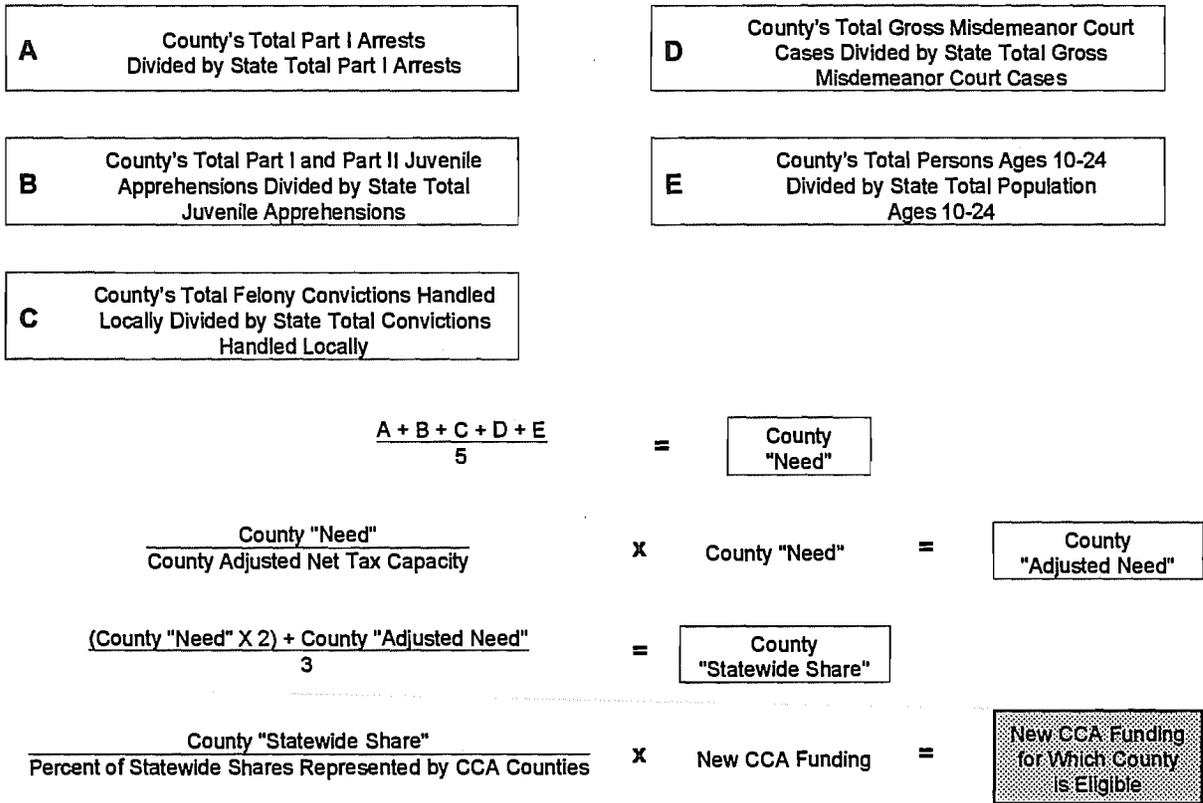
<sup>67</sup> Working Group on Community Corrections, *Fair and Equitable: A New Community Corrections Formula* (St. Paul, October 18, 1995).

### Figure 1.5: Existing and Proposed Community Corrections Act Allocation Formulas

**Existing Method (Minn. Stat. §401.10):**



**Method Proposed by CCA Work Group, 1995:**



<sup>1</sup>"Per capita expenditures per 1,000 population" is the sum of (a) number of persons convicted of felonies under supervision in county at the end of the year, multiplied by \$350, (b) number of presentence investigations conducted during the year, multiplied by \$50, and (c) 1.33 multiplied by the annual cost to the county for juvenile probation officers' salaries during the year.

The work group recommended a new formula, shown in Figure 1.5. One of the work group's goals was to develop a formula that related more closely to the actual workloads of counties. The work group members agreed on five measures that, in their view, reflected counties' spending needs and one measure that reflected counties' ability to pay for services. As proposed by the work group, the formula would guarantee that each county receive at least as much CCA funding in future years as it did in fiscal year 1996, and the revised formula would be used only to distribute funding in excess of the \$29.912 million distributed statewide in 1996 under the old formula.



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# Variations in Minnesota Probation Services

## CHAPTER 2

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**T**he 1995 Legislature asked our office to recommend a method of allocating probation funds throughout Minnesota that would reflect uniform definitions of workload and risk. But 42 separate agencies administer probation in Minnesota, and there are no statewide probation service standards.<sup>1</sup> In addition, the state's 10 judicial districts (and the dozens of judges that serve in them) may have differing expectations of the probation agencies in their areas.

As noted in Chapter 1, Minnesota probation agencies differ in their goals, organization, and methods of receiving state funding. This chapter describes in more detail the services provided by Minnesota probation agencies. In our view, it is important for the Legislature to consider variation in these practices when selecting ways to allocate state funding. We asked:

- **To what extent do counties vary in the number of offenders on probation, and what may explain these variations? For what periods of time are offenders assigned to probation?**
- **How do Minnesota probation offices determine the types of probation supervision they will provide to various categories of offenders, and how do they evaluate offender risk?**
- **To what extent do Minnesota probation offices vary in the functions they perform and the extent of their contacts with offenders?**

We relied on several sources of information for this chapter. To evaluate variations in the number of persons on probation in Minnesota, we analyzed probation caseload data submitted by service providers in early 1995 to the Minnesota Department of Corrections (DOC). To evaluate the length of stayed sentences given to Minnesota felons and gross misdemeanants, we analyzed data that we obtained from the Minnesota Sentencing Guidelines Commission and Office of the State Court Administrator.

To find out more about the probation practices of county and state service providers, we surveyed the 50 agencies that provide probation services in Minnesota.

*1* There are 42 separate service providers if the Department of Corrections is counted as only one. (In addition to the department, there are 25 county administrative agencies in County Probation Officer/DOC counties and 16 Community Corrections Act administrative agencies.) However, we sent probation surveys to each of the department's nine district offices, so throughout this chapter we refer to 50 probation service providers in Minnesota.

This included 16 Community Corrections Act agencies (representing 31 counties), 25 agencies that provide juvenile and adult misdemeanor probation services under *Minn. Stat.* 260.311 (representing 32 counties), and nine Department of Corrections district offices (representing 24 counties in which the department provides all probation services and another 32 counties in which it provides services for adult felons). All 50 agencies responded to our survey, and Appendix D contains complete survey results.<sup>2</sup> In addition, we made site visits to three Department of Corrections field offices, three counties in which probation services are split between county and state staff, and seven Community Corrections Act agencies.<sup>3</sup> During these visits, we interviewed administrators and probation officers, and we sometimes accompanied probation officers on visits to offenders' homes or observed meetings with offenders at the probation office. Finally, we made numerous contacts by phone with agency administrators to discuss survey responses or collect information on the services they provide.

We found many variations in Minnesota probation services, which often reflected the varying preferences of courts and service providers. There are large variations in the number of adult misdemeanants and juveniles on probation in Minnesota counties, and there are somewhat smaller variations in the number of felons and gross misdemeanants on probation. Although most Minnesota felons on probation have five-year stayed sentences and most gross misdemeanants have two-year stayed sentences, there are regional differences in the average length of court-ordered probation. Many, but not all, service providers have formal procedures for classifying offenders, and there have been few efforts by providers to validate these approaches. The nature of probation services--such as the amount of supervision that offenders receive and the amount of investigation conducted--varies throughout the state.

By highlighting these variations, we do not necessarily mean to suggest that probation services should be uniform throughout Minnesota. Many variations exist because probation officials have tailored their services to meet the expectations of their courts and the communities they serve. In addition, the varying practices of courts and probation agencies may reflect varying ways in which they have addressed growing caseloads with limited resources. But we think it is important for legislators to recognize that variation in services complicates the task of developing a uniform funding formula that reflects probation agency workloads or offender risks. In addition, given the existing variation in the courts' use of probation for certain categories of offenders, legislators should be cautious about adopting funding formulas that might provide financial incentives to use probation, especially for lower-risk offenders.

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**Variation in Minnesota probation services complicates the task of developing a uniform funding formula.**

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<sup>2</sup> Each agency and DOC district office provided one set of responses that reflected their predominant practices. We asked agencies that serve multiple counties to discuss any noteworthy differences in practice among their member counties as they completed the survey.

<sup>3</sup> We visited DOC staff in Bemidji, Shakopee, and McLeod counties. We met with staff in the County Probation Officer/DOC counties of Meeker, Wabasha, and Nicollet (we also met staff from Goodhue and Winona counties and the DOC Albert Lea and North Mankato offices during these visits). Among CCA counties, we met with staff in Hennepin, Ramsey, Washington, Anoka, and Dakota counties, as well as the Arrowhead Regional Corrections office. We also attended a training session on classification instruments sponsored by Stearns County's probation office.

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**Service providers annually report on the number of offenders they have on probation.**

## VARIATION IN THE PROPORTION OF OFFENDERS ON PROBATION

To evaluate variation in the use of probation throughout Minnesota, we compared the number of persons on probation in each county to the county's population. The Department of Corrections requires service providers to report the number of persons on probation as of December 31 each year, categorized by the most serious offenses of their stayed sentences. We found that:

- **There is wide variation across Minnesota counties in the proportion of adults and juveniles on probation.**

Statewide, there were 24.6 **adults** on probation in 1994 per 1,000 adults in the population. However, as shown in Table 2.1, this ranged from 2.9 per 1,000 population in Kittson County to 52.4 per 1,000 population in Pine County. Statewide, there were 39.1 **juveniles** on probation per 1,000 persons ages 12 to 17 in the population. Among Minnesota counties, the number of juveniles on probation ranged from 4.9 per 1,000 in Sibley County to 127.7 per 1,000 in Meeker County.

Figures 2.1 through 2.4 illustrate the variation in the 87 counties' probation rates in more detail. For example, the number of adult felons on probation per 1,000 adult population ranged from 1.3 in Wabasha County to 19.7 in Polk County. The number of adult gross misdemeanants on probation ranged from 0.1 in Marshall County to 25.7 in Mahnommen County. Two counties--Marshall and Kittson--had no misdemeanants on probation in December 1994 and several other counties in northwestern Minnesota had relatively few misdemeanants on probation. In contrast, Isanti and Pine counties in east-central Minnesota each had about 34 misdemeanants per 1,000 on probation.<sup>4</sup> Of the four categories of crime shown in these figures, counties varied the most in their probation rates for adult misdemeanants and juveniles.

Counties with similar overall rates of probationers sometimes had very different mixes of types of offenders. For example, both Redwood and Itasca counties had about 23 adults on probation per 1,000 adult population in December 1994. But Redwood had 5 adults on probation for felonies per 1,000 population, while Itasca had 10 felony probationers per 1,000 population. For gross misdemeanors, Redwood had 3 probationers per 1,000; Itasca had 9 per 1,000. For misdemeanors, Redwood had 14 probationers per 1,000, while Itasca had 4 probationers per 1,000. In sum, these two counties had the same number of adults on probation per 1,000 population in 1994, but Redwood County's probation population consisted

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<sup>4</sup> According to *Minn. Stat.* §609.02, a felony is a crime punishable by more than a year of incarceration. A misdemeanor is a crime punishable by a sentence of up to 90 days and a fine of up to \$700. Gross misdemeanors are any crimes that are not felonies or misdemeanors, and they are punishable by fines of up to \$3,000; certain gross misdemeanors are punishable by imprisonment up to one year.

**Table 2.1: Number of Adults on Probation in Selected Counties, December 31, 1994**

<u>County Name</u>	<u>Adults on Probation per 1,000 Population</u>	<u>Number of Adults on Probation<sup>a</sup></u>
<b>COUNTIES WITH HIGHEST RATES</b>		
Pine	52.4	833
Isanti	49.8	937
Mahnomen	48.0	168
Mille Lacs	44.1	595
Kanabec	38.6	357
Carver	37.9	1,393
Anoka	37.2	6,934
Nobles	36.4	531
Scott	34.7	1,544
Meeker	34.5	516
<b>COUNTIES WITH LOWEST RATES</b>		
Kittson	2.9	12
Marshall	4.3	33
Lake of the Woods	6.2	19
Lincoln	7.2	35
Roseau	7.9	87
Murray	8.2	55
Stevens	9.1	73
Freeborn	9.1	217
Chippewa	9.2	86
Pennington	9.3	92
<b>OTHER COUNTIES</b>		
Hennepin	24.3	19,929
Ramsey	32.9	12,307
Statewide	24.6	81,890

Source: Program Evaluation Division analysis of data from Department of Corrections annual probation survey for December 31, 1994 and 1995 projected population data from Minnesota Planning.

<sup>a</sup>For this analysis, we excluded 82 misdemeanor offenders statewide whose most serious offense was reported as a juvenile status offense.

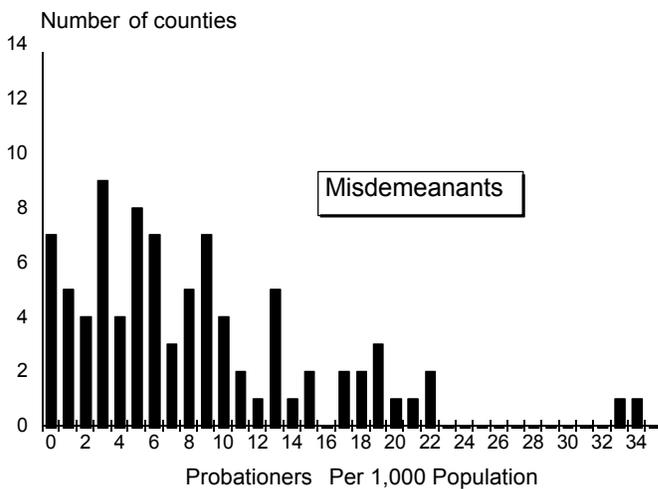
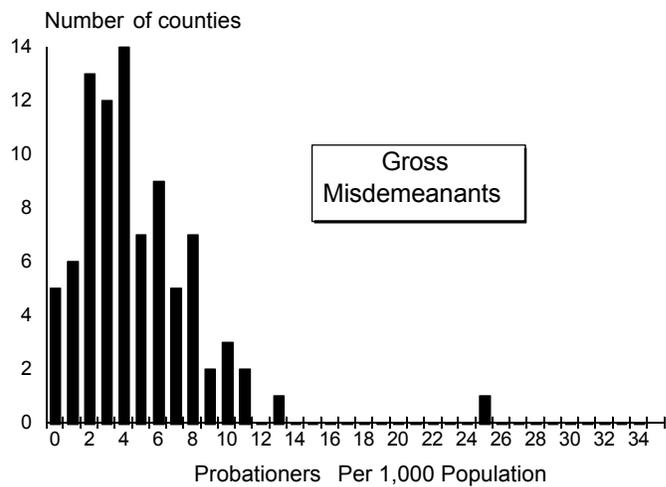
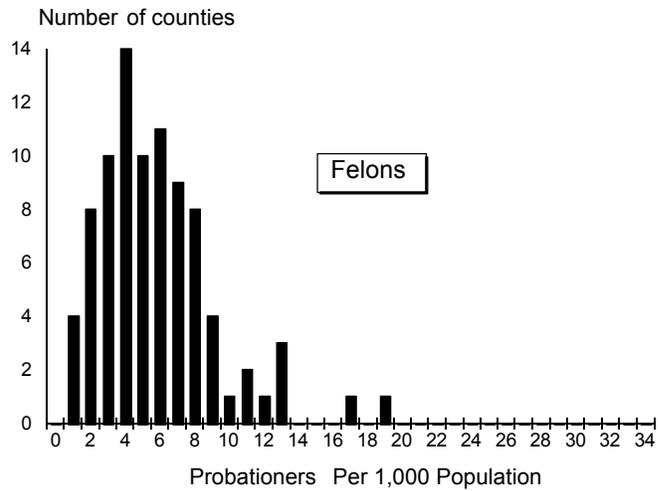
mostly of misdemeanants, while Itasca's consisted mainly of felons and gross misdemeanants.<sup>5</sup>

We interviewed many probation officials to hear their explanations for the variation in probation rates. In those counties with high levels of probationers per 1,000 county population, most officials thought that their probation rates directly reflected high crime rates. Some officials attributed high crime rates (and high probation rates) to causes such as casinos, gangs, racial tensions, and poverty.

<sup>5</sup> Some such differences in county probation rates might reflect differences in the use of plea bargaining throughout Minnesota, although there are no statewide data on this topic. For example, prosecutors in some counties may be more willing than prosecutors elsewhere to reduce charges against certain offenders in order to speed up the judicial process, which might result in more offenders placed on probation for lower-level offenses.

**Rates of probation use vary considerably across Minnesota.**

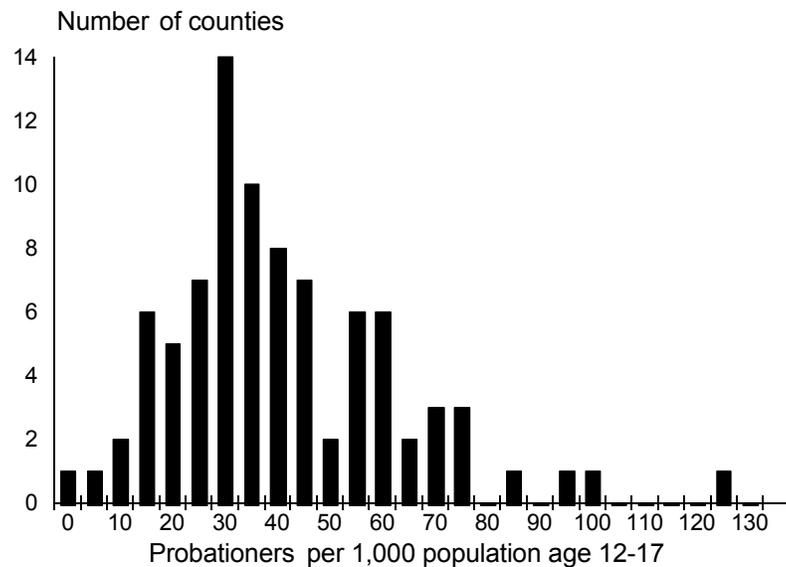
**Figures 2.1 to 2.3: Adult Probation Rates in Minnesota Counties, December 1994**



**There is particularly large variation in counties' rates of adult misdemeanants on probation.**

Source: Minnesota Department of Corrections annual probation survey data for December 31, 1994; Minnesota Planning 1995 population projections for persons ages 18 and older.

**Figure 2.4: Juvenile Probation Rates in Minnesota Counties, December 1994**



Source: Minnesota Department of Corrections annual probation survey; Minnesota Planning 1995 population projections.

But, while crime rates undoubtedly have some impact on the number of persons on probation, we found that:

- **There is not a strong relationship between overall rates of arrest and use of probation in Minnesota counties. There is, however, a close relationship between counties' rates of felons convicted and felons on probation.**

We computed the number of arrests and convictions per 1,000 county population for selected categories of offenders, and we examined whether these measures of crime were related to the number of offenders on probation per 1,000 population.<sup>6</sup> Table 2.2 shows the relationship between various measures of crime and use of probation, using a scale where 1.0 represents a perfect, positive relationship and 0.0 represents no relationship. There was a strong correlation (0.77) between the number of felons convicted in 1993 and the number of felons on probation in December 1994. But the other relationships between measures of crime and number of persons on probation were weaker, particularly the relationships between arrest rates and probation rates. Thus, there are apparently factors besides crime rates that affect county probation rates.

We found that:

<sup>6</sup> We obtained 1994 arrest data from the Criminal Justice Information Center at the Minnesota State Planning Agency. We obtained felony conviction data from the Minnesota Sentencing Guidelines Commission, and we obtained juvenile adjudication and gross misdemeanor conviction data from the State Court Administrator's Office.

**The relationship between counties' arrest and probation rates is quite weak.**

**Table 2.2: Relationships Between the Number of Persons Arrested and Convicted in Counties and the Number of Persons on Probation**

Measure of Criminal Activity (per 1,000 county population)	Measure of Persons on Probation (per 1,000 county population)	Correlation <sup>a</sup>
Total adult arrests (Part I and Part II offenses), 1994	Total adults on probation, December 1994	0.16
Adult arrests for Part I (serious) offenses, 1994	Felons on probation, December 1994	0.39
Total juvenile apprehensions (Part I and Part II offenses), 1994	Total juveniles on probation, December 1994	0.37
Adult felony convictions, 1993	Felons on probation, December 1993	0.77
Adult gross misdemeanor convictions, 1994	Gross misdemeanants on probation, December 1994	0.71
Juvenile delinquency adjudications, 1994	Juveniles on probation, December 1994	0.45

Source: Program Evaluation Division analysis of: arrest and 1995 projected population data from Minnesota Planning; felony conviction data from Minnesota Sentencing Guidelines Commission; gross misdemeanor and juvenile adjudication data from Minnesota Office of the State Court Administrator; December 31, 1994 probation caseload data from the Minnesota Department of Corrections. For measures involving adults, we used county populations of persons aged 18 and over; for measures involving juveniles, we used county populations of persons aged 12-17.

<sup>a</sup>1.0 would be a perfect positive correlation; 0.0 would be no correlation.

- **Probation officials believe, and probation caseload data suggest, that much of the variation in the number of persons on probation—especially adult misdemeanants and juveniles—reflects differences in judicial practices.**

Many probation officials in counties with high probation rates told us that judges in their areas were more willing to place people on probation than judges in other parts of the state. One official suggested that some communities have "low boiling points," and judges in these areas often make decisions that reflect local norms. In such communities, offenses that would not reach a court elsewhere frequently result in probation.<sup>7</sup> For instance, probation staff told us that juveniles caught with open containers of alcohol in some western Minnesota counties are automatically placed on probation, even for first offenses. In some parts of Minnesota with very low probation rates, probation officials told us that judges prefer to use fines instead of probation, partly as a way of keeping probation officer caseloads at lower levels.

<sup>7</sup> In addition, felony probation rates could be affected by the rates at which offenders are sent to prison. Judicial district 4 (Hennepin County) sentenced 30 percent of felons to prison in 1993 and district 2 (Ramsey County) sentenced 24 percent to prison; all other districts sent between 16 and 21 percent to prison.

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**Variation in the use of probation often reflects judicial preferences.**

In addition, some judges rely on probation officers to administratively monitor offenders required to pay restitution and fines, while other judges rely on other court staff to do this. Probation officials told us that judges sometimes assign such cases to probation officers because, in most counties, half the cost of juvenile and adult misdemeanor probation officers' salaries is reimbursed by the state, while the salaries of other court staff are not. A probation official in one county told us that about 60 percent of his probationers (which number several hundred) require no personal contact with probation officers and could be handled by the court's administrative staff.

As we examined county probation caseloads for individual types of offenses, we found further evidence of judicial variation. For example:

- There were 18 counties that had no more than one adult on probation in 1994 for non-DWI traffic offenses. In contrast, two relatively small counties (Pine and Isanti) had 264 and 286 traffic offenders on probation, respectively. Also, the rate of adult non-DWI traffic offenders on probation in Minnesota's most populous county (Hennepin) was one-tenth the rate of the state's second most populous county (Ramsey).<sup>8</sup>
- Seven counties in northwestern Minnesota had no offenders on probation for misdemeanor drunk driving offenses in 1994, while Chisago County had 327 such offenders on probation, or 14 per 1,000 adult population.
- Twenty-two counties had no more than one person on probation in 1994 for "status offenses," or offenses that apply only to persons of juvenile ages, such as the underage possession of alcohol or tobacco, curfew violations, and truancy. In contrast, six counties had more than 20 such offenders per 1,000 county population aged 12 to 17.
- The rate of juvenile property offenders on probation per 1,000 population aged 12 to 17 ranged from 0 (Red Lake County) to 67 (Meeker County.)

Judges may also exercise discretion in the length of time for which offenders are assigned to probation and their willingness to discharge offenders prior to the end of the maximum probation period. We discuss variation in the length of probation in the next section.

Probation officials cited other possible explanations for variation in the reported number of persons on probation. For example, counties vary in the extent to which their offenders are "diverted" prior to court actions. Diverted offenders may be handled by police officers, county attorneys, or others instead of being handled by probation officers, and they are not counted as being "on probation" in the Department of Corrections' annual probation survey. Also, officials in some counties told us that their courts put many juveniles on probation because there are few community-based human services programs available to provide the serv-

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<sup>8</sup> Ramsey County had 1,398 adult non-DWI traffic offenders on probation, or 3.74 per 1,000 county adult population. Hennepin County had 291 adult non-DWI traffic offenders on probation, or 0.36 per 1,000 adult population.

ices these persons need. In addition, some probation officials said that variation among counties in the number of persons on probation might reflect inaccurate or inconsistent reporting for the Department of Corrections probation survey, which we discuss in Chapter 3. These explanations would be difficult to verify because there are no statewide data on the availability of diversion and social services programs, and the information submitted for the annual probation survey is not independently audited.

## VARIATION IN THE LENGTH OF STAYED SENTENCES

In addition to examining variation in the number of people on probation throughout Minnesota, we examined variation in the length of stayed sentences given to adult offenders placed on probation. Judges may grant stayed sentences for time periods up to the maximum periods set in law for the offense of conviction.<sup>9</sup>

We obtained sentencing data on persons convicted of felonies from the Minnesota Sentencing Guidelines Commission, and we obtained information on gross misdemeanants from the State Court Administrator's Office. There is no statewide information on the sentences for adult misdemeanants, and juveniles are not "sentenced" under Minnesota criminal law. We found that:

- **Most offenders given stayed sentences for felonies received a maximum period of probation of five years. Most offenders given stayed sentences for gross misdemeanors received a maximum period of two years probation.**

Figure 2.5 shows the length of stayed sentences given to convicted felons in 1993 (the most recent year for which we were able to obtain data), and Figure 2.6 shows the length of stayed sentences given to gross misdemeanants in 1994.<sup>10</sup>

We examined variation in the average length of stayed sentences for convicted felons among the state's 10 judicial districts, which are shown in Figure 2.7. We conducted this analysis only for felons because the sentencing database maintained by the Minnesota Sentencing Guidelines Commission contained information on offenders' prior criminal history, which we thought might be a factor in the length of stayed sentences. As Table 2.3 shows, the average length of sentences stayed for convicted felons in District 7 was more than twice the average of District 6. The

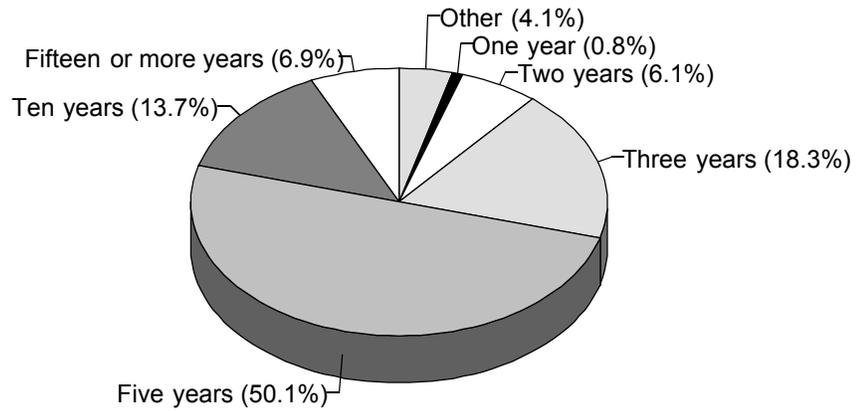
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<sup>9</sup> See *Minn. Stat.* §609.135, Subd. 2.

<sup>10</sup> The vast majority of stayed sentences are given for periods of time that can be stated in whole years. For example, while some offenders receive 18-month stayed sentences, most receive stayed sentences for maximum periods such as one year, five years, or the like.

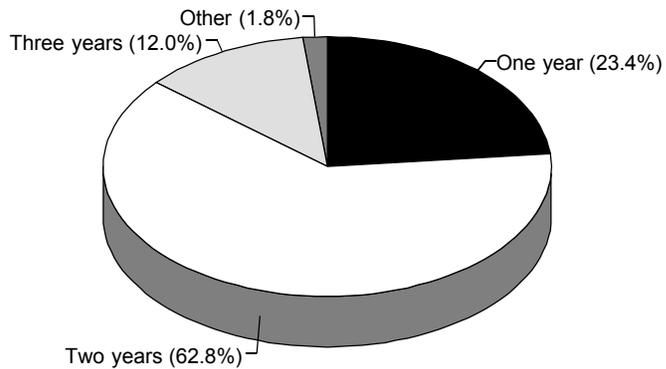
**The most common length of stayed sentences was five years for felons and two years for gross misdemeanants.**

**Figure 2.5: Length of Stayed Sentences for Minnesota Felons, 1993**

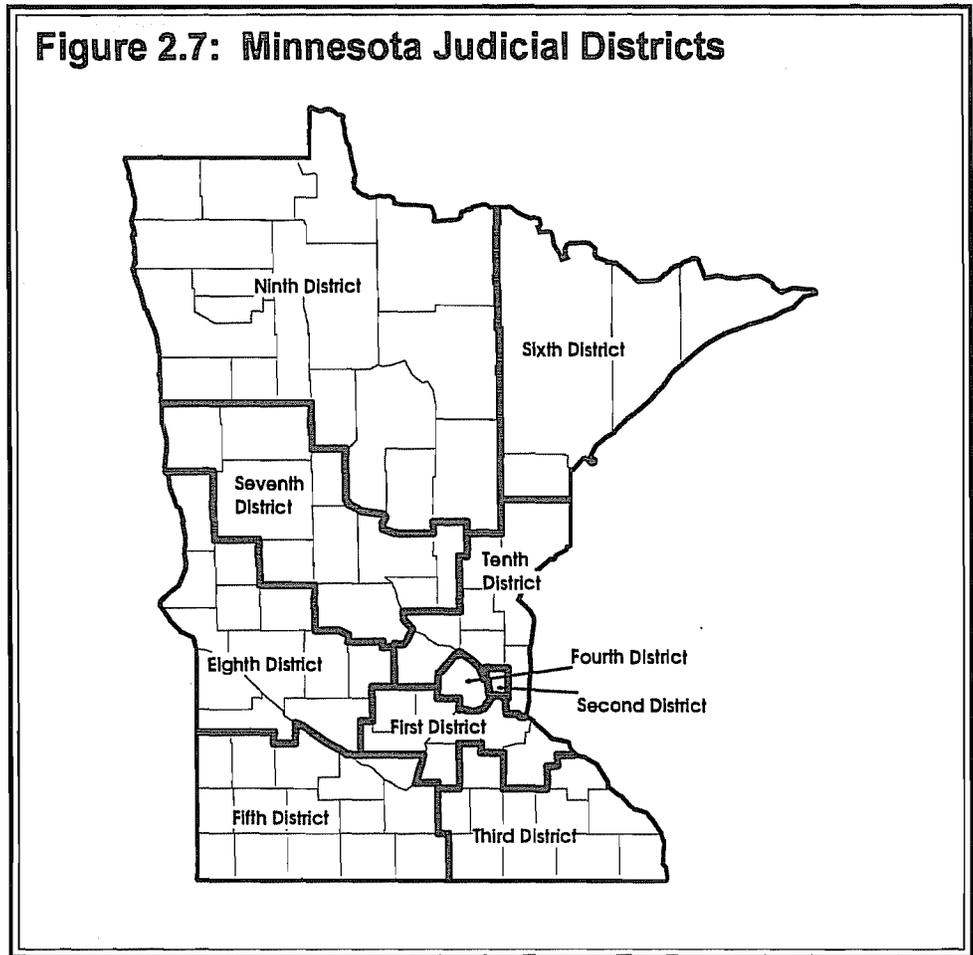


Source: Minnesota Sentencing Guidelines Commission.

**Figure 2.6: Length of Stayed Sentences for Minnesota Gross Misdemeanants, 1994**



Source: Minnesota Office of the State Court Administrator.



**Table 2.3: Average Length of Stayed Sentences for Convicted Felons Sentenced to Probation, by Judicial District, 1993**

There was regional variation in the average length of stayed felony sentences.

District	Total Offenders	Average Stayed Sentence Length (in Months)		
		All Offenders (N = 7,562)	Offenders With No Criminal History (N = 4,507)	Offenders With Prior Criminal History (N = 3,055)
First	705	62.1	59.7	65.9
Second	1,144	87.8	89.7	85.3
Third	565	78.1	74.5	84.5
Fourth	1,609	54.8	56.9	52.9
Fifth	445	65.4	65.1	66.4
Sixth	444	46.2	45.0	48.2
Seventh	789	92.7	95.4	87.8
Eighth	182	69.3	66.5	73.2
Ninth	651	83.3	83.9	82.2
Tenth	1,028	90.0	92.1	86.0
STATE	7,562	73.9	75.4	71.5

Source: Program Evaluation Division analysis of data from Minnesota Sentencing Guidelines Commission.

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**Offenders with prior criminal records often receive stayed sentences similar in length to offenders without prior records.**

average stayed sentence in Hennepin County (District 4) was substantially lower than the average in Ramsey County (District 2).<sup>11</sup>

We wondered whether differences such as these might reflect variation in the types of offenses for which the probationers had been convicted. Thus, we identified offenders given stayed sentences for 14 common offenses and, for each category of offense, we compared the length of stayed sentences among districts.<sup>12</sup> Together, these 14 offenses represented more than half of Minnesota's felony convictions that resulted in stayed sentences in 1993, and there were more than 200 convictions statewide in each of these offense categories in 1993.

We found considerable variation among districts in the length of stayed sentences for individual categories of offenses, as shown for three selected categories in Table 2.4. In 11 of 14 offense categories, District 6 had the shortest average stayed sentences of the 10 judicial districts. In all 14 categories, felons convicted in Hennepin County had shorter average stayed sentences than offenders in Ramsey County. Thus, some of the variation among judicial districts that we noted in the average length of stayed sentences for all offenses also was apparent when we examined districts' average length of stayed sentences for individual offenses.

We also examined whether felons who had previous criminal records tended to receive longer stayed sentences than those who did not. As shown in Table 2.4, the statewide differences in the stayed sentences given to offenders with prior records and those without prior records were often relatively small--for example, about four months in the case of offenders convicted of theft crimes. In 6 of the 14 offense categories, we found that judicial districts' average length of stayed sentences given to felons with some prior criminal records (as measured by the Sentencing Guideline Commission's criminal history "points") was significantly different than the average length of the stayed sentences given to persons without prior records.<sup>13</sup>

The sentencing data that we obtained on felons and gross misdemeanants indicated the maximum period of time that each offender **could** remain on probation, as determined by the courts at the time of sentencing. It would be interesting to know how long offenders **actually** remain on probation, which can be affected not only by judicial decisions on "early discharge" from probation but also by the

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<sup>11</sup> Districts might have shorter average stayed sentences if they tend to send offenders to prison rather than placing them on probation for long periods. For example, of all persons convicted of theft crimes in District 4 (Hennepin County) during 1993, 27 percent went to prison. No other district sent more than 19 percent of these offenders to prison. This might be one reason why District 4 had shorter average stayed sentences for this offense than all but one district.

<sup>12</sup> Based on categories used by the Minnesota Sentencing Guidelines Commission, we examined the following offenses: drug sale fifth degree--marijuana; drug possession fifth degree; welfare fraud; second-degree assault with a weapon; third-degree assault with intent to commit substantial bodily harm; second-degree criminal sexual conduct; theft crimes; use of a motor vehicle without consent; theft-related offenses; receiving stolen property of more than \$2,500; second degree burglary--residential; third-degree burglary--non-residential; check forgery--\$200 to \$2,500; and terroristic threats.

<sup>13</sup> As determined with F ratios at a 0.01 level of confidence, comparing mean sentence lengths of offenders with no criminal history points to the mean sentence lengths of offenders with any criminal history points.

**Table 2.4: Average Length (in Months) of Stayed Sentences for Selected Felony Offenses, by Judicial District, 1993**

Judicial District	Drug Possession 5th Degree		Theft Crimes		Burglary, 3rd Degree (Non-Residential)	
	Offenders Without Prior Records	Offenders With Prior Records	Offenders Without Prior Records	Offenders With Prior Records	Offenders Without Prior Records	Offenders With Prior Records
First	50.8	50.2	52.8	56.6	46.5	56.6
Second	59.0	62.9	64.3	55.3	56.6	56.8
Third	48.0	64.6	57.1	68.3	51.8	56.2
Fourth	37.4	40.0	49.1	47.5	37.8	48.0
Fifth	50.4	45.0	60.8	72.9	52.6	46.0
Sixth	31.5	41.0	38.3	39.6	30.0	42.7
Seventh	60.0	98.2	80.0	79.8	59.0	60.7
Eighth	42.0	65.3	76.0	60.0	52.0	60.0
Ninth	60.0	60.0	72.9	68.9	60.0	62.0
Tenth	59.4	67.9	74.0	64.8	56.9	57.9
STATE (N)	51.9 (332)	54.7 (346)	62.3 (460)	57.9 (295)	52.9 (249)	56.0 (242)

Source: Program Evaluation Division analysis of data from Minnesota Sentencing Guidelines Commission.

extent to which individual probation offices recommend early discharges to their courts.<sup>14</sup> There are no statewide data on the actual time served on probation. However, to develop very rough estimates of the amount of time spent on probation, we compared the number of people sentenced to probation in one year with the number of people on probation at the end of that year for these same types of offenses. To illustrate, a judicial district that sentenced 900 gross misdemeanants to probation in 1994 and had 1,000 total gross misdemeanants on probation at the end of 1994 would have a ratio of 900/1,000, or 0.90. Such a ratio would seem to indicate that gross misdemeanants remained on probation for close to a year, on average.<sup>15</sup>

Table 2.5 shows these felony and gross misdemeanor ratios for each judicial district. Statewide, the ratios indicate that felons sentenced to probation in 1993 represented 31 percent of the year-end 1993 felony probation caseloads--suggesting that the felony caseloads "turn over" about every three years, on average. Statewide, the gross misdemeanants sentenced to probation in 1994 represented 89

<sup>14</sup> According to probation staff we spoke with, probation agencies vary in their policies on early discharge recommendations. For example, while some agencies recommend complete discharge from supervision when most or all probation conditions have been met, some others recommend that offenders be placed on "administrative" probation until the term of the stayed sentence expires.

<sup>15</sup> Without data on the the actual time periods that persons have been on probation, it is not possible to compute the true average length of probation. The "turnover rate" computed here could be a rough proxy for this average. A relatively low turnover rate might indicate that a district's offenders tend to stay on probation longer than offenders in other districts, but it is also possible that this district has a disproportionate number of probationers who were not convicted in that district.

**Table 2.5: Ratios of Offenders Sentenced to Probation to the Number of Probationers**

Statewide, felons sentenced to probation in 1993 represented 31 percent of the total felons on probation at the end of 1993.	Judicial District	Ratio of Felons Sentenced to Probation in 1993 to Total Felons on Probation in December 1993	Ratio of Gross Misdemeanants Sentenced to Probation in 1994 to Total Gross Misdemeanants on Probation in December 1994
		First	0.29
	Second	0.26	0.61
	Third	0.42	1.08
	Fourth	0.25	1.02
	Fifth	0.41	0.62
	Sixth	0.41	0.75
	Seventh	0.42	1.21
	Eighth	0.36	0.74
	Ninth	0.34	0.87
	Tenth	0.30	0.80
	STATE	0.31	0.87

Source: Program Evaluation Division analysis of felony data from Minnesota Sentencing Guidelines Commission, gross misdemeanor data from Office of the State Court Administrator, and Department of Corrections annual probation survey data.

percent of the year-end gross misdemeanants on probation--suggesting that the gross misdemeanor caseloads "turn over" almost yearly, on average.<sup>16</sup>

## VARIATION IN OFFENDER CLASSIFICATION SYSTEMS

Most probation offices do not try to provide equal levels of service or supervision to all offenders placed on probation. For example, probation offices may provide more intensive services to persons who have committed more serious offenses, are considered greater risks for reoffense, or are in need of special assistance. Many service providers have implemented "formal" classification systems to help determine the levels of supervision that individual offenders should receive. Such systems can help agencies to provide more cost-effective services by distinguishing offenders who need considerable staff attention from those who do not. In addition, they can help the managers of probation agencies to measure and balance workloads among their staff.<sup>17</sup>

<sup>16</sup> Although there are no statewide court records on the number of adult misdemeanants and juveniles assigned to probation in a given year, the Department of Corrections does collect information from service providers on the number of "new entries" onto probation caseloads. Statewide, there were 35,748 new misdemeanor probationers in 1994, compared with 36,753 misdemeanants on probation at the end of 1994. There were 17,392 new juveniles on probation in 1994, compared with 15,346 juveniles on probation at the end of 1994.

<sup>17</sup> We discuss the benefits of classification systems more in Chapter 3.

## Extent of Offender Classification

We found that:

**Service providers should classify offenders to determine the levels of service they will receive.**

- **For the most part, experts in the corrections field believe that probation offices should use formal methods for classifying offenders.**

For example, the nation's principal accrediting and standard-setting organization for corrections organizations (the American Correctional Association) recommends that probation agencies use a standardized classification process to determine the amount and type of supervision needed by offenders.<sup>18</sup> The federal government's National Institute for Corrections adopted a "model" system for case classification in the early 1980s and helped many probation agencies to implement it.<sup>19</sup> In 1994, a Minnesota task force comprised of state and local probation officials recommended that the Legislature require each probation agency to develop an offender classification system.<sup>20</sup>

Over the past 20 years, most corrections agencies in the United States have accepted the notion of offender classification. In 1985, a review of classification practices nationally said that: "Ten years ago, a minority of probation agencies had formal classification systems; today the vast majority has [them]."<sup>21</sup> We looked at the extent to which service providers in Minnesota use offender classification systems. Based on our survey of probation service providers, we found that:

- **Service providers in nearly all Minnesota counties use risk assessment instruments to classify adult felons on probation, but such instruments are not used as often for adult misdemeanants and juveniles on probation.**

The Minnesota Department of Corrections uses a uniform risk assessment to classify adult felons in each of the 56 counties where it provides services to this population. Community Corrections Act counties supervise felons in the other 31 counties, and formal classification approaches are used in all but five, according to our survey.

The use of classification instruments for misdemeanants and juveniles is more varied. For example, of the 32 counties in which the Department of Corrections supervises adult felons and county staff supervise adult misdemeanants and juveniles, only six counties use a formal classification instrument for adult misdemeanants and only five use one for juveniles. In contrast, the Department of Corrections uses a uniform risk assessment to classify misdemeanants and juveniles in

<sup>18</sup> American Corrections Association, *Public Policy for Corrections: A Handbook for Decision Makers* (Laurel, MD, 1991), 64.

<sup>19</sup> National Institute for Corrections and Wisconsin Bureau of Community Corrections, *Classification in Probation and Parole: A Model Systems Approach* (Washington, D.C., 1980).

<sup>20</sup> Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 23.

<sup>21</sup> Todd R. Clear and Kenneth W. Gallagher, "Probation and Parole Supervision: A Review of Current Classification Practices," *Crime and Delinquency* (July 1985), 424.

all 24 counties where it supervises these offenders, and most CCA counties formally classify these offenders, too. The service providers that do not use formal classification instruments rely primarily on the judgment of probation officers to determine the amount and type of supervision that each offender needs.<sup>22</sup>

## Classification Instruments Used

Among those Minnesota probation offices that use uniform instruments to classify their offenders, we found that:

- **Service providers differ in the goals of their classification approaches and the types of instruments used.**

Minnesota probation offices classify adult offenders based on their risks of reoffending, "needs" (social, psychological, educational, and vocational), offenses committed, or some combination of these. Figure 2.8 shows the instruments now in use. Of the service providers that use formal classification systems for adult probationers, all but one classify offenders based on their risks of reoffending. Typically, probation offices that use risk assessments try to provide more intensive services (at least initially) to persons classified as "high risk."

For adults on probation in Minnesota, the most common risk classification instrument is the Wisconsin Risk Assessment Scale, or "Wisconsin instrument." The state of Wisconsin first implemented this assessment in 1975, and the National Institute of Corrections subsequently declared it a national model for how to classify offenders. As shown in Figure 2.9, this assessment consists of a set of 11 questions that can be completed by a probation officer. Studies conducted by Wisconsin's state corrections department found that the instrument could be used to identify groups of offenders with very different rates of reoffending.<sup>23</sup> Minnesota's Department of Corrections adopted the Wisconsin model in the early 1980s, and it now uses this instrument to classify adult felony offenders in 56 counties and misdemeanants in 24 of these counties.

Several counties supplement their risk assessments with assessments of offenders' "needs."<sup>24</sup> Some needs assessment instruments are designed to identify offender characteristics that will affect the amount of time required for supervision. For example, service providers in 10 Minnesota counties use a needs scale developed by the state of Wisconsin to assess adult offenders' academic and vocational abilities, emotional stability, and other characteristics. For the most part, staff in these counties feel an obligation to serve offenders with "high needs," even if the offenders'

<sup>22</sup> Typically, formal offender classification systems allow probation officers to "override" the objective classifications in cases where they (or their supervisors) deem this appropriate, so there is room for officers to exercise discretion in these systems as well.

<sup>23</sup> Classification instruments cannot predict with much precision whether **individuals** will reoffend, but they can be used to identify **groups** of offenders that have higher rates of reoffending. Incidentally, Wisconsin added the final question on its risk scale based on a policy choice, not based on its ability to predict recidivism.

<sup>24</sup> Among Minnesota service providers that use formal classification instruments for juveniles, most use a combination of needs and risk assessments.

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**Many service providers classify offenders based on their risk of reoffending.**

**Figure 2.8: Classification Instruments Used for Adult Offenders on Probation in Minnesota**

<u>Instrument and Service Provider</u>	<u>Classification is Based On:</u>		
	<u>Risks</u>	<u>Needs</u>	<u>Current Offense and Criminal History</u>
<b>WISCONSIN/NATIONAL INSTITUTE OF CORRECTIONS INSTRUMENT<sup>a</sup></b>			
24 counties where the Minnesota Department of Corrections provides probation for adult felons <i>and</i> misdemeanants (Beltrami, Becker, Clay, Cottonwood, Douglas, Faribault, Hubbard, Kittson, Lake of the Woods, LeSueur, Lincoln, Lyon, McLeod, Mahnomen, Marshall, Martin, Murray, Pennington, Pipestone, Redwood, Renville, Roseau, Sibley, Watonwan)	X		
32 counties where the Minnesota Department of Corrections provides probation for adult <i>felons only</i> (Benton, Big Stone, Brown, Carver, Cass, Chisago, Clearwater, Freeborn, Goodhue, Grant, Houston, Isanti, Itasca, Jackson, Kanabec, Mille Lacs, Meeker, Mower, Nicollet, Otter Tail, Pine, Pope, Scott, Sherburne, Steele, Stevens, Traverse, Wabasha, Waseca, Winona, Wilkin, Wright)	X		
Dakota County	X		
Ramsey County	X	X	
Arrowhead Regional Corrections (St. Louis, Cook, Koochiching, Lake, and Carlton counties) <sup>b</sup>	X	X	
Wright County (misdemeanants)	X	X	
Tri-County Community Corrections (Red Lake, Polk, and Norman counties)	X	X	
Nicollet County (misdemeanants)	X		
Pope County	X		
Brown County (misdemeanants)	X		
Carver/Scott counties (misdemeanants)	X		
Region 6W Community Corrections (Chippewa, Lac Qui Parle, Swift and Yellow Medicine counties) (felons)	X		
Todd/Wadena counties	X		
Central Minnesota Community Corrections (Aitkin, Morrison, and Crow Wing counties)	X		
Blue Earth (felons)	X		
<b>OTHER INSTRUMENTS</b>			
Hennepin County: "Just deserts" classification system			X
Dodge/Fillmore/Olmsted counties - Levels of Supervision Inventory	X	X	
Washington County - Levels of Supervision Inventory	X	X	
Anoka County: Risk-based assessment, developed in-house (used for offenders assigned to "maximum supervision" unit)	X		

Source: Program Evaluation Division September-October 1995 survey of service providers and interviews with providers.

<sup>a</sup>Some of the service providers that use this instrument have modified it slightly. Also, there are variations among providers in the population for which the instrument is used. Some use it for felons only, and some use it only for misdemeanants. Unless noted otherwise, the service providers use this instrument to classify felons *and* misdemeanants.

<sup>b</sup>Uses the Wisconsin/NIC instrument for felons and its own instrument for other adult offenders.

### Figure 2.9: Wisconsin-National Institute of Corrections Risk Assessment Scale

			SCORE
(Select the appropriate answer and enter the associated weight in the score column.)			
Number of Address Changes in last 12 Months: (Prior to incarceration for parolees)	0	None	_____
	2	One	
	3	Two or more	
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	0	60% or more	_____
	1	40% - 59%	
	2	Under 40%	
	0	Not applicable	
Alcohol Usage Problems (Prior to incarceration for parolees)	0	No interference with functioning	_____
	2	Occasional abuse; some disruption of functioning	
	4	Frequent abuse; serious disruption; needs treatment	
Other Drug Problems: (Prior to incarceration for parolees)	0	No interference with functioning	_____
	1	Occasional abuse; some disruption of functioning	
	2	Frequent abuse; serious disruption; needs treatment	
Attitude:	0	Motivated to change; receptive to assistance	_____
	3	Dependent or unwilling to accept responsibility	
	5	Rationalizes behavior, negative; not motivated to change	
Age at First Conviction: (or Juvenile Adjudications)	0	24 or older	_____
	2	20 - 23	
	4	19 or younger	
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	0	None	_____
	4	One or more	
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	0	None	_____
	4	One or more	
Number of Prior Felony Convictions: (or Juvenile Adjudications)	0	None	_____
	2	One	
	4	Two or more	
Convictions or Juvenile Adjudications for: (Includes current offense, Score must be either 0,2,3, or 5)	0	None of the Offense(s) stated below	_____
	2	Burglary, theft, auto theft, or robbery	
	3	Worthless checks or forgery	
	5	One or more from the above categories	
Convictions or Juvenile Adjudications for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	15	Yes	_____
	0	No	
		Total all scores to arrive at the risk assessment score	TOTAL _____

Source: Wisconsin Department of Corrections.

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**Minnesota  
service  
providers do  
not agree on  
the "best" way  
to classify  
offenders.**

risk scores are not particularly high. Service providers in four other counties use adult assessment instruments that are intended to measure "criminogenic needs," or changeable offender characteristics that relate to recidivism, such as antisocial attitudes.<sup>25</sup> In general, probation agencies that classify offenders based on their "needs" believe that it is necessary to identify these characteristics in order to (1) develop appropriate strategies for offender supervision, and (2) monitor changes in offenders that could indicate their likelihood to reoffend. Some probation administrators told us that they do not use needs assessments because their probation workloads are already high, and the needs assessments would likely identify additional offenders needing supervision. Other administrators told us that they do not use needs assessments because most of the offenders identified as "high needs" are also ones who would be identified as "high risk."

The state's largest probation service provider (Hennepin County) classifies adult offenders based on neither offender needs nor risks of reoffending. In 1993, the county implemented a "just deserts" model of probation supervision. It categorizes each offender on a grid, based on (1) the most recent conviction offense, and (2) criminal history. The county uses the grid to determine categories of offenders that will be given "traditional" supervision, involving regular contacts with probation officers.<sup>26</sup> In general, the county reserves traditional supervision for offenders with the most serious conviction offenses and the longest criminal histories, but it also assigns certain misdemeanants (such as domestic abuse offenders) to traditional probation. Offenders not assigned to traditional probation are assigned to "alternative" probation, which involves limited contact with probation officers. Hennepin County administrators believe that an offense-based classification system is consistent with Minnesota's sentencing guidelines system, which bases sanctions on current offenses and criminal history, not the risk of reoffending. They also believe that the primary goal of probation officers is to help ensure that offenders comply with the conditions of probation imposed by judges--not to address offender needs.

Overall, the type of supervision given to a particular Minnesota offender may depend on the classification approach used by his or her service provider. Offenders who are convicted of serious felonies--and who would be placed under close supervision initially in Hennepin County--might receive lower levels of supervision in counties where the service providers classify offenders based on their risks of reoffending. Likewise, persons convicted of misdemeanor or gross misdemeanor property offenses would typically have limited contact with probation officers in Hennepin County, but many other service providers would give these offenders relatively high levels of supervision if they had previous convictions for assaults.

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25 An example is the Levels of Supervision Inventory (LSI), a classification instrument developed in Canada that service providers in four Minnesota counties have adopted. The LSI is designed to assess offender risk and needs, as well as the "learning styles" of offenders.

26 The county's policy is to have a countywide average of 75 offenders per probation officer in traditional supervision, and this caps the total number of offenders that the county can serve.

## Validation of Classification Instruments

Nationally, most probation experts believe that classification instruments are a necessary management tool, but they have usually been careful to advocate only the use of "validated" instruments--that is, ones shown to be predictive of actual behavior.<sup>27</sup> A risk classification instrument is considered valid if it can identify groups of offenders who have very distinct rates of reoffending.

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**Service providers should periodically determine whether their classification methods are valid.**

As noted above, many Minnesota probation offices use classification instruments that have been developed and validated in other states, such as the Wisconsin risk classification instrument. However, it is not sufficient for probation offices to merely "import" classification instruments from other places without periodically testing the validity of the instruments on the populations to which they will be applied. As one leading researcher recently cautioned:

A solid body of research indicates that risk assessments are not always (or even usually) transportable from one setting to another. This means that cases scoring "high risk" on an instrument used in one setting may not be considered truly high risk in another setting.<sup>28</sup>

Even if an "imported" classification instrument identifies groups of offenders with different reoffense rates, experts recommend that the user agencies still consider ways to improve or adapt it. As one of the developers of the Wisconsin assessment instrument has noted, "at least minor revisions to scales nearly always result from validation studies which increase the discriminatory power of these scales and, in some cases, major improvements are possible."<sup>29</sup>

Also, because the types of offenders on probation can change over time, it is important to validate classification instruments periodically. The classification experts with whom we spoke suggested that agencies consider validating their classification instruments about every five years. We found that:

- **Most Minnesota probation offices that use risk classification instruments have never validated these instruments on their own populations of offenders, or have not done so recently.**

We found only one service provider in Minnesota that has validated its current probation risk classification instrument during the past five years. In 1992, Dakota County reviewed court and Bureau of Criminal Apprehension records to deter-

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27 The American Correctional Association has ratified policies that call for "a validated and standardized classification process." See ACA, *Public Policy for Corrections: A Handbook for Decision-Makers* (Laurel, MD, 1991), 64. A recent review of classification literature reported that one of the major principles of classification is, "Risk classifications should be validated on the populations to which they will be applied." See Todd R. Clear, "The Design and Implementation of Classification Systems," *Federal Probation* (June 1995), 59.

28 Clear, "The Design and Implementation of Classification Systems," 59.

29 Christopher Baird, *Validating Risk Assessment Instruments Used in Community Corrections* (Madison, WI: National Council on Crime and Delinquency, January 1991), 46.

mine the extent to which persons on probation committed new offenses following their discharge from probation.<sup>30</sup>

The only other service provider that has completed a validation study of its current risk instrument is the Minnesota Department of Corrections. In 1982 and 1988, the department reviewed the rates at which selected probationers in various risk categories had their probation revoked. The studies found that the persons identified by the department as "maximum," "medium," and "minimum" risks for reoffense did, in fact, have revocation rates consistent with these classifications.<sup>31</sup> The department deserves credit for undertaking these studies, especially in light of the absence of validation studies by other Minnesota service providers. However, the department's studies should not be considered definitive because some of its research methods were not consistent with those usually followed in validation studies, and the 1988 study was done for limited parts of the state.<sup>32</sup>

The lack of validation studies by service providers reflects the fact that:

- **Most Minnesota probation agencies have not systematically measured and reported the outcomes of their services.**

We asked service providers to identify probation outcome measures that they have used during the past two years, and 45 of 50 service providers did not mention any. An exception was Rice County, which produced its "first annual report on [the] results of supervision" in February 1995. Rice County staff measured new arrests and convictions for juveniles and adults under supervision, and they also determined what percent of court-ordered restitution was paid to crime victims.

In our view, there are some important impediments to comprehensive outcome monitoring. For instance, there is no statewide database that contains information on misdemeanor arrests and convictions. Also, while there is a statewide information system that contains juvenile court records, this system is not easy to use for purposes of tracking recidivism, and data privacy restrictions can make it difficult for service providers to find out about court actions on juveniles in counties other

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**Minnesota probation agencies need to measure how often their probationers reoffend.**

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<sup>30</sup> The county found that 45 percent of its "high-risk" offenders committed new offenses, compared with 25 percent of "medium-risk" offenders and 12 percent of "minimum-risk" offenders. These rates were for felons and gross misdemeanants only. It is worth noting that most validation studies track offender recidivism from the date that they begin probation, not the date they complete it. The county looked at variations in rates for several categories of offenders, and for males and females.

<sup>31</sup> In 1982, the "failure" rate for offenders were 25 percent for "maximum-risk" offenders, 13 percent for "medium-risk" offenders, and 6 percent for "minimum-risk" offenders. The comparable rates in 1988 were 21, 12, and 6 percent.

<sup>32</sup> First, the 1988 validation was done for only four of the department's nine districts, and the department was unable to obtain classification data for most of the offenders in two of these districts. Thus, it is not possible to say whether the 1988 findings can be generalized to all locations where the department provided services. Second, classification experts usually recommend calculation of reoffense rates for a uniform follow-up period (e.g., two years), but DOC tracked offenders for varying periods of time. Third, the measure of offender "failure" was revocation, and revocations may reflect the practices of individual courts and probation offices. For this reason, researchers often prefer measures of new arrests or convictions. Finally, the department did not examine the validity of the instrument for subgroups, such as racial and ethnic subpopulations.

than their own.<sup>33</sup> However, as we recommend in Chapter 3, we think that the Department of Corrections should play a stronger role in helping service providers identify useful outcome measures, collect outcome data, and report outcomes to policy makers.

## VARIATION IN SERVICES PROVIDED

### Investigations

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**Courts may require probation officers to conduct investigations before offenders are sentenced.**

A presentence investigation (commonly called a "PSI") is a court-ordered, fact-finding process that provides a judge with information that may be used to sentence a convicted offender. According to law, the information shall pertain to "the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community."<sup>34</sup> The courts are required by law to obtain PSIs when defendants have been convicted of felonies, and they **may** order PSIs in other cases. State law also authorizes courts to obtain investigative reports on the "personal and family history and environment" of juvenile offenders; these are often called "pre-disposition reports."<sup>35</sup>

One of the primary functions of probation officers is conducting PSIs and other investigations for the courts. Based on the median responses in our statewide survey, probation agencies typically spend about 15 percent of their time on PSIs for adults and pre-dispositional reports for juveniles.<sup>36</sup> However we found that:

- **Probation service providers vary considerably in the number and type of presentence investigations they conduct and the time devoted to each. Probation officials we spoke with said that this largely reflects the varying preferences of the courts they serve.**

We obtained information from the Department of Corrections on the number of PSIs that were performed in each Minnesota county for persons convicted of felonies and gross misdemeanors in calendar year 1993.<sup>37</sup> The number of reported PSIs ranged from 2 in Murray and Traverse counties to 5,809 in Hennepin County.<sup>38</sup> Figure 2.10 shows that there was a moderate, but not strong, relation-

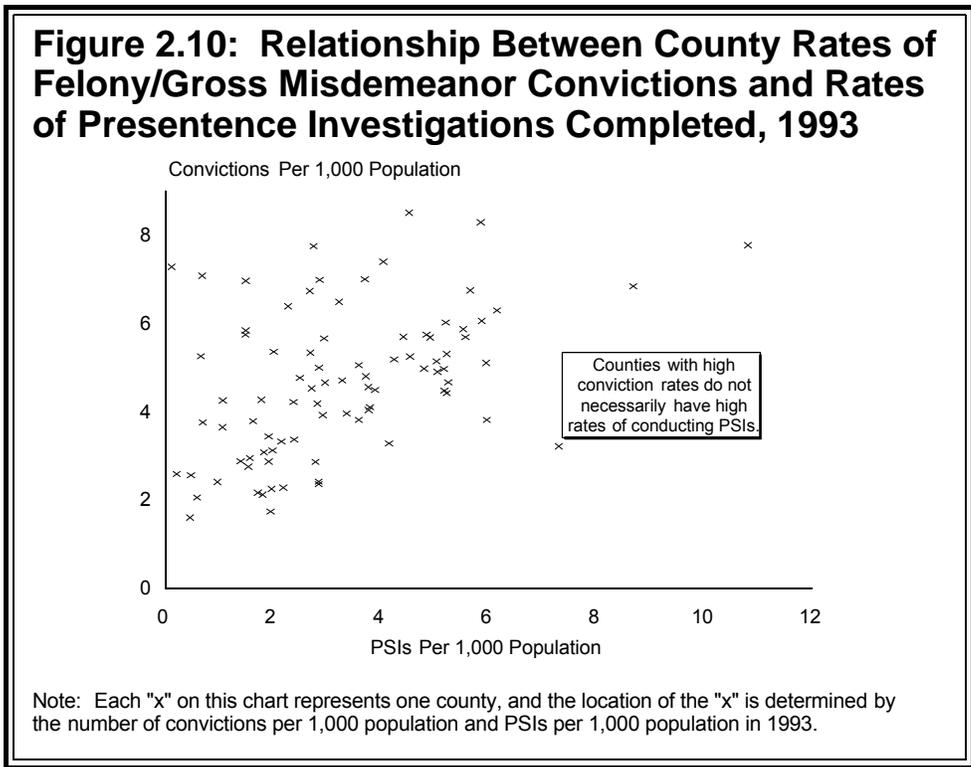
<sup>33</sup> See Office of the Legislative Auditor, *Residential Facilities for Juvenile Offenders* (St. Paul, February 1995), 106-7. The 1995 Legislature required Minnesota's Criminal and Juvenile Justice Information Policy Group to develop a plan for tracking juvenile reoffense rates (*Minn. Laws* (1995), Ch. 226, Art. 3, Sec. 57.)

<sup>34</sup> *Minn. Stat.* 609.115, Subd. 1.

<sup>35</sup> *Minn. Stat.* 260.151, Subd. 1.

<sup>36</sup> We asked service providers to estimate the amount of all time spent working on adult probation that is devoted to PSIs, and we asked a similar question for juvenile probation. For both questions, the median response was 15 percent.

<sup>37</sup> Consistent with *Minn. Stat.* §401.10, the department collects this data from all 87 counties although the data have usually been used for the purpose of allocating Community Corrections Act funds to only 31 counties.



**Some courts do not ask their probation agencies to conduct presentence investigations for most felons.**

ship in 1993 between the number of PSIs performed per 1,000 county residents and the number of 1993 convictions for felonies and gross misdemeanors per 1,000 county residents.<sup>39</sup>

To further explore variation in PSI practices, we asked probation agencies throughout Minnesota to estimate how often they performed PSIs for various categories of offenders at the request of their courts. Of the 25 probation agencies that serve **felons** in Minnesota, 22 told us that they perform PSIs for at least 90 percent of felons convicted by their courts.<sup>40</sup> However, each of the remaining three agencies told us that they perform PSIs for 50 percent or fewer of their convicted felons--even though PSIs are required for felons in state law. For example, staff in some counties told us that judges have dispensed with many PSIs in order to speed up the court process.

We found even more variation in PSI practices among probation agencies for **non-felony** offenses, as shown in Table 2.6. For instance, service providers told us

<sup>38</sup> Statewide, there were 4.0 PSIs performed in 1993 per 1,000 Minnesota residents. This varied considerably among counties, with nine reporting fewer than 1.0 PSI per 1,000 county population, and two reporting more than 10.0 PSIs per 1,000 county population. Hennepin County performed 5.5 PSIs per 1,000 population, and Ramsey County performed 4.4.

<sup>39</sup> We excluded Mahnommen County from this figure because its reported rates of PSIs and convictions per 1,000 population were much higher than other counties. Without Mahnommen County,  $r=0.45$ ; with Mahnommen County,  $r=0.61$ .

<sup>40</sup> In cases where the offender is required by law to go to prison, probation agencies may conduct a post-sentence, rather than a presentence, investigation for the benefit of staff at the prison. These types of investigations were included in the percentages reported by service providers. Service providers sometimes do not conduct a PSI for a convicted felon if the judge or probation staff believe that a previously completed PSI for this felon remains accurate and up-to-date.

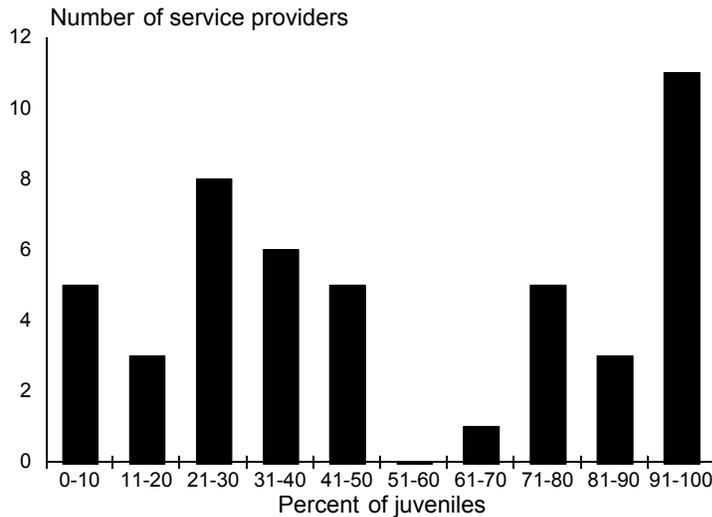
**Table 2.6: Variations in the Presentence Investigation Practices of Minnesota Probation Agencies**

Type of Offender	Percentage of Offenders for Whom PSIs are Completed, as Reported by Probation Agencies				Average Time Spent Completing an Investigation, as Reported by Probation Agencies (in minutes)			
	Median of All Agencies	Lowest	Highest	Number of Agencies that Provided Estimates <sup>a</sup>	Median of All Agencies	Lowest	Highest	Number of Agencies that Provided Estimates <sup>a</sup>
Adult felons	99%	20%	100%	25	420	180	600	26
Adult gross misdemeanants	78	2	100	48	210	60	660	48
Adult misdemeanants	25	1	100	48	150	40	540	48
Adjudicated juvenile delinquents	50	0	100	47	360	90	840	47

Source: Program Evaluation Division survey of probation service providers, September-October 1995.

<sup>a</sup>Of the 50 agencies that completed our survey, 24 do not serve felony offenders, and 3 serve no juvenile offenders. "Number of agencies that provided estimates" excludes those that told us the question was "not applicable" to their population of offenders. One agency serves felony offenders only through a pre-adjudication diversion program, so we did not report this agency's response to the question about the percentage of convicted felons for whom PSIs are completed.

**Figure 2.11: Percent of Adjudicated Juveniles for Whom Service Providers Conducted Pre-Disposition Evaluations**



Source: Program Evaluation Division survey of service providers, September-October 1995 (n = 47).

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**Service providers vary in the timing and level of detail of their investigation reports.**

that they produced pre-disposition reports for a median of 50 percent of juveniles that had been adjudicated delinquent, but Figure 2.11 illustrates the wide variation in the practices of service providers. Five service providers reported that they conducted pre-disposition reports in 0 to 10 percent of juvenile cases; 11 said that they conducted these reports in more than 90 percent of juvenile cases.

Table 2.6 also indicates that the average amount of time spent preparing PSI reports varies considerably among service providers. Some service providers have developed abbreviated formats for their PSI reports, enabling them to produce more reports without adding staff. In some other counties, judges expect each PSI to contain a more thorough discussion of the offender and the crime. Thus, the time required by probation agencies to prepare PSIs depends, in part, on the level of detail that judges want.

Finally, there are sometimes differences in the content of PSIs and the way they are developed--most notably in the case of a type of PSI called a "pre-plea" investigation. In some counties, the courts ask probation staff to conduct investigations before defendants have been formally charged with crimes. Pre-plea investigations may help prosecuting attorneys decide what charges to file against defendants (or even **whether** to file them), or they may help defense attorneys decide what pleas their defendants should enter. In Minnesota's most populous county (Hennepin), pre-plea investigations currently outnumber other presentence investigations. In the view of probation staff we spoke with, pre-plea investigations are substantively different from other PSIs because (1) most offenders are reluctant to speak with investigators before charges are filed, and (2) investigators generally do not contact crime victims for information before charges are filed. Because staff typically assemble pre-plea reports based on more limited information than other PSIs, some probation agencies have tried to discourage their courts from requesting these types of investigations.<sup>41</sup>

## Contact with Offenders

Each Minnesota probation agency determines its own probation policies and practices, sometimes in consultation with its district court judges. This approach reflects Minnesota's tradition of having probation officers who worked for individual judges, as well as the state's longstanding commitment to community-based corrections programs. With numerous probation service providers in Minnesota that have differing philosophies--as well as different abilities to finance correctional services--there are many variations in the way offenders are supervised.

We compared the supervision standards used by several of Minnesota's large service providers for their highest risk offenders on probation.<sup>42</sup> The Department of Corrections, which supervises adult felons in 56 of Minnesota's 87 counties and

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<sup>41</sup> In addition, some service providers believe that it is inefficient for staff to conduct investigations in cases where charges might not be filed.

<sup>42</sup> The lack of a uniform statewide method of offender classification complicates the task of comparing supervision standards. For this reason, we limited our comparison to the standards that providers use for their "riskiest" offenders, however defined.

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**Some probation agencies have policies on the frequency of contact with offenders, while others rely on officers to use their discretion.**

adult misdemeanants in 24, has standards that call for its probation officers to meet at least twice monthly with offenders who are identified as "maximum" risk on the department's classification instrument. Arrowhead Regional Corrections, which serves five counties in northeastern Minnesota, and Dakota County have these same standards for their "maximum" risk offenders. Ramsey County also requires two face-to-face meetings monthly for offenders categorized as "maximum" risk on the county's classification instrument, but its staff members use their discretion to select certain offenders for weekly meetings. Anoka County's policies call for its probation officers to meet with "maximum" risk offenders at least four times monthly for at least the first two months of probation, three times monthly for the next three months, and twice monthly after that. Hennepin County's supervision standards call for probation officers to contact all offenders placed on "traditional" probation at least four times monthly during the first three months, twice monthly during the next three months, and once monthly during the next three months.<sup>43</sup>

Some other counties, including some that classify their offenders with uniform risk instruments, have not adopted supervision standards. For example, Tri-County Community Corrections (Red Lake, Polk, and Norman counties) uses its classification instrument to help ensure that staff workloads are balanced, but probation officers use their judgment rather than written standards to determine the levels of supervision for adult offenders. Statewide, 20 of the 50 probation agencies we surveyed told us that they had no written policies on the frequency and type of contact that offenders should receive.

Overall, a given offender might receive different levels of supervision in different parts of Minnesota, due to variations in written supervision standards and in the preferences of individual probation officers. There are no statewide information systems that we could use to document the actual amount of supervision that probation agencies throughout Minnesota provide.<sup>44</sup> For this reason, we asked service providers to estimate the amount of face-to-face contact they have with persons in selected offense categories.<sup>45</sup>

As shown in Table 2.7, service providers reported varying levels of contact with different categories of offenders. For example, most service providers said that their staff meet monthly with at least 90 percent of the felony person offenders. However, one multi-county service provider said that its staff meet with only 40 percent of felony person offenders monthly because many are not considered high-risk offenders. In addition, Figure 2.12 shows that we found a very wide range of agency practices for the largest single group of offenders--adult non-felony person offenders, which includes drunk drivers.

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<sup>43</sup> For certain types of offenders, some of the contacts by Hennepin County probation officers may occur in a manner other than face-to-face meetings.

<sup>44</sup> For example, agencies might not follow their written standards, or they may vary in the speed with which they reduce the levels of offender supervision over time.

<sup>45</sup> We recognize that categorizing offenders by their most serious offenses may not adequately reflect the risks they pose. However, because service providers do not classify offenders in a uniform way, we asked them to discuss service variations for various offender categories with which they are all familiar.

**Table 2.7: Percentage of Service Providers' Probationers Who Meet Face-to-Face with Probation Staff at Least Once Monthly**

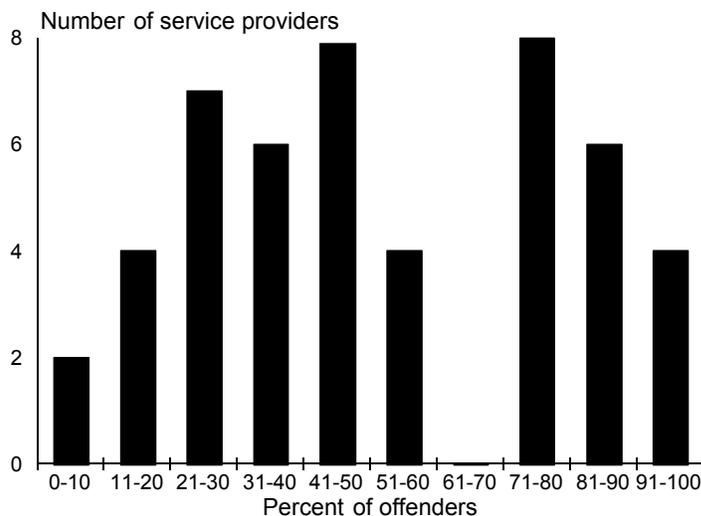
<u>Types of Offenders</u>	<u>Percentages Reported by Probation Agencies</u>			<u>Number of Agencies that Provided Estimates<sup>a</sup></u>
	<u>Median of All Agencies</u>	<u>Lowest</u>	<u>Highest</u>	
Adult felony person offenders	90%	40%	100%	24
Adult felony property offenders	60	10	100	25
Adult non-felony person offenders	50	0	100	49
Adult non-felony property offenders	25	0	95	49
Juvenile person offenders	95	30	100	46
Juvenile property offenders	70	20	100	45

Note: Respondents were instructed to count DWI offenders as person offenders. Respondents provided separate estimates for drug offenders, and these are shown in Appendix D.

Source: Program Evaluation Division survey of probation service providers, September-October 1995.

<sup>a</sup>Of the 50 agencies that completed our survey, 25 do not serve convicted felony offenders, and 3 do not serve juvenile offenders. "Number of agencies that provided estimates" excludes those that told us they were unable to make a reasonable estimate.

**Figure 2.12: Percent of Adult Non-Felony Person Offenders That Meet at Least Monthly with Probation Staff**



Source: Program Evaluation Division survey of service providers, September-October 1995 (n = 49).

We also found that:

- **Most meetings between probation staff and offenders occur in the probation office, particularly in the case of adult offenders.**

The majority of service providers (28 of 50) reported that at least 85 percent of their face-to-face contacts with **adult** probationers in the past year occurred at the probation office. Among all service providers in Minnesota, a median of only five percent of meetings with adult offenders occurred at the offenders' homes, and no probation agency reported that it conducted more than 30 percent of meetings at adult offenders' homes. Because probation officers usually meet with adult offenders in probation offices, most spend relatively modest percentages of their time traveling. Of all staff time spent working on cases related to adult offenders, service providers spent a median of five percent traveling, according to our survey. As shown in Table 2.8, for adult offenders, no providers reported spending more than 15 percent of their their time traveling.<sup>46</sup>

The majority of service providers (28 of 47) reported that at least 60 percent of their face-to-face contacts with **juvenile** probationers in the past year occurred at the probation office. However, there was considerable variation among service providers, with the percentage of meetings at the probation office ranging from 5 to 90 percent. Among all providers, a median of 10 percent of meetings with juveniles occurred at their homes, and a median of 10 percent occurred at schools. Probation agencies told us that, of all staff time spent working on juvenile cases, a median of 6 percent is spent traveling.

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**Probation officers meet with most offenders at the probation office but would prefer to increase the number of home visits.**

Travel time accounts for a relatively small portion of most probation officers' time, but some service providers told us that they would prefer to have agents make more visits to homes and schools. More than two-thirds of the service providers told us that they thought that a 25 percent increase in the number of home visits would "somewhat" or "significantly" reduce recidivism rates for each of the categories of offenders we asked about in our survey.<sup>47</sup> For example, 53 percent of service providers told us that they thought that a 25 percent increase in home visits among juvenile person offenders would "significantly" reduce rates of reoffense, and another 38 percent said that such an increase would "somewhat" reduce reoffense rates.

A home visit by a probation officer can indicate to an offender that the probation agency is serious about its responsibilities to the court for supervision, surveillance, and perhaps assistance. In addition, there are times when home visits can provide probation officers with information that office visits cannot, based on our observations of some home visits and our discussions with probation staff. For example, an officer making a home visit could:

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<sup>46</sup> We found that there was little relationship between the percentage of time spent traveling reported by service providers and the number of square miles in their service areas. This was true for both adults and juveniles.

<sup>47</sup> As reported in Appendix D, we asked about the following categories of adult offenders: felony person, felony drug, felony property, non-felony property, non-felony drug, and non-felony property offenders. For juveniles, we asked about person, drug, and property offenders.

**Typically, probation officers spend most of their time meeting with offenders and preparing reports for the courts.**

**Table 2.8: Percent of Staff Time That Minnesota Probation Agencies Devote to Various Activities**

ADULTS		Percentage of Total Time with Adult Offenders that is Devoted to These Activities		
Activity	Median of All Agencies	Lowest	Highest	
Personal contact with offenders	35%	10%	54%	
Collateral contacts	10	3	26	
Preparing investigation reports	15	2	63	
Preparing other reports	12	3	25	
Court appearances	10	1	40	
Traveling	5	0	15	
Diversion cases	0	0	10	
Other	5	0	30	

JUVENILES		Percentage of Total Time With Juvenile Offenders that is Devoted to These Activities		
Activity	Median of All Agencies	Lowest	Highest	
Personal contact with offenders	30%	4%	65%	
Collateral contacts	13	5	30	
Preparing investigation reports	15	2	40	
Preparing other reports	10	5	25	
Court appearances	10	0	25	
Traveling	6	0	20	
Diversion cases	5	0	25	
Other	5	0	24	

Note: Service providers were asked to exclude staff time for vacation, sick leave, holidays, breaks, training, and administrative tasks. Each provider's responses totalled 100 percent for these eight adult categories and 100 percent for these eight juvenile categories. The table shows the medians of the 50 responses we received from service providers.

Source: Program Evaluation Division survey of 50 service providers, September-October 1995.

- Check the kitchen for evidence that an offender has purchased or consumed alcoholic beverages;
- Meet roommates or companions of the offender, perhaps helping the officer to determine whether the offender has good or bad peer influences;
- Determine whether the offender has established a good living environment for himself and other family members; or
- See personal items, such as posters or artwork, that might provide clues to the offender's state of mind.<sup>48</sup>

<sup>48</sup> Probation officers pre-arrange many, if not most, home visits with the offenders, so even home visits do not necessarily reveal things that the offenders want to keep hidden. In addition, some probation staff told us that their agencies have not increased the number of home visits due to concerns about officer safety and liability.

The ability of probation officers to work closely with offenders and provide adequate levels of supervision is constrained by the size of their caseloads. We asked service providers to rate the appropriateness of their existing services to various categories of offenders. Most service providers told us that 50 to 100 percent of felony offenders and juveniles receive supervision that is appropriate to the risks they pose and the services they need, as shown in Table 2.9. However, providers gave lower marks to services for repeat drunk driving offenders, non-felons who have committed domestic assaults, and misdemeanor drug offenders. For

**Table 2.9: Percentage of Existing Cases That Receive Appropriate Supervision, According to Service Providers**

	Percent of Service Providers Who Responded: <sup>b</sup>				Number of Respondents Who Said They Served These Offenders <sup>a</sup>
	75-100 Percent	50-74 Percent	25-49 Percent	0-24 Percent	
<b>ADULT FELONS</b>					
Person offenders	44%	36%	20%	0%	25
Drug offenders	48	28	20	4	25
Property offenders	38	27	31	4	26
<b>ADULT GROSS MISDEMEANANTS</b>					
Person offenders	21	25	33	21	48
Drug offenders	23	23	28	20	40
Property offenders	25	29	31	15	48
<b>ADULT MISDEMEANANTS</b>					
Person offenders	12	35	29	25	49
Drug offenders	29	16	27	24	45
Property offenders	21	40	23	17	47
<b>JUVENILES</b>					
Person offenders	21	40	21	17	47
Drug offenders	17	36	26	19	47
Property offenders	17	49	23	10	47
<b>SPECIFIC CATEGORIES OF OFFENDERS:</b>					
Repeat drunk driving offenders	10	35	21	31	48
Non-felons who have committed domestic abuse	10	24	33	33	49
Felony sex offenders	56	28	12	4	25

Source: Program Evaluation Division survey of 50 service providers, September-October 1995.

Note: The survey asked: "In your professional judgment, what portion of your existing probation cases are currently receiving a level of probation supervision that is appropriate to the risks they pose and the services they need?"

<sup>a</sup>Excludes providers who marked "not applicable."

<sup>b</sup>Percentages shown are based only on the responses of providers who did not mark "not applicable." Percentages for each category of offenders may not add to 100 percent because the percentage of respondents who marked "don't know" is not shown.

example, one-third of service providers said that less than 25 percent of their domestic assault non-felons are receiving adequate levels of supervision.<sup>49</sup>

Finally, we asked service providers what approaches they have used to manage workloads in instances where probation staff have not been able to provide appropriate services. As shown in Table 2.10, probation officials told us that they (or their courts) have reduced or eliminated personal contacts with certain offenders, reduced the number of home visits, discharged offenders from probation before completing their sentences, and spent less time working with crime victims and working on crime prevention.

**Many probation agencies have reduced their contacts with offenders and crime victims in order to cope with growing workloads.**

**Table 2.10: Common Approaches Used by Service Providers (or Their Courts) to Manage Probation Workloads**

	Percent of Service Providers That Said They Have Used This Approach
Keeping certain offenders on probation but reducing frequency of personal contact	90%
Keeping certain offenders on probation but eliminating personal contact	82
Discharging offenders from probation prior to completion of their full stayed sentences	74
Conducting personal contacts in locations other than the offenders' homes	72
Spending less time working on crime prevention activities	70
Spending less time working with crime victims	52
Reducing the amount of reporting or investigation for the courts	50

Source: Program Evaluation Division survey of 50 service providers, September-October 1995.

Particularly in more populous counties, service providers have also established "group reporting centers" as a way of managing large caseloads. Table 2.11 shows which service providers have established group reporting centers for various types of offenders. Typically, offenders assigned to group reporting centers are asked to attend monthly meetings with other offenders. At the meetings, offenders "check in" with probation staff and provide updates on their current living arrangements, employment, and compliance with conditions of probation. Probation staff sometimes conduct alcohol or drug tests, and they have the opportunity to talk with

<sup>49</sup> One administrator noted that the high levels of satisfaction expressed by survey respondents for some categories of offenders may reflect changing expectations about the goals of probation. Specifically, respondents may be more apt to express satisfaction with services if their agencies are merely trying to monitor the offenders' activities and have set aside the goal of changing offenders' behaviors.

**Table 2.11: Service Providers with Group Reporting Centers**

Service Provider	Were <i>any</i> offenders in these categories assigned to the group reporting center in the past year?			
	Felons	Gross Misdemeanants	Misdemeanants	Juveniles
Red Lake, Polk, and Norman counties	Yes	Yes	Yes	No
Carver and Scott counties	No <sup>a</sup>	Yes	Yes	No
Dakota County	Yes	Yes	Yes	Yes
Ramsey County	Yes	Yes	Yes	No
Arrowhead Community Corrections (St. Louis, Koochiching, Cook, Carlton, and Lake counties)	Yes	Yes	Yes	No
Anoka County	Yes	Yes	Yes	No
Bemidji Department of Corrections district office	Yes	No	No	No
Dodge, Fillmore, and Olmsted counties	Yes	Yes	Yes	Yes
Wright County	No <sup>a</sup>	Yes	Yes	No
Hennepin County	Yes	Yes	Yes	Yes
Itasca County	No	Yes	Yes	No
St. Cloud Department of Corrections district office	Yes	No	No	No <sup>a</sup>

Source: Program Evaluation Division survey of service providers, September-October 1995.

<sup>a</sup>Service provider does not provide probation services to this category of offenders.

offenders as needed. Most, but not all, group reporting centers have speakers or other educational presentations at each meeting. Service providers have established these centers (1) as a way to increase personal contact with relatively low-risk offenders without having to add staff, and (2) to impose a higher level of expectations on certain offenders. Service providers often use group reporting centers for drunk driving offenders, offenders who are assessed as being relatively low risks for reoffending, or offenders who have committed less serious offenses.

### One service provider has an electronic check-in system for certain offenders.

One service provider (Arrowhead Regional Corrections) has implemented an electronic check-in system for selected offenders that, like group reporting, can help probation officers to increase the frequency of contacts with offenders without having to add staff. This agency has a kiosk in Duluth that resembles an automatic teller machine, and selected offenders are asked to "check in" at the machine on pre-arranged dates.<sup>50</sup> For example, the probation staff could ask high-risk offenders to report in daily and low-risk offenders to report in monthly. Probation officers can tailor questions for each offender to answer when checking in, and offenders can type in messages for their probation officers. The machine collects and analyzes air samples from the area where the probationers stand, which can alert probation officers to possible alcohol problems. As of October 1995, Arrowhead Regional Corrections had about 600 offenders who were reporting to their probation officers via the electronic kiosk.

<sup>50</sup> This service provider received a \$100,000 state grant to implement and study the feasibility of this approach.

## Scope of Probation Officer Duties

All probation agencies in Minnesota have staff who supervise offenders for the courts. However, the day-to-day activities of probation officers vary considerably among service providers. The activities that are performed by probation officers in one county may be performed by other staff or private vendors in another county.

We surveyed probation service providers about the extent to which they provide various services with their own staff, and Table 2.12 presents selected results. Examples of service variations include the following:

- Staff in some probation agencies provide group counseling sessions for offenders. For example, the Arrowhead Regional Corrections office in Duluth conducts semi-monthly meetings of sex offenders who have completed inpatient and outpatient treatment programs. Two probation officers facilitate the discussions at each of the meetings, which are intended to help offenders prevent relapses and address problems in their daily lives. In many other counties, offenders requiring counseling are referred to county social services staff or private programs.
- Probation officers in 3 of 50 probation agencies we surveyed supervise family visitations in domestic relations cases, and officers in 9 agencies conduct child custody investigations or act as mediators in family disputes.
- In many cases, persons on probation are required to submit to periodic, random drug testing. Most service providers (62 percent) told us that their probation staff are usually responsible for collecting urine samples from offenders. In other cases, however, offenders are asked to report to law enforcement offices or private vendors to provide samples. Twenty-two percent of the probation agencies told us that their probation staff usually conduct their own tests of these samples. Other probation agencies usually purchase testing services from laboratories or have the tests done by another county office.
- Most counties operate pre-trial or pre-adjudication "diversion" programs for juveniles. Typically, these programs have a goal of keeping cases involving first-time or low-level offenders out of the courts. Of the probation agencies in Minnesota that serve juveniles, most (64 percent) screen offenders for referral to diversion programs and most (77 percent) actually provide diversion services. However, in other counties, these services are provided by the county attorney's office or another public agency, or they are not provided at all.<sup>51</sup>
- Hennepin County has about 12 full-time-equivalent probation officers who (1) evaluate defendants' need for monitoring while awaiting trial, and (2)

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**The duties of probation officers vary considerably among agencies statewide.**

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<sup>51</sup> In some counties, diversion services are offered by probation agencies *and* other service providers.

**Table 2.12: Responsibility for Providing Various Probation-Related Activities**

Activities	Percentage of Service Providers Who Said that Services Are:				Number of Respondents <sup>b</sup>
	Usually Provided With Probation Staff <sup>a</sup>	Usually Purchased by Probation Office	Usually Provided by Someone Besides the Probation Office's Staff or Vendors	Not Provided	
Screening juveniles for diversion programs	64%	0%	30%	4%	47
Screening adults for diversion programs	20	4	26	48	50
Chemical dependency screening/assessment	54	4	40	10	50
Compulsive gambling screening/assessment	48	6	34	8	50
Psychological assessment	4	10	82	2	50
Sex offender assessment	4	24	70	0	50
Pre-trial release assessment	70	4	12	12	50
Collection of urine samples for drug tests	62	8	22	4	50
Testing of urine samples for drug tests	22	44	28	4	50
Breathalyzer tests	40	6	48	4	50
Skill-building classes	16	14	46	22	50
Individual counseling	24	10	60	2	50
Group counseling	10	12	72	4	50
Presentence investigations	92	4	0	0	50
Pre-plea investigations	68	4	4	24	50
Supervise visitation in domestic relations cases	6	0	92	0	50
Custody investigation of mediation in domestic relations cases	18	4	76	0	50
Truancy services	66	2	32	0	47
Supervise community service work crews for adults	32	24	44	0	50
Supervise community service work crews for juveniles	45	13	30	4	47
Install electronic monitoring equipment	58	8	28	4	50
Respond to violations detected by electronic monitoring	82	2	12	4	50
Collect restitution payments	58	2	38	0	50

**Table 2.12: Responsibility for Providing Various Probation-Related Activities, continued**

Percentage of Service Providers Who Said that Services Are:

Activities	Usually Provided With Probation Staff <sup>a</sup>	Usually Purchased by Probation Office	Usually Provided by Someone Besides the Probation Office's Staff or Vendors	Not Provided	Number of Respondents <sup>b</sup>
Collect court-imposed fines	46	0	50	0	50
House arrest without electronic monitoring	76	2	2	20	50
Personal contacts with diverted juveniles	77	2	9	13	47
Personal contacts with diverted adults	36	2	6	56	50

Source: Program Evaluation Division survey of 50 service providers, September-October 1995.

Note: The percentages are based on 50 respondents for adult services and 47 for juvenile services. The totals for each activity do not always add to 100 percent because "other" responses are not shown.

<sup>a</sup>Includes instances where the services are provided by non-probation community corrections staff.

<sup>b</sup>Three Department of Corrections field offices do not serve juvenile offenders and did not respond to questions about juveniles.

supervise offenders who are given conditional releases from jail prior to their appearances in court. In Ramsey County, these services are provided entirely by a private contractor.

- In some counties, court administrative employees collect and track all restitution and fine payments, while in other counties this is the responsibility of probation officers.

**Some probation agencies use volunteers frequently.**

Even in cases where most probation agencies deliver a service "in-house," there can be significant differences in the types of staff that are used. For example, some probation agencies have made extensive use of volunteers or paraprofessional staff, while others have not. Nineteen of the 50 probation agencies we surveyed said that volunteers provide them each with at least 15 hours of service in a typical week. It can be expensive and time-consuming for service providers to recruit and train volunteers or aides to perform substantive probation duties. Nevertheless, some service providers told us that volunteers are an important way for agencies to address growing workloads and establish stronger links between the courts and the community. Agencies told us that they have used volunteers for services such as:

- Assisting with adult presentence investigations, juvenile pre-disposition reports, and pre-court interviews;

- Direct supervision of offenders and community service work crews;
- "Surveillance contacts" for offenders requiring intensive supervision;
- Monitoring low-risk offenders' compliance with the court's conditions of probation;
- Offender-victim mediation;
- Offender mentoring; and
- Clerical work.

Variations among probation service providers in the scope of their work and the way it is staffed complicate the task of trying to develop a funding formula that is "workload-based." In addition, they raise questions about the equity of a funding formula that merely reimburses half of probation officer salaries--which is the present method by which the state allocates funding for juvenile and adult misdemeanor probation services in 56 counties. The probation officers whose salaries are reimbursed in one county may have broader or narrower responsibilities than staff in another county that receives a similar level of reimbursement.

## Use of Electronic Monitoring and Surveillance

One of the goals of probation is to monitor the activities of offenders who may pose some risk to the public. Electronic methods of monitoring offenders have been used for only about 13 years nationally, but they have become a popular form of intermediate sanction throughout the country. Typically, electronic monitoring is used to verify that an offender is at home, not elsewhere in the community. It cannot prevent an offender from leaving home, but it can alert a probation agency that the offender has done so. Electronic monitoring is often used in combination with regular probation, and some Minnesota legislators asked us whether electronic monitoring could be used as a substitute for probation services, in certain cases.

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**Nearly all probation agencies use some type of electronic monitoring.**

To our knowledge, no Minnesota public agencies collect statewide data on the use of various monitoring techniques. We were interested in finding out how widespread electronic monitoring is and what its perceived impact on probation workloads has been. We asked probation service providers to tell us what types of monitoring technology they had used during the past year and the number of offenders monitored electronically as of October 1995, and Table 2.13 shows the results. Of the 50 probation agencies we surveyed, 46 told us they had used some type of electronic monitoring, and most had used it for both adults and juveniles. Forty agencies told us that they charge fees to offenders who are electronically monitored, compared with only 10 agencies that charge fees for regular probation supervision.

**Table 2.13: Types of Electronic Monitoring Used by Service Providers**

Type of Electronic Monitoring Device	Percent of Service Providers That Used This During the Past Year	Number of Offenders Supervised, as of October 1995
<b>"Passive" electronic monitoring, without visual monitor:</b> A computer is programmed to call the offender periodically. When called, the offender's identity is verified with an electronic bracelet and/or electronic analysis of voice samples.	58%	157
<b>"Passive" electronic monitoring, with visual monitor:</b> A computer is programmed to call the offender periodically, at which time a device in the offender's home takes a picture of the offender and faxes this information to a monitoring center.	54	141
<b>"Active" transmitter/telephone device:</b> A telephone in the offender's home continuously receives signals from a transmitter worn by the offender and sends reports to a central computer or receiver.	62	570
<b>Portable receivers:</b> A hand-held device allows a probation officer in a vehicle to determine, without leaving the car, whether an offender wearing a transmitter is at a nearby location.	10	<u>31</u>
<b>ALL TYPES OF ELECTRONIC MONITORING</b>	<b>92</b>	<b>899</b>

Source: Program Evaluation Division survey of 50 service providers, September-October 1995.

**Most agencies believe that electronic monitoring has increased their probation workloads.**

Of the service providers that have used electronic monitoring, 80 percent said that monitoring has "somewhat" or "significantly" reduced jail populations in their areas, and another 17 percent said that it has not changed jail populations.<sup>52</sup> However, only 7 percent of service providers said that electronic monitoring has reduced their probation workloads, and 61 percent said that it has increased probation workloads. About half of Minnesota's probation service providers told us that their probation staff are responsible for installing monitoring equipment in offenders' homes, and more than three-fourths said that their staff are responsible for responding to possible violations detected by the monitoring equipment. Because electronic monitoring is a more intensive type of surveillance than regular probation, it also detects some violations that probation officers would otherwise

<sup>52</sup> No respondents said that electronic monitoring increased their jail populations; one responded "don't know."

not know about. Responding to such violations and presenting them to the courts can add to the workloads of probation officers.

In sum, these forms of electronic monitoring are best viewed as an alternative to jail, not an alternative to probation. Assigning offenders to electronic monitoring does not necessarily reduce the workloads of probation officers and may actually increase them. Electronic monitoring can impose stricter sanctions and closer surveillance than traditional probation, but at costs that may easily exceed the cost of a probation officer with a caseload of 100 offenders.

## OTHER VARIATIONS

Through our survey and interviews, we learned about many other variations in Minnesota probation services. For example, service providers vary considerably in the types of probation **information systems** they have. Thirty-seven counties use an information system known as the Court Services Tracking System. The Department of Corrections uses an information system called Prober in the 56 counties where it provides adult felony services and in the 24 counties where it provides other services. For the most part, the other service providers in Minnesota have their own information systems, and several have no computer systems or no caseload tracking systems.<sup>53</sup> In addition, there is no uniform set of data that service providers collect on offenders. According to one recent report that evaluated Minnesota's probation information systems,

Any attempt to produce an integrated view of correctional activities on a state-wide scope based upon the present ad hoc collection of tools and practices would be doomed to failure. It is not simply a matter of collecting correctional data from all of the counties; in many cases the information simply does not exist.<sup>54</sup>

We have already discussed variation in the extent to which service providers use formal classification instruments and have policies on how often they will meet with offenders. These are examples of variation in the extent to which service providers follow **formal policies and procedures** in their work. About half (48 percent) of the service providers said that they have written policies on sentence length to assist their staff in making recommendations to the courts. Less than half (42 percent) said that they have written policies outlining circumstances in which early discharges should be given (or recommended to the courts). Three-fourths of the service providers said that their supervisors conduct "caseload audits," or reviews of the services being provided to a sample of offenders on their caseloads. And 84 percent of providers who serve felons said that they produce written progress or status reports at regular intervals on all felony offenders.

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<sup>53</sup> According to Minnesota Department of Public Safety, *DWI Tracking System: Feasibility Study* (St. Paul, 1995), 5 of 87 counties had paper probation records but no computer systems in early 1995. According to our survey, 12 of 50 service providers said they had no computerized caseload management or tracking systems.

<sup>54</sup> *DWI Tracking System: Feasibility Study*, 76.

Service providers also differ in their **relationships with the courts**. In the 32 counties where probation responsibilities are split between state and county employees, county probation officers sometimes work directly for the judges. Some probation officials told us that having a judge chambered in their counties (rather than rotating among counties) has made a strong, positive difference in the working relationship between the courts and probation offices. In contrast, officials in some counties expressed considerable frustration with their courts, particularly with the time that probation officers spend waiting for court hearings. Some probation staff told us that they are reluctant to cite probationers for violations because of the time required to bring these to the court's attention and the minimal response that the violations sometimes receive.

## CHAPTER SUMMARY

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**It is difficult to describe "typical" probation services in Minnesota.**

Legislators asked our office to conduct a study of probation services partly because they wanted to know more about what probation consists of in Minnesota. We found that it is difficult to describe "typical" probation services. There is much variation in the use of probation by Minnesota courts as a disposition option, and there is also variation in the content of probation services. Especially in the case of adult misdemeanants and juveniles, there are large variations throughout Minnesota in the number of offenders served per capita, the frequency of pre-sentence (or pre-disposition) investigations, and the amount of contact that offenders have with probation officers.

These variations often reflect the varying preferences of judges, service providers, and the communities they serve. While it is important to have a probation system that can respond to local needs, the variation in services makes it more difficult to design methods of state funding that reflect probation agencies' actual workloads. If the Legislature were to allocate funds to service providers based on the **average** amounts of time they spend statewide with certain types of offenders, our findings suggest that many service providers would deviate considerably from these averages. Thus, it may be difficult to "fit" a uniform, workload-based (or risk-based) funding approach to a service system that has widely divergent practices. In addition, given the wide variation in the use of probation for less serious offenders, the Legislature may need to consider how it can target funds toward the most essential probation services and avoid financial incentives for misdemeanants to be placed or kept on probation.



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# Funding Options

## CHAPTER 3

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**T**he workloads of probation officers cannot be measured solely by the number of offenders they supervise. For example, suppose that Officer A supervises 40 persons who are considered high risks to commit new offenses and devotes an average of two hours monthly to each. Officer B supervises 160 persons who are considered low risks to reoffend and spends 30 minutes on each case per month. Officer B supervises four times as many offenders as Officer A, but both spend about 80 hours a month supervising their cases.

The 1995 Legislature asked our office to conduct "a weighted workload study to be used as a basis for fund distributions across all three probation delivery systems, based on uniform workload standards and level of risk of individual offenders."<sup>1</sup> We asked:

- **How could state funding for probation services be allocated to better reflect workloads and offender risks? What are the merits of various funding options, and what steps would have to be taken to implement them?**
- **Are accurate, reliable data available that could be used to measure probation workloads?**
- **Does the state collect the information on offender outcomes that would be required to validate risk-based classification instruments?**

The Legislature asked us to recommend ways to allocate funds to service providers for fiscal year 1997, which begins July 1, 1996. Because of this short timeline, we did not consider allocation formulas for fiscal year 1997 that might require implementation of new information systems or offender classification systems.<sup>2</sup> Instead, for the short term, we evaluated funding options that would rely on the limited data that are currently available. For the longer term, we also evaluated a funding option that presumes implementation of a statewide offender classification instrument.

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<sup>1</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

<sup>2</sup> Our office can require public agencies to provide information for purposes of a study, but we do not have the authority to mandate implementation of ongoing information or classification systems. Also, we did not conduct a study to document the amount of time that probation officers spend on various categories of offenders because there are no uniform, statewide methods for classifying offenders by risk in Minnesota.

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**None of the available short-term funding options would measure offender risk or agency workloads with precision.**

In order to measure probation workloads without a statewide classification instrument, we used workload standards for various categories of offenders developed by the legislatively-mandated Probation Standards Task Force in 1994. While these standards are not empirically based, the directors of most Minnesota probation agencies told us that the standards reflect reasonable workloads for various categories of offenders. An alternative approach would be to distribute probation funds statewide using a Community Corrections Act allocation formula proposed by a legislatively-mandated work group in 1995. This formula does not measure probation workloads or offender risk with much precision, but it deserves serious consideration for other reasons.

This chapter discusses the pros and cons of these funding options, as well as their simulated fiscal impacts. None of the available options are ideal. For the short term, any funding formula selected by the Legislature will imperfectly measure probation workloads and offender risk. The 1996 Legislature could mandate the implementation of a uniform classification system, perhaps in combination with a study of the amount of time that service providers spend with offenders in various risk categories. But, before taking this action, lawmakers should consider whether the gains in precision would be worth the time and effort required.

Regardless of the funding option selected, we think that the Legislature should require probation service providers to establish policies on offender classification, to track offender reoffense rates, and to collect standardized information on all offenders. We also think that the Legislature should clarify the goals of probation services in law, and it should clarify the respective roles of county probation offices and the Department of Corrections.

## **GUIDELINES FOR EVALUATING FUNDING OPTIONS**

Before we discuss options for allocating state probation funds, it is useful to consider possible criteria for evaluating their merits. The crime bill passed by the 1995 Legislature contained some guidelines for a probation funding formula, and other ideas for guidelines emerged from our contacts with state and local officials.

In this section, we suggest six guidelines for evaluating funding options. It may not be possible to implement a funding formula that satisfies all of these criteria, but we think that these guidelines provide a framework to help consider the strengths and weaknesses of various options. In addition, we suggest that legislators consider the issue of county ability to pay when selecting a funding formula.

### **Guidelines in Law**

The Legislature outlined criteria for a new probation funding formula in the law requiring our office to complete this study. Specifically, the law indicates that:

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**Legislators may wish to consider several guidelines for a probation funding formula.**

- **A funding formula should be based on offender risk and probation workloads, and**
- **A funding formula should use a single method to allocate funds to all 87 counties in fiscal year 1997.**

The law emphasizes the need for uniformity, in contrast to the non-uniform approaches that are now used to allocate probation funds to CCA counties, non-CCA counties, and the Department of Corrections. In fact, the law asks for recommendations on "a statewide, uniform workload system and definitions of levels of risk," and a "standardized data collection system."<sup>3</sup> Because such systems do not presently exist (and would take time to implement), they could not be used to allocate funds for fiscal year 1997. However, we think that the law clearly indicates the Legislature's preference for a funding formula that is workload-based, risk-based, and uniform, and these criteria should be considered when judging the short-range and long-range funding options that we present in this chapter.

The law says that the Legislature will review our report before adopting "standards" that will be used to distribute "money appropriated for state and county probation officer caseload reduction, increased intensive supervised release and reimbursement."<sup>4</sup> The 1995 Legislature appropriated \$9.1 million in "new" money for "probation and supervised release caseload reduction" in fiscal year 1997, and the funding options presented in this report could be used to allocate these funds to service providers.

## Other Guidelines

In our view, the guidelines stated in the 1995 law are not the only ones that should be used to evaluate probation funding options. For example, the work group that issued a report on community corrections "delivery systems" in 1994 established a set of principles for a new funding system, and a work group of state and local officials adopted a set of principles in 1995 for revising the Community Corrections Act funding formula.<sup>5</sup> We think that some of these--as well as others that emerged in our discussions with service providers--should be applied to the funding options that we present in this chapter. We suggest the following guidelines:

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<sup>3</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

<sup>4</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3. It is unclear what funding the term "reimbursement" refers to since the caseload reduction funds appropriated by the 1995 Legislature are grants, not reimbursements. The only state probation funds that are provided as a reimbursement are the salary reimbursements in the 56 counties governed by *Minn. Stat.* §260.311.

<sup>5</sup> *Report of the Joint Legislative-Conference of Chief Judges Correctional Delivery System Study* (St. Paul, March 1994), 11, recommended that a formula should (1) keep service providers from losing funds for a limited period of years, (2) be used for all service providers, (3) be designed to provide equal primary services based on need and ability to pay, (4) be simple and easily understood, (5) encourage innovation, (6) require regular reporting to the Legislature, and (7) preserve service providers' choice about who will provide services. Working Group on Community Corrections, *Fair and Equitable: A New Community Corrections Formula* (St. Paul, October 18, 1995), 8, recommended that a funding formula should (1) be based on demonstrated need, (2) require a local funding match, (3) be simple, (4) be based on measurable, multi-year indicators, and (5) encourage multi-county collaboration.

- **To the extent possible, the funding formula should be based on data that are valid, reliable, complete, and timely.**

This is not to say that a funding formula should rely only on data that have been independently verified or audited. For example, Minnesota allocates large amounts of state funds for elementary and higher education based on student counts that are not independently verified. However, if the data sources cannot be proven accurate, users familiar with the data should at least perceive that sufficient efforts have been made to ensure consistent, accurate reporting. Also, it would be preferable to base allocations on relatively recent data, when possible, to best reflect current workloads.

- **If possible, the funding formula should be designed so that large fluctuations in allocations to service providers do not occur from one year to the next.**

The CCA work group stated that the aid distributed under the existing formula can "vary wildly" from one year to the next.<sup>6</sup> This makes it difficult for county officials to plan their budgets and make hiring decisions. One way to make funding allocations less susceptible to annual fluctuations would be to base allocations on multi-year averages of workload data rather than data from a single year.

- **If possible, the funding formula should not provide financial incentives for people to be placed or kept on probation in instances where other services would be more appropriate.**

Legislators have expressed interest in a funding formula for probation services that reflects the actual workloads of probation staff. However, it is important to consider that probation is only one of a variety of community-based correctional services. It is possible that providing "categorical" funding for probation, or providing funds based on the number of persons on probation, might encourage the courts to place or keep offenders on probation rather than considering other approaches, such as diversion programs.

In Chapter 2, we noted that the courts differ markedly in their inclination to place offenders on probation--especially misdemeanants and juveniles--and the courts also differ somewhat in the length of stayed sentences that they give. We think that the courts should continue to exercise their discretion about whom to place on probation and for how long, but we also think that it is reasonable for local governmental units to bear financial responsibility for certain costs that reflect local preferences. For this reason, we think that the Legislature should be hesitant about funding formulas that directly link the amount of state funding that a service provider receives to the total number of persons on the provider's probation caseload at a given time.

- **If possible, the funding formula should be relatively simple to understand and implement.**

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<sup>6</sup> Working Group on Community Corrections, *Fair and Equitable*, 8.

In our view, funding formulas should be conceptually simple so that legislators, county boards, and others can readily understand, explain, and debate their underlying logic. There are, of course, cases where simple formulas do not adequately meet the goals of policy makers and more complicated approaches must be considered. Sometimes this may require the collection of new data. But, because the amount of money that will be allocated under a new probation funding formula may be modest (the Legislature appropriated \$9.1 million for caseload reduction funding in fiscal year 1997), the Legislature should be cautious about selecting fund allocation methods that require significant investments in data collection.

## County Ability to Pay

To fully evaluate any new options for allocating probation funding, we think there is one additional issue that legislators should consider. We suggest that:

- **The Legislature should consider whether a probation funding formula should be adjusted to reflect county ability to pay.**

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**Some state funds for probation are allocated to reflect a county's ability to pay.**

Currently, probation services in Minnesota are provided with a mix of state and county funding. Counties vary considerably in their ability to raise revenue through property taxes, depending on the amount of property wealth they have. Under current law, non-CCA counties pay for 50 percent of the salaries of their probation officers, and there are no adjustments in state subsidies (the other 50 percent) to reflect the revenue-raising abilities of counties. In contrast, CCA funds are presently allocated to counties based, in part, on two measures of county ability to pay (net tax capacity and per capita income). Recently, a legislatively-mandated work group suggested eliminating per capita income from the CCA allocation formula, but endorsed the idea of retaining net tax capacity as a measure of county ability to pay for services.

The law that required our office to recommend a formula for allocating probation funds did not specify whether county ability to pay should be a factor in this formula, but we think it deserves consideration. Table 3.3 in this chapter contains information on one measure of ability to pay (adjusted net tax capacity) which could be used as a component in the Legislature's selected funding options.

## **OPTION 1: ALLOCATE FUNDS BASED ON A UNIFORM SYSTEM OF OFFENDER CLASSIFICATION**

### **Rationale for a Uniform Classification System**

In Chapter 2, we noted that some Minnesota probation service providers use formal instruments to classify offenders for services, while others do not. Among service providers that use formal instruments, most classify offenders based on

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**Funding  
Option 1 would  
require  
implementation  
of a uniform  
risk assessment  
instrument  
statewide.**

their risk of reoffending, some also classify offenders based on their "needs," and one large county classifies offenders based solely on their conviction offenses and criminal histories. Presently, it is not possible to determine the average amount of time required to serve a "high-risk" offender in Minnesota because there is no uniform, statewide definition of "high risk."

For purposes of designing a funding formula, it might be tempting to assume that all felons should be considered riskier offenders than all gross misdemeanants and that gross misdemeanants should be considered riskier than other misdemeanants. However, probation officials and experts cautioned us that the severity of the conviction offenses is not always a strong predictor of offenders' risks of reoffending. For this reason, many corrections experts have advocated the use of instruments that classify offenders based on their criminal histories and individual characteristics, not just their most recent offenses.

Under Option 1, probation officers throughout Minnesota would use the same risk assessment instrument to collect information about the offenders on their caseloads. In keeping with standards of the corrections profession, the risk assessment instrument would have to be validated--that is, shown to adequately sort Minnesota offenders into risk categories that reflect their actual rates of reoffending. Typically, classification instruments are used to distinguish "high-," "medium-," and "low-risk" offenders. The group of offenders classified as "high-risk" with a valid assessment instrument would, in fact, reoffend at rates significantly higher than "medium-risk" and "low-risk" offenders, even if the high-risk offenders received more intensive supervision or intervention.<sup>7</sup>

If Minnesota adopted and validated a statewide classification instrument, it would be possible to determine the number of high-, medium-, and low-risk cases served by each probation office in the state. Funds could be allocated to offices based on the number of offenders in each category multiplied by (1) the average time required to serve offenders in each category, as documented through a special study, or (2) weights for each category of offenders that would more subjectively reflect workloads or state funding priorities.

There are a variety of reasons for implementing offender classification systems, only one of which is to help allocate funds. First,

- **Research has shown that formal classification instruments are more accurate than probation officer intuition in identifying high-risk offenders.**

Risk screening instruments have been developed in recent years partly because of concerns about the ability of probation officers to consistently and accurately

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<sup>7</sup> We asked classification experts whether successful interventions with high-risk offenders might reduce their rates of reoffending to levels that would make a good classification instrument appear invalid. Based on observations from many states, they told us that service providers have not experienced reductions in recidivism of this magnitude. They noted, however, that even small reductions in the reoffense rates of high-risk offenders can have noteworthy impacts on crime.

evaluate the risk of offenders and determine appropriate services.<sup>8</sup> According to one review of criminal justice literature, "In virtually every decision-making situation for which the issue has been studied, it has been found that statistically developed prediction devices outperform human judgments."<sup>9</sup> There are undoubtedly many instances in which experienced probation officers detect clues to an offender's future behavior that are not readily measured with an objective classification instrument. Nevertheless, studies have generally shown that the more objective, structured approaches to offender classification are more accurate than the informed judgments of corrections staff. Also, the use of uniform assessment instruments helps to ensure that probation officers consider a consistent set of factors when classifying each offender.

A second reason for adopting classification systems is that:

- **Identifying high-risk offenders can help probation agencies target their resources toward those offenders who commit disproportionate amounts of crime.**

If there are two equally-sized groups of offenders—one in which 50 percent of the persons reoffend and one in which 20 percent of the persons reoffend—a 10 percent reduction in recidivism among the first group will have more impact on total crime than a 10 percent reduction in recidivism among the second group.<sup>10</sup> Furthermore, many studies have shown that assigning "low-risk" offenders to high levels of supervision can actually increase their rates of reoffense.<sup>11</sup>

A carefully designed offender classification system can help service providers make strategic decisions about how to best invest their resources to "manage" risk. In 1990, Iowa found that its probation classification system was identifying 22 percent of offenders for "minimum" or "administrative" levels of service. The two-year rates of reconviction for offenders in these two categories were 9 and 19 percent, respectively. Iowa found that, under a new classification approach, 50 percent of offenders could be classified for "minimum," or "administrative" services, and their reconviction rates were 8 and 22 percent, respectively.<sup>12</sup> Thus, Iowa found that it could reduce supervision levels to certain offenders without placing the public at greater risk.

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**Offender classification systems can help probation agencies to "manage" risk.**

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<sup>8</sup> Robert Sigler and Jimmy J. Williams, "A Study of the Outcomes of Probation Officers' and Risk-Screening Instruments' Classifications," *Journal of Criminal Justice* (November 1994), 495.

<sup>9</sup> Stephen D. Gottfredson, "Prediction: An Overview of Selected Methodological Issues," in *Prediction and Classification: Criminal Justice Decision Making*, ed. Don M. Gottfredson and Michael Tonry (Chicago: University of Chicago Press, 1987), 36.

<sup>10</sup> This assumes, of course, that the average person who reoffends in the group with 20 percent reoffense rates does not commit substantially more offenses than the average person who reoffends in the group with 50 percent reoffense rates.

<sup>11</sup> For example, see summaries of selected previous studies presented in D.A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati, Ohio: Anderson Publishing Company, 1994), 175, and Todd Clear, "Statistical Prediction in Corrections," *Research in Corrections* (March 1988), 26-27.

<sup>12</sup> Christopher Baird, *Validating Risk Assessment Instruments Used in Community Corrections* (Madison, WI: National Council on Crime and Delinquency, January 1991), 39, 47-48.

A third reason for adopting classification systems is that:

- **Classification systems provide a stronger basis for public accountability.**

The implementation of a classification system helps to ensure that offenders are supervised in a rational, non-arbitrary manner. For example, when an agency validates its risk-based classification instruments by analyzing offender recidivism rates, it is confirming that its classification approach does, in fact, separate offenders into groups that have different patterns of reoffending. Once agencies determine offenders' rates of reoffending, policy makers can then consider whether the levels of reoffending--and the service provider's strategies for managing its population of offenders--are acceptable. As stated by one researcher, "While risk to the community cannot be completely controlled with anything less than total incapacitation, the public is right to insist that correctional decisions regarding supervision are based on the best information available."<sup>13</sup> Corrections administrators can also use classification systems to present policy makers with better information for making staffing decisions--perhaps by analyzing existing staff workloads for various categories of offenders, or by estimating the number of staff needed to meet the service provider's supervision standards.

Finally, it is possible that an objective classification system could help to protect service providers from legal challenges about the way they determine services. For instance, South Carolina recently adopted an objective classification system in response to a lawsuit alleging racial bias in probation and parole decisions.

## Use of Classification Systems in Other States

We discussed offender classification systems with probation officials in all 50 states and the District of Columbia. We wanted to find out the extent to which they use uniform, statewide classification instruments and how these instruments have been linked to funding decisions. We found that:

- **Forty-two states and the District of Columbia currently use uniform, statewide classification instruments for adults on probation, and three other states are planning to implement such instruments within the next year.**
- **Sixteen states and the District of Columbia have uniform, statewide classification instruments for juveniles on probation, and seven states are developing them.**

It is undoubtedly easier to implement uniform classification systems when a single state agency is responsible for probation services than when responsibilities are split among state and local service providers. Of the 35 states in which a state agency is the sole service provider for adults on probation, all but one have a uniform instrument or are developing one. But we also found that there are uniform

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**Most states have uniform classification systems for adult offenders.**

<sup>13</sup> Baird, *Validating Risk Assessment Instruments*, 7-8.

classification instruments in four of eight states in which adult probation services are exclusively provided by local units of government. In Indiana, for instance, the state provides virtually no funding to the counties that deliver probation services, but the state's judiciary has mandated implementation of a uniform classification instrument to help ensure that offenders are treated in a consistent manner.

The smaller number of states with uniform juvenile classification instruments may reflect the fact that probation services for juveniles are provided by local (rather than state) service providers in more states than services for adults.<sup>14</sup> Also, it may reflect more disagreement about the purposes of probation services for juveniles. Probation agencies are more likely to emphasize rehabilitation, prevention, and individualized needs assessments in their services for juveniles than in their services for adults, and this sometimes conflicts with their goals of holding offenders accountable and providing services based on offender risks.<sup>15</sup>

Based on our contacts with other states, at least 18 states use the Wisconsin Risk Assessment Scale (or a modified version of it) as their uniform probation classification instrument. Officials in half of these states told us that they had validated the instrument for their own offenders. Many states have adopted other instruments or have developed their own. Examples of interesting and ambitious state-wide classification instruments include the following:

- **Texas.** Probation agencies in Texas use a modified version of the Wisconsin instrument, but state officials have questioned whether it is a valid risk classification instrument for Texas' population of offenders. Thus, in 1993 the Department of Criminal Justice required local probation agencies to collect detailed information on all felony probationers for one month, and department staff made site visits to verify this data. Subsequently, agencies were required to collect two years of reoffense data on this sample of 4,200 offenders. State officials are using the offender data to construct a statewide classification instrument by identifying offender variables that are related to reoffending rates. Currently, the department allocates most state probation funds to judicial districts based on the number of cases handled, but it hopes that the state's new classification system will provide a basis for funding that better reflects probation risks and workloads.
- **Florida:** State policy calls for new felony probationers to receive "maximum" supervision (two offender contacts per month) for the first three months on probation, and this is usually followed by at least six months of "medium" supervision (one contact per month). But Florida's Department of Corrections wants to better differentiate felony offenders needing high and low levels of supervision, in order to manage growing probation officer workloads. The department is working with the National Institute of Justice to develop a risk classification model--using data

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<sup>14</sup> Based on our contacts with other states, we estimated that local units of government in 17 states are the exclusive providers of juvenile probation services, compared with 8 states for adults.

<sup>15</sup> Unlike adult probation services, juvenile probation services in many states are administered by human service agencies.

already collected by its probation offices--that reflects the rates at which Florida's offenders abscond or have their probation revoked. Florida has also studied the probabilities of probation revocation at various points during offenders' probation periods, and it plans to incorporate these findings into the state's case information system in order to produce monthly updates of each offender's risk classification.

- **Colorado.** The Office of Probation Services--which is part of the state's judicial branch--administers all of the state's adult and juvenile probation services. The office recently adopted the Levels of Supervision Inventory (LSI) as the statewide classification instrument for all adults and juveniles. The central office allocates staff funding to probation offices based on the assumption that offices will classify at least 43 percent of offenders as "minimum" supervision cases. It also uses statewide averages of the percentages of offenders in higher supervision categories to allocate funds to probation offices.<sup>16</sup> To discourage agencies from keeping offenders on probation too long, allocations are based on the assumption that active periods of supervision will be less than two years.<sup>17</sup>

**Most states do not formally link offender classification and probation agency funding.**

State agencies with uniform classification systems often study the average amount of time that probation officers spend with offenders in various categories. Many use this information to justify funding or staffing requests to their legislatures. In addition, state officials use this information to help them decide how to apportion funding to regional or local probation offices in their states. For the most part, classification instruments are used informally by executive branch officials to help make resource allocation decisions. States that have incorporated offender classification data into formal mechanisms for allocating staff or funds--such as Colorado's funding formula--are the exception, not the rule.

## Steps Required to Implement a Uniform Classification System

Based on reviews of corrections literature and discussions with classification experts elsewhere in the United States, we considered what would be required to implement statewide, uniform classification instruments for juveniles and adults in Minnesota. We found that:

- **Implementing a uniform classification instrument would require a sequence of decisions and research tasks, as shown in Figure 3.1.**

An important early decision would be whether to adapt an existing classification instrument used elsewhere or to develop an instrument "from scratch." There is considerable overlap in the components of existing risk classification instruments for adults, as shown in Figure 3.2. Most have measures of offenders' number of prior convictions, prior incarcerations, age, history of probation supervision,

<sup>16</sup> These averages are computed for several categories of comparably-sized offices.

<sup>17</sup> The central office allocates funding for 1.8 years of probation per adult and 1.3 years per juvenile.

**Figure 3.1: Steps Required to Implement a Uniform, Statewide Classification System**

- Decide whether to adapt an existing instrument or develop one "from scratch."
- Decide whether all offenders should be classified, or only certain types.
- Decide how to measure recidivism (or "failure") for the purpose of validating the instrument.

Decide which offender variables should be considered for inclusion in a new or adapted instrument.

Select a sample of cases that will be used to construct a new instrument or validate an existing instrument.

For each case in the sample, collect and analyze (1) reoffense data, and (2) information on offender variables selected.

- Especially for newly-constructed instruments:
- Screen out variables that do not relate to rates of reoffending,
  - Eliminate variables that are redundant,
  - Conduct multivariate analysis to determine how to "weight" variables, and
  - Transform weights into point values on a risk instrument.

Decide which "cutoff scores" (1) best distinguish groups based on risk, and (2) minimize the number of offenders in higher supervision categories.

Examine whether the instrument effectively separates risk groups for various population subgroups.

Decide whether certain offenders should "automatically" be placed in various supervision categories ("overrides").

If offender "needs" are measured with a separate instrument, decide what relative weights to assign to needs and risk scores.

Decide what levels of supervision various offender groups should receive.

To help allocate resources, determine the average amount of time required to serve various categories of offenders.

Measure probation officer "workloads."

**LEGEND**

 = Key decisions

 = Research task

Note: Some of the "key decisions" could allow for local or regional variations. For example, it would be possible to have a uniform classification instrument but allow individual service providers to set levels of supervision that they believe are appropriate.

**Figure 3.2: Probation Risk Assessment Criteria Used by Various States with Validated Risk Assessments**

Criteria	State									
	Oregon	Tennessee	Iowa	Wisconsin	Kansas	South Carolina	Colorado	Illinois	Ohio	Nebraska
Prior Convictions	X	X	X	X	X	X	X	X	X	X
# Felony	X	X		X	X		X	X	X	X
# Misdemeanor			X							
Past 3 Years?	X									
# Adult						X				
Juvenile				X			X		X	
Prior Incarcerations	X	X	X			X			X	
# Juvenile Commitments			X							
# All Types	X	X				X				
# Adult									X	
Age	X	X	X	X	X	X	X	X	X	X
At Current Offense	X									
At First Conviction		X	X	X		X	X	X		
Current Age		X	X		X	X				X
At First Felony					X				X	X
At Admission							X	X		
History of Supervision	X	X	X	X	X	X	X	X	X	X
Includes Violations	X									
# Prior Revocations		X	X	X	X		X	X	X	X
# Prior Supervisions			X	X	X	X	X	X	X	
Substance Abuse	X	X	X	X	X		X	X	X	X
Any History		X	X	X	X		X	X	X	X
Last 3 Years	X									
Current Offense		X								
Marital/Family Status		X								X
Sex			X							X
Current or Past Offenses			X	X	X		X	X	X	X
Burglary, Robbery, Theft, Forgery, Fraud, Assault, Sex, Weapons, Public Order			X	X	X		X	X		X
Assaultive Offense (5 years)				X					X	
# Address Changes			X	X			X	X		
Companions			X		X					
Employment			X	X	X		X	X	X	X
Attitude				X		X	X			X
Period At-Risk Prior to This Conviction						X				
Arrested (5 years) Prior to Current Offense									X	

Source: Robert E. DeComo, Dennis Wagner, and S. Christopher Baird, *Validation of the Oregon Risk Assessment Tools Used for Classification of Offenders on Supervision* (San Francisco: National Council on Crime and Delinquency, January 1994), 40.

substance abuse, offense history, and employment. Likewise, juvenile instruments tend to include measures of age at first offense, prior arrests or referrals, history of out-of-home placements, school behavior and attendance, substance abuse, family stability, parental control, and peer relationships.<sup>18</sup> Despite these similarities, however, a leading classification expert cautions that "research indicates that risk assessments are not always (or even usually) transportable from one setting to another."<sup>19</sup>

If Minnesota decides to implement an existing risk classification instrument, there are a variety of instruments for adults and juveniles from which to choose. Instruments such as the Wisconsin Risk Assessment Scale and the Canadian-developed Levels of Supervision Inventory have been implemented and validated in many places. Some Minnesota probation officials told us that they have had difficulty getting agreement on classification approaches in their own jurisdictions, and they suggested that it would be even more difficult to get consensus among Minnesota's service providers on a single, statewide classification instrument. Some service providers also expressed concern that simple approaches to offender classification might not provide probation officers with sufficient information to help develop case plans for individual offenders.<sup>20</sup>

If Minnesota decides to adopt and implement a statewide risk classification instrument, it will be necessary for service providers to measure probation outcomes more regularly than they now do. This is because:

- **The real test of the validity of any risk instrument—whether developed "from scratch" or adapted from another jurisdiction—is whether it identifies groups of probationers with widely varying rates of reoffending.**

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**Any risk-based classification instrument should be validated.**

One classification expert has suggested that the reoffending (or "failure") rates of high-risk probationers should be at least four times higher than the reoffending rates of low-risk probationers, and that "the greater the differences, the better the instrument."<sup>21</sup> Implementation of a statewide risk classification instrument would require important decisions about how to measure the "failure rates" of persons on probation. Corrections researchers often debate the "best" ways to measure recidivism, and, for purposes of constructing or validating a classification instrument, it would be necessary to address the following issues:

- Should failure rates be based on arrests, petitions, convictions, or other measures of reoffending?

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<sup>18</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders* (Washington, D.C., June 1995), 195.

<sup>19</sup> Todd R. Clear, "The Design and Implementation of Classification Systems," *Federal Probation* (June 1995), 59.

<sup>20</sup> For example, the Wisconsin Risk Assessment Scale is fairly simple and can be completed by most probation officers in a few minutes. However, some agencies prefer the more detailed Levels of Service Inventory, which takes about 45 minutes to complete, on average.

<sup>21</sup> Baird, *Validating Risk Assessment Instruments*, 10-12.

- Should reoffending rates be computed based on all crimes, or just serious ones?
- What should be the standard follow-up period for measuring new offenses?
- Should technical violations of probation conditions be considered "failures?"

The American Correctional Association, which accredits probation agencies nationally, believes that it is "essential" for probation agencies to establish written definitions of recidivism.<sup>22</sup>

Another important decision is where to set the "cutoff scores" for placing offenders in high, medium, or low levels of supervision. Many Minnesota service providers that classify offenders with the Wisconsin Risk Assessment Scale use the same cutoff points that Wisconsin's Department of Corrections originally established. However, the selection of cutoff points is an important management decision that should reflect a service provider's unique population of offenders. Providers should set cutoff points in ways that concentrate staff resources on a relatively small group of high-risk offenders. Thus, when agencies adopt classification instruments developed in other jurisdictions, they may need to adjust cutoff points.

In addition, service providers should carefully consider whether they want "overrides" in their classification instruments. The Wisconsin risk classification instrument automatically assigns 15 points to persons that have been convicted as adults or adjudicated as juveniles for assaultive offenses in the past five years. Wisconsin's Department of Corrections made a policy decision many years ago to include this factor in its instrument, and Minnesota service providers should carefully consider whether they want to include similar components that "override" the validated portions of their instruments. Most Minnesota service providers that use the Wisconsin instrument also use this 15-point override, and 15 points is usually sufficient to place offenders in the "maximum" supervision categories of service providers, regardless of offenders' scores on the remaining portions of the assessment.

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**It would take time to properly implement a uniform classification system.**

It is difficult to say with certainty how long it would take before state probation funds could be allocated based on uniform classifications. Minnesota service providers vary in the information they collect on their probationers, and it would be necessary to have a consistent set of information to help construct or validate a classification instrument. For this reason, uniform information would probably have to be collected for a sample of **new** probationers statewide in order to construct or validate the instrument. In addition, a minimum of 12 to 18 months of recidivism data would need to be collected on this sample of offenders to validate the classification instrument. Thus, it would probably take **at least** 18 to 24

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<sup>22</sup> American Correctional Association, *Standards for Adult Probation and Parole Field Services*, 2nd ed. (College Park, MD, 1981), 22. The ACA states that the definition should consider "then a-ture of events to be counted; the categories of behavior and degrees of seriousness to be included; the time of release (use of cohorts); and the duration of the follow-up period."

months to develop a valid classification instrument, train probation officers in its use, and measure the average time that agencies spend serving various categories of offenders. The start-up costs of this effort would depend, to some extent, on the instrument selected and the amount of new information that service providers would have to collect. Once the classification system is in place, there would be ongoing costs for staff training and the collection of information on offender characteristics and outcomes.

## **OPTIONS 2A AND 2B: ALLOCATE FUNDS USING WORKLOAD WEIGHTS ADOPTED BY THE 1994 PROBATION STANDARDS TASK FORCE**

### **Rationale**

If the Legislature would like to allocate state probation funds based on a uniform classification system (Option 1), it will take time to develop and implement such a system. In the meantime, there is no uniform way to compare the risk of individual offenders or the time required to serve offenders in various risk categories.

For this reason, legislators may wish to consider Option 2, which incorporates the best estimates of a group of Minnesota's state and local probation staff about the time required to serve various categories of offenders. We examined whether it could serve as a reasonable, if somewhat imprecise, method of allocating funds to reflect workload and risk.

The 1993 Legislature asked the Probation Standards Task Force to, among other tasks, recommend (1) a method of funding additional probation officers in Minnesota, and (2) uniform case definitions.<sup>23</sup> The task force assembled a focus group of probation staff from throughout Minnesota and asked it to estimate the "professionally appropriate caseload size" for probationers in various offense groups. The task force instructed focus group participants to provide estimates that:

- Reflected the time required to serve the average offender in various offense categories, since the risks and needs of individual offenders can vary considerably;
- Reflected the time required to supervise offenders and conduct necessary investigations and assessments;
- Were consistent with the goal of helping to rehabilitate offenders; and
- Represented the maximum number of persons that should be supervised by a single probation officer in each category of offenders.

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**The Probation Standards Task Force tried to estimate appropriate caseload sizes for various types of offenders.**

<sup>23</sup> *Minn. Laws* (1993) Ch. 326, Art. 10, Sec. 16.

Focus group participants helped the task force to develop two sets of caseload estimates, and the final standards adopted by the task force are shown in Figure 3.3. The task force's first set of caseload standards were to be used in conjunction with a "snapshot" of the number of persons on probation in each county, as reported by service providers to the Department of Corrections each year. The task force recommended that the caseload standards be used to weight these "snapshot" popula-

**Figure 3.3: Maximum Caseloads Recommended by the Probation Standards Task Force, for Purposes of Developing Estimates of "Weighted Caseloads"**

A. Standards To Be Applied to "Snapshot" Measures of Probation Caseloads

Category of Offender	Recommended Maximum Caseload Size
Felony	
Person	35
Property	60
Drug	55
Traffic	60
Other	65
Gross Misdemeanor	
Person	45
Property	300
DWI/DUI	55
Traffic	300
Other	110
Misdemeanor	
Person	65
Property	300
Drug	300
DWI/DUI	300
Traffic	300
Other	300
Juvenile	
Person	25
Property	39
Drug	35
DWI/DUI	58
Traffic	105
Other	38
Intensive supervised release	15
Other supervised release	30

B. Standards to be Applied to "Intake" Measures of Probation Caseloads

Category of Offender	Recommended Maximum Caseload Size	Category of Offender	Recommended Maximum Caseload Size	Category of Offender	Recommended Maximum Caseload Size
Felony		Felony		Juvenile Felony	
Offenders in Level 3 of Minnesota Sentencing Guidelines Grid <sup>1</sup>	35	Offenders in Level 3 of Minnesota Sentencing Guidelines Grid <sup>1</sup>	35	Offenders in Level 3 of Minnesota Sentencing Guidelines Grid <sup>1</sup>	35
Offenders in Level 2 of Sentencing Guidelines Grid <sup>2</sup>	45	Offenders in Level 2 of Sentencing Guidelines Grid <sup>2</sup>	45	Offenders in Level 2 of Sentencing Guidelines Grid <sup>2</sup>	26
Offenders in Level 1 of Sentencing Guidelines Grid <sup>3</sup>	60	Offenders in Level 1 of Sentencing Guidelines Grid <sup>3</sup>	60	Offenders in Level 1 of Sentencing Guidelines Grid <sup>3</sup>	19
Intensive supervised release	15	Intensive supervised release	15	Parole	25
Intensive community supervision	15	Intensive community supervision	15	Extended jurisdiction juveniles	15
"Public risk monitoring" cases	15	"Public risk monitoring" cases	15	Juvenile Gross Misdemeanor/ Misdemeanor	
Other supervised release cases	30	Other supervised release cases	30	Person	25
Gross Misdemeanor/Misdemeanor <sup>4</sup>		Gross Misdemeanor/Misdemeanor <sup>4</sup>		DWI/DUI	60
Person	45	Person	45	Property <sup>4</sup>	33
DWI	60	DWI	60	Other	
Property	300	Property	300	Diversion cases	70
Other	300	Other	300	Pre-trial cases	60

Source: Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 39-42.

<sup>1</sup>As defined by the task force, Level 3 includes all offenders in severity levels VII-X, offenders in levels V-VI with criminal history scores of 3 or more, offenders in levels III-IV with criminal history scores of 4 or more, and offenders in levels I-III with criminal history scores of 6 or more.

<sup>2</sup>As defined by the task force, Level 2 includes all offenders in severity levels IV-VI with criminal history scores of 0-2, offenders in severity levels II-IV with criminal history scores of 3, and offenders in severity levels I-II with criminal history scores of 4-5.

<sup>3</sup>As defined by the task force, Level 1 includes all offenders in severity levels I-III with criminal history scores of 2 or less, and offenders in severity level I with criminal history scores of 3.

<sup>4</sup>For adults and juveniles, the task force recommended weights for gross misdemeanor property offenders but not misdemeanor property offenders.

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## The task force developed two sets of caseload standards.

tions to determine the relative workloads of probation agencies throughout Minnesota. Thus, a probation agency serving 50 felony person offenders and 50 felony property offenders would receive larger amounts of state funding for the person offenders, reflecting their need for more intensive supervision and smaller caseloads. The task force's standards for "maximum caseloads" would be used to **weight** caseloads for the purpose of allocating funds, and they could also be used to estimate staffing needs. However, service providers would not be guaranteed a level of state funding that would enable these standards to be achieved, and service providers would not be required to comply with the standards.

The task force's second set of caseload standards were to be used in conjunction with "intake" data on probation caseloads. That is, the number of offenders in various categories **entering** probation during a year could be weighted by the task force's second set of caseload standards. The task force's members said that they preferred this approach because it would not create incentives for service providers or courts to keep offenders on probation longer than necessary. However, the task force recommended delaying the implementation of this approach because sufficiently detailed information on the number of offenders entering probation each year was not yet collected by the Department of Corrections in its annual probation survey.

We were interested in whether the standards developed by the task force reflected a statewide consensus. We surveyed officials in Minnesota's 50 state and county probation agencies and found that:

- **The directors of 56 percent of Minnesota probation agencies told us that all of the standards developed by the Probation Standards Task Force were appropriate, while 30 percent said that some of the standards were inappropriate.**<sup>24</sup>

We asked respondents to make specific suggestions for changes in the standards, but we received relatively few. Two respondents thought that maximum caseloads for misdemeanor person offenders should be lower, while one thought they should be higher. Two respondents thought that maximum misdemeanor caseloads, which the task force set at 300 per officer for certain offenders, were too high. One recommended lower caseloads for officers handling gross misdemeanor DWI cases, and another recommended higher caseloads for felony drug and traffic offenders. We also received general comments, such as the following:

"These standards are based only on crime category. A meaningful classification system would need more--risk potential, time on probation, needs of individual offender."

"The standards and weightings are subjective with no data to substantiate numbers. . . . The offense category is generally not the best measure for service need (i.e., misdemeanor person offenders take more time than felony property offenders)."

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<sup>24</sup> Fourteen percent responded "don't know" or had no response.

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**Some misdemeanants require high levels of supervision, but some felons do not.**

"It is hard to tell if [the standards] are accurate. When offenders are on probation for two to three years for certain offenses, conditions being met, [and] no new offenses, their level of supervision could be reduced. In general, I agree with [the standards]. But supervision levels and work required isn't just based on the nature of the offense."

"The standards seem appropriate, but we would need to apply them to caseloads and test them to be sure. No consideration seems to be given for factors such as agent travel time in rural settings or unavailability of detention or other resources."

"I believe that in nearly all situations, agents can handle more cases than recommended [by the Probation Standards Task Force]."

During our study, some people suggested that fund allocations might be based on a simpler classification approach than the Probation Standards Task Force developed. For example, one probation supervisor suggested a system with four separate weights--for felons, gross misdemeanants, misdemeanants, and juveniles. In our survey of service providers, however, 100 percent of respondents told us that there are certain categories of misdemeanants that require high levels of supervision. The examples most often cited by survey respondents were misdemeanants convicted of assaults or sex offenses. This is generally consistent with the standards proposed by the task force, which assumed that probation officers serving misdemeanant person offenders should have caseloads much smaller than those serving other misdemeanants. In addition, all but one of our survey respondents told us that certain types of felons do not require high levels of probation supervision. The most common examples that respondents cited were felons convicted of welfare fraud and property offenses, and first-time felony offenders.

Option 2 does not include special weighting to account for the length of time that offenders remain on probation. In Chapter 2, we noted that most felons receive stayed sentences for five years and most gross misdemeanants receive stayed sentences for two years, although it is common for courts to release offenders from probation before they have served their full periods of probation. In fact, many probation officials told us that periods of close supervision for felons usually do not exceed one to three years, during which time the offenders might be participating in treatment programs or meeting other conditions of probation. Following initial months of close supervision, many felons have less frequent contact with probation officers or are released from probation by the courts.<sup>25</sup> It would certainly be possible to modify the weights for felony offenders in Option 2 to account for the fact that they may spend more than one year on probation. However, we did not make these modifications when analyzing this option's fiscal impact later in this chapter.

## Data Issues

To measure probation "workloads" under Option 2, estimates of probation caseloads must be multiplied by the Probation Standards Task Force's workload weights. There are several potential sources of data that could be used to help

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<sup>25</sup> This practice partly reflects the observation of many probation officials that the probationers who reoffend usually do so during their first year on probation.

measure the caseloads of Minnesota probation offices. First, the Minnesota Department of Corrections surveys service providers to determine the number of persons under court-ordered supervision as of December 31 each year. Second, the Minnesota Sentencing Guidelines Commission annually collects information on adult felons, including the number convicted and sentenced to probation. Third, the State Court Administrator's Office maintains a statewide court database that contains information on the number and type of adult and juvenile cases filed, as well as case dispositions (such as adult convictions and juvenile delinquency adjudications).

We examined these data sources to see whether they might be useful for helping to measure probation workloads. We did not independently verify the accuracy of the data reported in these systems, but we asked users of the data to identify any concerns they had. We found that:

- **Many service providers have had concerns about the consistency and accuracy of the data on probation caseloads self-reported annually by service providers to the Department of Corrections.**

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**Caseload data reported by service providers may not be accurate.**

Some of these concerns result from the lack of clear instructions from the department. For example, the department's probation survey asks service providers to identify the number of offenders under supervision, categorized by their "most serious" offenses. Until late in 1995, the department's survey instructions had not provided guidance about how service providers should determine the most serious offense in the case of persons under supervision for multiple offenses.<sup>26</sup> If probation funds are to be allocated to service providers based on caseloads reported in the annual probation survey, the providers should use consistent practices to categorize offenders.

Another source of concern about the Department of Corrections' probation caseload data is that probation means different things in different counties. In some counties, large percentages of the persons "on probation" are not regularly seen by probation officers. The current probation survey asks service providers to report the number of persons under court-ordered supervision, which may include offenders who see their probation officers regularly as well as those who do not.<sup>27</sup> Staff in one county (Winona) told us that no adult misdemeanants, adult gross misdemeanants, or juveniles are actually "on probation," so they had difficulty knowing which offenders to report when completing the survey.<sup>28</sup> In some counties, judges are reluctant to release offenders from probation before the end of their stayed sentences, even in cases where probation officers no longer have contacts with the offenders.

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<sup>26</sup> Department staff met with representatives of selected counties during 1995 to address county concerns about the survey. As a result, the department clarified several parts of its survey instructions and agreed to distribute (but not mandate) a "model" system for ranking offenses by severity.

<sup>27</sup> Before the 1993 survey, survey respondents were asked to exclude cases where probation officers were only monitoring compliance with sanctions such as payment of fines or restitution.

<sup>28</sup> Winona County offenders design their own methods of meeting their obligations to victims, the community, and themselves, with the guidance of corrections' officers and the court's approval. The intent is to help ensure that offenders accept these obligations, rather than merely complying with imposed requirements. The term "probation" is not used in sentencing, according to court staff.

Some county officials expressed concern to us that the numbers of probationers reported to the Department of Corrections are not readily verifiable, even by the counties themselves. For example, when the Department of Corrections asked service providers to report on two separate occasions the numbers of offenders on probation as of December 31, 1993 in four categories (felons, gross misdemeanants, misdemeanants, and juveniles), the first and second responses matched completely in only 14 of 87 counties.<sup>29</sup> In some cases, this may have reflected service providers' inadequate information systems. One large county kept probation records of its juveniles only on index cards until late 1995. When asked to categorize juveniles by their most serious offenses for the probation survey, this county has made rough estimates rather than reviewing actual cases on file.<sup>30</sup> Overall, we heard concerns that the lack of adequate information systems could result in unintended errors in the number of persons reported on probation, and that the lack of independent verification of caseload data could tempt some service providers to intentionally inflate caseload data (especially if the caseloads were linked to funding).

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**The state has relatively good data on the number of felons placed on probation.**

If the data from the Department of Corrections' probation survey or some new caseload reporting system were not used to estimate probation workloads, it might be necessary to rely on data on the number of convictions or court cases in each county. We found that the data on felony offenders who have been convicted and sentenced to probation--which are maintained by the Sentencing Guidelines Commission--are subject to more scrutiny and verification than the Department of Corrections' probation caseload data. To construct this database, commission staff obtain sentencing worksheets on convicted felons from individual counties. They then verify and supplement this information with sentencing data from the Office of the State Court Administrator.

Because of the time required to develop this database each year, data on adult felons are not available from the Sentencing Guidelines Commission as quickly as probation caseload data from the Department of Corrections or court data from the State Court Administrator's Office. For example, the commission's data on adults convicted of felonies in 1994 was not available until December 1995. In contrast, court data for calendar year 1994 and probation caseload data from December 31, 1994 were available during the first six months of 1995.<sup>31</sup> For the purpose of allocating funds based on workload, it would be preferable--but not essential--to have more up-to-date data on adult felons.

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<sup>29</sup> Statewide, service providers' second responses differed from the first by 6 percent for felons, 12 percent for gross misdemeanants, 10 percent for misdemeanants, and 11 percent for juveniles.

<sup>30</sup> In our survey of probation service providers, 12 of 50 service providers told us they had no computerized caseload management or tracking systems. We spoke with several service providers that had computerized systems but were dissatisfied with their abilities to produce useful information.

<sup>31</sup> We obtained 1992-94 data from the State Court Administrator's Office on all but juvenile offenses; the office told us that 1992 juvenile data were not reliable due to changes in coding that year. The DOC has conducted its probation survey for more than 10 years, but staff expressed caution about comparing data from December 1994 with data from previous years. Specifically, DOC staff noted that the 1993 data included diversion offenders in the probation caseload (they were excluded in 1994), and they think that counties have made improvements to their automated systems in recent years to improve reporting accuracy.

The data on court cases and dispositions maintained by the State Court Administrator’s Office are reported by clerks of court throughout Minnesota. However, unlike the Department of Corrections’ probation caseload database and the Sentencing Guidelines Commission’s felony offender database,

- **The State Court Administrator’s Office has information for each court case, not for each offender. As a result, offenders charged with more than one offense may be double-counted.**

As shown in Table 3.1, it is more common for juveniles than adults to have multiple complaints filed against them. Statewide, about 5 percent of juveniles petitioned in 1994 had multiple petitions filed against them on the same day during 1994, and about 24 percent had multiple petitions filed against them at some time during that year. By comparison, only 1 percent of adults had multiple felony or gross misdemeanor complaints filed on the same day during 1994, and about 10 percent had multiple complaints at some time during 1994. These percentages vary somewhat, but not markedly, across judicial districts.<sup>32</sup>

Staff with the State Court Administrator’s Office told us that they believe that court clerks enter most of the data on court case filings and decisions in a con-

**Table 3.1: Percent of Defendants That Had More Than One Criminal Complaint or Petition Filed Against Them in 1994**

Judicial District	Adults (with Felony and Gross Misdemeanant Complaints)			Juveniles (All Petitions)		
	Number of Defendants	Percent for Whom There Were 2 or More Complaints Filed During the Year	Percent for Whom There Were 2 or More Complaints Filed on the Same Day	Number of Youths Petitioned	Percent for Whom There Were 2 or More Petitions Filed During the Year	Percent for Whom There Were 2 or More Petitions Filed on the Same Day
First	4,069	6.5%	0.6%	4,730	22.3%	2.9%
Second	4,546	10.6	0.8	3,006	25.3	7.0
Third	2,527	10.8	2.7	3,591	23.9	4.1
Fourth	9,109	11.9	0.5	7,477	26.5	9.4
Fifth	1,723	8.6	2.4	2,820	23.5	6.1
Sixth	1,623	8.4	2.0	2,237	24.5	3.0
Seventh	3,177	9.9	3.5	3,811	18.4	2.4
Eighth	906	6.3	0.8	1,709	20.0	4.7
Ninth	2,824	9.7	2.3	3,326	21.5	3.5
Tenth	5,551	7.1	0.9	4,995	24.6	5.0
Total	36,055	9.5%	1.3%	37,702	23.5%	5.2%

Source: Minnesota Office of the State Court Administrator.

<sup>32</sup> There is also an undetermined amount of double-counting in the Department of Corrections’ probation caseload data and the Sentencing Guidelines Commission’s felony sentencing data. Offenders are double-counted in the probation survey if they are on probation in more than one county, and offenders are double-counted in the felony sentencing data if they are convicted on two or more separate occasions more than one month apart.

sistent manner, but they have just begun to examine this through an audit process.<sup>33</sup> They noted that the courts do not always report whether juveniles are placed on probation.<sup>34</sup>

Policy makers should consider these data issues when considering Option 2 as a method for allocating probation funds. Many of these data imperfections could be more fully explored--and possibly corrected--in future years. However, for purposes of allocating funds in 1996 using Option 2, it would be necessary to tolerate some of these imperfections.

## Possible Fiscal Impacts

We examined the possible implications of using the standards recommended by the Probation Standards Task Force to allocate probation funds to Minnesota service providers. This exercise helped us to examine the feasibility of implementing this approach, and we think the simulated results could help legislators to evaluate the workload standards and their potential fiscal impacts. We based our analysis on one year's data, although we recommend that any application of these formulas should be based on at least two years of data.<sup>35</sup>

To evaluate fiscal impacts, we developed weights to reflect the "maximum caseloads" recommended by the task force for various categories of offenders.<sup>36</sup> For example, the task force recommended that the maximum caseloads of offenders on supervised release (30) should be half the size of maximum caseloads for felony property offenders (60).<sup>37</sup> Thus, for the purpose of simulating fund allocations, we gave supervised release offenders weights that were twice those given to felony property offenders.

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### Funding Option 2A would allocate funds based on a "snapshot" of probation caseloads.

The task force recommended two sets of standards (or weights)--one for each of two different ways of measuring probation caseloads. The task force recommended that its first set of standards be applied to a "snapshot" of the number of persons on probation in each county. We will call this "Option 2A." We applied these weights to December 1994 caseload data, as reported by service providers to the Department of Corrections, and we adjusted the task force's standards in two ways. First, we gave no weight to cases involving misdemeanor traffic offenses other than driving while intoxicated (DWI). We did this based on the large variation we found among counties in the number of offenders on probation for traffic offenses and the relatively modest importance that probation officials usually at-

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<sup>33</sup> Staff members conducted the first audits of several counties' criminal records in 1995, and they intend to start auditing juvenile records in 1996.

<sup>34</sup> As a result, we looked at the number of juveniles adjudicated delinquent, not the number reported as placed on probation. We included all cases where the courts made a finding of delinquency or declared the charges in the case "true," as well as cases where juveniles admitted committing the offenses with which they were charged.

<sup>35</sup> We used 1993 felony data from the Sentencing Guidelines Commission, but all other data were from 1994.

<sup>36</sup> We divided each of the task force's "maximum caseload" standards into 200--an arbitrary number--to arrive at weights for each category.

<sup>37</sup> These weights are from the task force's "snapshot-based" standards.

tach to these offenses.<sup>38</sup> Second, we used the same weights for participants in intensive supervised release programs and other persons on supervised release--despite the fact that staff who work in intensive programs usually have smaller caseloads than staff who work with other offenders on supervised release. We did this because the Department of Corrections did not have computerized information on the number of persons in intensive supervision programs by county.<sup>39</sup>

The results of applying the task force's weights to the 1994 caseloads are shown in Table 3.2. The table indicates the percentage of total funding that each county's service provider would receive under Option 2A, and it compares this with each county's percentage of (1) the state's 1995 total population, (2) the state's 1995 juvenile population, and (3) estimated 1995 probation expenditures from state funds (which were shown in more detail in Table 1.2).

Using this weighting approach, Appendix A provides detailed information on each county's share of the "weighted caseloads" for adult felons, adult gross misdemeanants, adult misdemeanants, offenders on supervised release, and juveniles. The appendix also shows the impact on allocations that would occur if (1) maximum probation officer caseloads for misdemeanants were set at 200 rather than 300, and (2) maximum caseloads for misdemeanor person offenders were set at 40 rather than 65. We evaluated these adjustments based on concerns that some service providers raised about the standards recommended by the Probation Standards Task Force. We found that these adjustments would have very minor impacts on the weighted caseloads of most counties.

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**Funding  
Option 2B  
would allocate  
funds based on  
the number of  
persons newly  
placed on  
probation.**

The Probation Standards Task Force recommended a second set of standards that could be used to allocate funds--we will call this "Option 2B." In contrast to the standards used with a "snapshot" of the probation population (Option 2A), these "intake-based" standards would be applied to data on the number of persons entering probation in a given time period. As noted earlier, the task force said that Option 2B was preferable to Option 2A because it would not reward service providers for keeping offenders on probation for excessive periods.

In our efforts to simulate allocations under this funding approach, we made several adjustments to the approach recommended by the task force. First, the Department of Corrections does not collect statewide information on the number of offenders in specific offense categories who enter probation in a given year. As a substitute, we used information on the number of felons and gross misdemeanants convicted and sentenced to probation, as well as information on the number of juvenile cases that resulted in adjudications for delinquency.<sup>40</sup> There is no statewide database on the number of misdemeanor convictions, so we considered two alternatives: (1) the number of misdemeanor court cases filed in 1994, as reported

<sup>38</sup> Statewide, counties averaged one offender on probation for traffic offenses per 1,000 population, but individual counties had up to 12 traffic offenders on probation per 1,000 population. We also gave no weight to juvenile status offenses, consistent with the task force's recommendations.

<sup>39</sup> The task force recommended maximum caseloads of 15 for intensive supervised release and "public risk monitoring" offenders, compared with 30 for other offenders on supervised release.

<sup>40</sup> Using data on a county's number of convictions or court cases might not fully reflect the county's probation workload if large numbers of offenders move to other counties following court actions. There are no statewide data on the extent to which this type of movement occurs.

**Table 3.2: Weighted Probation Caseloads of Minnesota Counties, Under Funding Options 2A and 2B**

County	County Proportion of Projected Minnesota Population 1995	County Proportion of Projected 1995 Minnesota Juvenile Population Ages 12-17	County Proportion of Estimated State Funded Probation Expenditures, 1995	County Proportion of State Weighted Probation Caseloads, Option 2A	County Proportion of State Weighted Probation Caseloads, Option 2B
<b>CCA Counties</b>					
Aitkin	0.27%	0.28%	0.28%	0.43%	0.34%
Anoka	5.84	6.53	4.08	6.74	7.35
Blue Earth	1.18	1.02	1.50	1.04	1.18
Carlton	0.64	0.76	0.65	0.33	0.62
Chippewa	0.28	0.33	0.38	0.14	0.14
Cook	0.08	0.08	0.08	0.06	0.06
Crow Wing	1.00	1.09	0.86	1.04	0.96
Dakota	6.92	7.30	4.92	5.51	6.27
Dodge	0.36	0.45	0.19	0.16	0.21
Fillmore	0.45	0.53	0.23	0.21	0.29
Hennepin	23.77	18.66	14.05	24.53	22.64
Kandiyohi	0.88	0.98	0.86	0.91	0.90
Koochiching	0.34	0.34	0.41	0.37	0.27
Lac Qui Parle	0.18	0.21	0.26	0.11	0.17
Lake	0.22	0.22	0.25	0.14	0.16
Morrison	0.66	0.87	0.68	0.53	0.62
Nobles	0.43	0.47	0.67	0.44	0.50
Norman	0.17	0.21	0.06	0.11	0.12
Olmsted	2.49	2.45	1.10	1.89	1.87
Polk	0.71	0.81	0.36	1.19	0.96
Ramsey	11.05	9.16	9.39	14.59	11.57
Red Lake	0.09	0.13	0.04	0.06	0.04
Rice	1.11	1.14	1.49	0.97	0.86
Rock	0.21	0.25	0.31	0.11	0.11
St. Louis	4.31	4.06	5.07	4.04	4.34
Stearns	2.68	2.88	3.84	2.21	2.56
Swift	0.22	0.27	0.31	0.11	0.13
Todd	0.50	0.69	0.76	0.34	0.34
Wadena	0.29	0.33	0.46	0.29	0.25
Washington	3.54	4.23	2.57	2.87	3.43
Yellow Medicine	0.25	0.29	0.31	0.17	0.25
<b>SUBTOTAL</b>	<b>71.12%</b>	<b>67.03%</b>	<b>56.44%</b>	<b>71.64%</b>	<b>69.50%</b>
<b>County Probation Officer/DOC Counties</b>					
Benton	0.71%	0.79%	1.23%	0.62%	0.71%
Big Stone	0.13	0.14	0.09	0.05	0.05
Brown	0.58	0.65	0.75	0.58	0.44
Carver	1.17	1.25	1.71	1.34	1.62
Cass	0.49	0.57	0.92	0.91	0.78
Chisago	0.72	0.90	1.28	0.84	1.04
Clearwater	0.18	0.23	0.27	0.24	0.17
Freeborn	0.70	0.73	1.10	0.61	0.68
Goodhue	0.91	1.08	1.41	0.97	1.29
Grant	0.13	0.16	0.09	0.09	0.10
Houston	0.41	0.48	0.37	0.23	0.27
Isanti	0.59	0.77	1.25	0.78	0.93
Itasca	0.88	1.07	1.58	1.12	0.88
Jackson	0.24	0.27	0.29	0.18	0.18
Kanabec	0.29	0.37	0.51	0.52	0.41
Meeker	0.46	0.57	0.38	0.81	0.50

**Table 3.2: Weighted Probation Caseloads of Minnesota Counties, Under Funding Options 2A and 2B, continued**

County	County Proportion of Projected Minnesota Population 1995	County Proportion of Projected 1995 Minnesota Juvenile Population Ages 12-17	County Proportion of Estimated State Funded Probation Expenditures, 1995	County Proportion of State Weighted Probation Caseloads, Option 2A	County Proportion of State Weighted Probation Caseloads, Option 2B
Mille Lacs	0.42	0.51	1.02	0.87	0.83
Mower	0.82	0.86	1.08	0.70	0.84
Nicollet	0.63	0.61	0.75	0.57	0.52
Otter Tail	1.11	1.25	1.16	0.81	1.04
Pine	0.48	0.60	1.03	0.70	0.81
Pope	0.23	0.28	0.28	0.17	0.12
Scott	1.42	1.61	2.11	1.47	1.80
Sherburne	1.05	1.28	1.26	1.22	1.23
Steele	0.69	0.76	0.91	0.79	0.78
Stevens	0.22	0.21	0.13	0.13	0.19
Traverse	0.09	0.10	0.08	0.05	0.06
Wabasha	0.44	0.52	0.38	0.22	0.29
Waseca	0.39	0.43	0.39	0.28	0.32
Wilkin	0.16	0.18	0.14	0.14	0.18
Winona	1.06	1.02	1.15	0.75	1.06
Wright	1.62	2.04	2.03	2.12	1.79
<b>SUBTOTAL</b>	<b>19.44%</b>	<b>22.30%</b>	<b>27.16%</b>	<b>20.91%</b>	<b>21.94%</b>
<b>DOC Contract Counties</b>					
Becker	0.57%	0.67%	1.12%	0.55%	0.74%
Beltrami	0.79	0.90	1.65	0.85	0.44
Clay	1.13	1.07	1.95	0.92	1.05
Cottonwood	0.27	0.29	0.39	0.22	0.20
Douglas	0.64	0.70	1.09	0.48	0.56
Fanbault	0.35	0.43	0.61	0.24	0.26
Hubbard	0.34	0.40	0.39	0.27	0.32
Kittson	0.12	0.13	0.15	0.04	0.05
Lake of the Woods	0.09	0.10	0.10	0.04	0.04
Le Sueur	0.52	0.64	0.96	0.37	0.40
Lincoln	0.14	0.18	0.67	0.05	0.05
Lyon	0.55	0.57	0.75	0.52	0.57
McLeod	0.73	0.83	1.06	0.41	0.72
Mahnomen	0.11	0.16	0.63	0.23	0.23
Marshall	0.23	0.30	0.16	0.08	0.11
Martin	0.49	0.56	1.11	0.41	0.49
Murray	0.20	0.24	0.20	0.13	0.14
Pennington	0.29	0.30	0.35	0.20	0.37
Pipestone	0.22	0.25	0.20	0.14	0.16
Redwood	0.36	0.43	0.92	0.33	0.51
Renville	0.37	0.44	0.52	0.23	0.33
Roseau	0.36	0.42	0.32	0.23	0.30
Sibley	0.31	0.36	0.56	0.14	0.18
Watonwan	0.25	0.30	0.52	0.35	0.33
<b>SUBTOTAL</b>	<b>9.44%</b>	<b>10.66%</b>	<b>16.40%</b>	<b>7.44%</b>	<b>8.56%</b>

Source: Program Evaluation Division analysis of data from Minnesota Department of Corrections, Minnesota Sentencing Guidelines Commission, Minnesota Office of the State Court Administrator, and Minnesota Planning.

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**The caseload standards used for Option 2B may need additional review.**

by the State Court Administrator's Office and (2) the "snapshot" of the number of misdemeanants on probation in December 1994, as reported by service providers to the Department of Corrections.

We also made several adjustments to the Probation Standards Task Force's "intake-based" standards. In our view, the task force's standard of 60 cases per probation officer for all misdemeanor DWI cases was inconsistent with actual practices and with the task force's "snapshot-based" standards for that population. We changed this standard to 200 cases.<sup>41</sup> Also, the task force recommended that standards for juvenile felony caseloads should be based on the juveniles' placements on the Minnesota sentencing guidelines grid, in order to reflect the severity of the juveniles' current offenses and prior records. However, because these guidelines are used only in criminal, not juvenile, cases, service providers do not have sentencing guidelines information in their juvenile information systems. Using standards recommended by the task force for non-felony juvenile offenses as our guideline, we assumed standards of 25 cases per officer for all juvenile felony person offenses and 33 for juvenile felony property offenses.<sup>42</sup> In addition, the task force recommended separate caseload standards for persons in diversion programs and persons under pre-trial supervision. Presently, no state agencies collect comprehensive data on the number of persons in these categories, and we excluded these categories from our simulation. Finally, we assumed that probation officers serving persons in intensive supervised release programs had maximum caseloads of 30 (rather than the 15 recommended by the task force), for the reasons described earlier.

The results of our simulation for an "intake-based" funding approach are shown in Table 3.2, and they are shown in more detail in Appendix B. The appendix shows that our two options for measuring misdemeanor caseloads resulted in significantly different simulated allocations to counties. This was primarily because Hennepin County accounted for about 44 percent of the state's misdemeanor fifth-degree assault case filings reported to the Office of the State Court Administrator in 1994, although it accounted for only 24 percent of the persons on probation in Minnesota for misdemeanor person offenses. We did not determine what might explain this discrepancy. However, the weighted caseloads shown in Table 3.2 are based on Department of Corrections' December 1994 probation caseload data for misdemeanor person offenders, rather than case filings.

Table 3.3 provides information on the weighted caseloads we calculated for CCA, County Probation Officer/DOC, and Department of Corrections counties. For

<sup>41</sup> The standard of 200 that we used was actually lower than the task force's recommended maximum caseload of 300 for misdemeanor DWI offenders in its "snapshot-based" standards. While some people may question whether caseloads of 200 to 300 are realistic, it is worth noting that misdemeanor non-person offenses are a category in which counties vary considerably in their number of probationers per 1,000 population, probably reflecting variations in judicial practices. Giving this category of offenders lower weights (i.e., higher maximum caseloads) in a funding formula would be a way of limiting the state's financial responsibility for low-level offenders whose sanctions largely reflect local judicial preferences.

<sup>42</sup> For juveniles, we also made the following assumptions about "maximum caseload" standards in cases where the task force's standards were not clear: 33 felony drug offenders per officer; 35 "other" felony offenders per officer; and 80 offenders per officer for misdemeanor property offenders, gross misdemeanor and misdemeanor drug offenders, and "other" gross misdemeanor and misdemeanor offenders.

**Table 3.3: Percentage of State's Weighted Caseloads Under Options 2A and 2B That Are in CCA, County Probation Officer/DOC, and Department of Corrections Counties**

	<u>CCA Counties</u>	<u>County Probation Officer/DOC Counties</u>	<u>DOC Contract Counties</u>	<u>Total</u>	<u>Percent of Option's Weighted Caseloads in Offense Categories</u>
<b>OPTION 2A</b>					
Percent of state's weighted adult felony caseloads	77.7%	15.0%	7.3%	100.0%	36.4%
Percent of state's weighted adult gross misdemeanor caseloads	71.8	23.6	4.6	100.0	20.2
Percent of state's weighted adult misdemeanor caseloads	74.7	21.1	4.3	100.1	11.6
Percent of state's weighted juvenile caseloads	61.9	27.2	10.9	100.0	27.5
Supervised release, parole	<u>73.7</u>	<u>17.5</u>	<u>8.9</u>	<u>100.1</u>	<u>4.4</u>
<b>TOTAL, OPTION 2A</b>	<b>71.6%</b>	<b>20.9%</b>	<b>7.4%</b>	<b>99.9%</b>	<b>100.1%</b>
<b>OPTION 2B</b>					
Percent of state's weighted adult felony caseloads	73.1	17.1	9.8	100.0	14.3
Percent of state's weighted adult gross misdemeanor caseloads	69.7	20.7	9.6	100.0	18.1
Percent of state's weighted adult misdemeanor caseloads <sup>a</sup>	74.7	21.1	4.2	100.0	20.7
Percent of state's weighted juvenile caseloads	64.3	25.7	10.0	100.0	39.9
Supervised release, parole	<u>76.2</u>	<u>15.9</u>	<u>8.0</u>	<u>100.1</u>	<u>7.0</u>
<b>TOTAL, OPTION 2B</b>	<b>69.5%</b>	<b>21.9%</b>	<b>8.6%</b>	<b>100.0%</b>	<b>100.0%</b>
Percent of state's population, 1995	71.1	19.4	9.4	99.9	
Percent of state's population ages 12-17, 1995	67.0	22.3	10.7	100.0	
Percent of estimated state-funded probation expenditures, 1995	56.4	27.2	16.4	100.0	

Note: Some totals do not add to 100% due to rounding.

Source: Program Evaluation Division analysis of Department of Corrections 1994 probation survey data, Minnesota Sentencing Guidelines Commission 1993 felony sentencing data, and Office of the State Court Administrator 1994 disposition data, weighted by Probation Standards Task Force standards; population projections from Minnesota Planning; expenditure estimates based on data from Minnesota Department of Corrections.

<sup>a</sup>Based on 1994 Department of Corrections annual probation survey.

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**Options 2A and 2B would have differing fiscal impacts on many counties.**

Options 2A and 2B, the CCA counties--as a group--have a larger proportion of Minnesota's weighted adult probation caseloads than their proportion of Minnesota's adult population. This is also true in the case of adult **felony** offenders, the category of offenders for which we believe the caseload data are the most reliable. However, we were surprised that the CCA counties had disproportionately low weighted caseloads for juveniles, particularly in light of concerns about the growth of serious juvenile crime in Minnesota's urban areas (which tend to be in CCA counties). Appendices A and B show that this partly reflects the disproportionately low numbers of juveniles in CCA counties who were adjudicated as delinquent or were on probation for **non-person** offenses. For example, under Option 2A, Appendix A shows that CCA counties had only 59 percent of Minnesota's weighted caseloads for juvenile non-person offenders (compared with 67 percent of the state's population ages 12 to 17). For juvenile person offenses, the CCA counties' percentage of the state's weighted caseloads (68 percent) under Option 2A was slightly higher than their percentage of the state's juvenile population. Under Option 2B, CCA counties had 62 percent of the state's weighted juvenile caseloads for non-person offenses, compared with 69 percent for person offenses.

We do not know for certain why CCA counties did not have higher weighted caseloads for juveniles, but it is possible that more juvenile offenders in CCA counties have been placed in diversion programs, thus avoiding adjudication and probation.<sup>43</sup> If legislators believe that the overall measures of juvenile weighted caseloads shown in Table 3.3 would not effectively target probation funding to areas with the most serious juvenile crime problems, they could adjust the Option 2A or 2B formulas to give less weight to juveniles who have committed non-person offenses.

Table 3.3 shows that weighted caseloads for juveniles account for a particularly large portion (40 percent) of the state's total weighted caseloads under Option 2B. This partly reflects the relatively low "maximum caseloads" for juveniles recommended by the Probation Standards Task Force. It may also reflect the fact that Option 2B is based on all juveniles adjudicated delinquent, some of whom were not assigned to probation.<sup>44</sup>

Finally, it is worth noting in Table 3.3 that Options 2A and 2B differ considerably in the proportion of their total weighted caseloads that are accounted for by adult felons. Adult felons account for only 14 percent of Option 2B's weighted caseloads, compared with 36 percent of weighted caseloads under Option 2A. This is probably because Option 2B is based only on the number of offenders who entered probation in the most recent year, while Option 2A is based on a snapshot of **all** probationers--including some who have been on probation for more than one year.

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<sup>43</sup> Although the Department of Corrections collected data on the number of diverted juveniles supervised by probation agencies in 1994, there are no data on the number of juveniles served by diversion programs operated by law enforcement offices, county attorneys, and others.

<sup>44</sup> In contrast, the workloads for felons and gross misdemeanants in Option 2B were based on the number of such offenders actually placed on probation.

## OPTION 3: ALLOCATE FUNDS STATEWIDE BASED ON A REVISED COMMUNITY CORRECTIONS ACT FORMULA

### Rationale

Probation is one of many services funded by Community Corrections Act (CCA) grants. In 1994, about 34 percent of community corrections expenditures in CCA counties statewide was for "field services," or services provided to persons on probation and supervised release. CCA counties also use their block grants to pay for detention and incarceration, diversion programs, and other corrections-related programs.

The 1995 Legislature appointed a work group to recommend changes in the statutory formula that is used to allocate funds to 31 counties under the Community Corrections Act. The group included two legislators, the deputy commissioner of the Department of Corrections, a representative of the Minnesota Correctional Association, and four representatives of county organizations.

We considered the option of a statewide CCA formula for allocating probation caseload reduction funds partly because the Legislature required the Department of Corrections to use the existing CCA formula to allocate caseload reduction funds in fiscal year 1996 to all 87 counties. We assumed that if the 1996 Legislature considers continued use of the CCA formula to allocate probation funds, it would probably consider a revised version of the formula rather than the existing formula, given that it asked the CCA work group in 1995 to develop a "new formula that is more fair and equitable."<sup>45</sup> As the Legislature considers various options for probation funding, we thought that it may wish to consider the fiscal implications of using the CCA formula for statewide allocations, as well as the extent to which this formula meets the Legislature's desire for a formula based on offender risk and probation workloads.

The 1995 CCA work group recommended a formula based on five equally-weighted measures of the "needs" of community corrections agencies. These measures were each county's percentage of the state's:

- Arrests of adults for Part I (serious) offenses, which include murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson;
- Juvenile apprehensions for all Part I and Part II offenses;
- Felons convicted and not sent to prison;
- Gross misdemeanor cases filed; and

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**The  
Community  
Corrections Act  
work group  
recently  
recommended  
changes to  
Minnesota's  
CCA allocation  
formula.**

<sup>45</sup> *Minn. Laws* (1995), Ch. 226, Art. 1, Sec. 11, Subd. 3.

- Persons aged 10 to 24.

In addition, the work group recommended adjusting the measures of need with a measure of county ability to pay (adjusted net tax capacity). It recommended that CCA counties be guaranteed the amount of funding they received in fiscal year 1996, which will total \$29.9 million. The new formula would be used only for allocations of funding in excess of \$29.9 million.

The CCA work group chose not to include direct measures of probation caseloads in their calculation of county "needs." During its discussions, work group members expressed concerns that probation caseload data collected by the Department of Corrections might not be reliable and might not reflect the true workloads of probation agencies. They also expressed concerns that linking funding to the number of persons on probation might create financial incentives for service providers to (1) use probation services when other services, such as diversion, might be more appropriate, and (2) overstate their caseloads.

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**In general, the CCA work group's proposed formula does not rely on very direct measures of probation caseloads or workloads.**

We agree with the CCA work group that there are reasons for policy makers to be hesitant about linking probation funding to probation caseloads. As discussed in Chapter 2, there are considerable variations in judicial practices that account for some of the variations in probation workloads among counties--particularly in probation services for misdemeanants and juveniles. In those offense categories where variations in county probation caseloads reflect variations in court preferences, it may be appropriate for local units of government to bear more of the cost of probation services.

However, as policy makers consider the merits of the proposed CCA formula, they may wish to consider how the measures of county correctional "need" recommended by the work group relate to the county rates of people on probation. For all 87 counties, we examined the correlations between certain "needs" measures recommended by the CCA work group (calculated per 1,000 county population) and comparable measures of the number of persons on probation per 1,000 population. For example, we looked at the relationship between counties' rates per 1,000 population of (1) persons convicted of felonies in 1993 but not sent to prison, and (2) felons on probation in 1993. We found that these rates were highly correlated, suggesting that the proxy measure of felony convictions might be a relatively good substitute for the direct measure of probation caseloads.<sup>46</sup> However, we found that the other measures used by the CCA work group were much more weakly correlated with probation caseloads.<sup>47</sup>

In addition, the CCA work group chose to weight each of its "needs" measures equally, mainly to produce a simple, understandable formula. The formula has two measures of serious adult offenders (one based on felony convictions and one based on Part I arrests), one measure of adult gross misdemeanor offenders (based

<sup>46</sup> The correlation coefficient of these two variables was 0.78. A correlation of 1.0 would indicate a perfect, positive correlation between the two variables.

<sup>47</sup> The correlation coefficient, or  $r$ , for the rates of juvenile apprehensions and juveniles on probation in 1994 was 0.37. For the rates of 1994 gross misdemeanor filings and gross misdemeanants on probation,  $r=0.46$  (not including Mahanomen County). For the 1994 rates of Part I arrests and adult felons on probation,  $r=0.39$ .

on court cases), no measures of adult misdemeanants, and one measure of all juvenile offenders (based on apprehensions). If the Legislature believes that it is important to implement a probation funding formula that accurately measures the amount of time devoted to various categories of offenders, it might need to consider a more complex weighting approach. Likewise, if the Legislature would like to allocate funds to reflect the risks of offenders, the proposed CCA formula does not represent a particularly strong approach. For example, the formula would not consider counties' misdemeanor domestic assault offenders, who most probation staff believe represent high risks for reoffending and take a considerable amount of staff time. Overall, we concluded that:

- **The strength of the proposed CCA formula for allocating probation funds is that it cannot be easily manipulated and does not create incentives to place or keep offenders on probation. However, the formula's allocations may not reflect actual probation workloads or offender risk very accurately.**

## Possible Fiscal Impacts

The CCA work group proposed a formula to replace the one now used to distribute CCA funds to 31 counties. It did not recommend using the proposed formula to allocate probation or correctional funds to all 87 Minnesota counties. However, the Department of Corrections is using the existing CCA formula to allocate the fiscal year 1996 probation caseload reduction appropriation to all Minnesota counties, and we think it is reasonable to consider the impact of using the proposed formula to allocate probation funds to all counties in future years.

Table 3.4 shows the percentage of "adjusted needs" in the proposed CCA formula that are represented by each county. As proposed by the CCA work group, these "adjusted needs" would be the basis for fund allocations, so the percentages reflect the share of a total state appropriation that the service providers in individual counties might receive under Option 3. For comparison purposes, the table also shows the county's percentage of the state's "adjusted needs" under the existing CCA formula.

## CONCLUSIONS AND RECOMMENDATIONS

In Chapter 1, we noted that Minnesota probation service providers receive funds from four primary state sources: Community Corrections Act grants, probation officer salary reimbursements, the Department of Corrections' appropriation for community corrections, and caseload reduction grants. All service providers receive funding from two or three of these sources. There are separate methods for allocating each of these state appropriations to service providers, and there are considerable variations among counties in the amounts of state probation funding per capita that they (or their service providers) receive. Two recent probation task forces have recommended that the Legislature adopt a uniform system of

**Table 3.4: Percentage of "Adjusted Needs" in Minnesota Counties Under Current and Proposed CCA Formulas**

County	Percent of 1995 State Population	Percent of State Correctional "Needs"	Percent of State Adjusted Net Tax Capacity	Percent of State's Total "Adjusted Needs"—Proposed Formula	Percent of State's Total "Adjusted Needs"—Current Formula
<b>CCA Counties</b>					
Aitkin	0.27%	0.25%	0.33%	0.22%	0.31%
Anoka	5.84	7.04	5.01	7.66	6.12
Blue Earth	1.18	1.32	1.04	1.38	1.32
Carlton	0.64	0.69	0.47	0.77	0.75
Chippewa	0.28	0.14	0.26	0.12	0.31
Cook	0.08	0.07	0.21	0.05	0.09
Crow Wing	1.00	0.95	1.33	0.82	0.96
Dakota	6.92	6.61	7.74	6.03	5.37
Dodge	0.36	0.19	0.25	0.17	0.38
Fillmore	0.45	0.23	0.29	0.20	0.46
Hennepin	23.77	25.26	30.54	22.83	20.44
Kandiyohi	0.88	1.04	0.70	1.16	0.89
Koochiching	0.34	0.34	0.21	0.40	0.47
Lac Qui Parle	0.18	0.08	0.17	0.06	0.21
Lake	0.22	0.14	0.18	0.12	0.29
Morrison	0.66	0.52	0.39	0.55	0.76
Nobles	0.43	0.38	0.40	0.35	0.45
Norman	0.17	0.09	0.18	0.07	0.16
Olmsted	2.49	2.13	2.13	1.97	2.19
Polk	0.71	0.77	0.61	0.80	0.88
Ramsey	11.05	12.67	10.55	13.00	11.96
Red Lake	0.09	0.06	0.06	0.05	0.11
Rice	1.11	1.05	0.76	1.13	1.31
Rock	0.21	0.08	0.21	0.06	0.21
St. Louis	4.31	4.14	2.85	4.57	5.84
Stearns	2.68	3.20	1.89	3.78	3.04
Swift	0.22	0.15	0.19	0.13	0.25
Todd	0.50	0.44	0.23	0.56	0.69
Wadena	0.29	0.35	0.12	0.55	0.44
Washington	3.54	3.55	4.07	3.26	2.91
Yellow Medicine	0.25	0.16	0.21	0.14	0.25
SUBTOTAL	71.12	74.09	73.84	72.94	69.82
<b>County Probation Officer/ DOC Counties</b>					
Benton	0.71	0.58	0.47	0.60	0.81
Big Stone	0.13	0.10	0.11	0.09	0.14
Brown	0.58	0.44	0.44	0.43	0.62
Carver	1.17	0.96	1.23	0.85	1.21
Cass	0.49	0.50	0.80	0.42	0.55
Chisago	0.72	0.72	0.55	0.77	0.73
Clearwater	0.18	0.14	0.18	0.13	0.25
Freebom	0.70	0.85	0.51	1.00	0.84
Goodhue	0.91	0.86	1.42	0.72	0.81
Grant	0.13	0.09	0.14	0.07	0.12
Houston	0.41	0.23	0.24	0.22	0.45
Isanti	0.59	0.52	0.38	0.56	0.74
Itasca	0.88	0.69	1.16	0.57	0.94
Jackson	0.24	0.23	0.33	0.20	0.24
Kanabec	0.29	0.33	0.14	0.45	0.40
Meeker	0.46	0.35	0.33	0.34	0.46
Mille Lacs	0.42	0.44	0.24	0.54	0.53
Mower	0.82	0.86	0.50	1.02	0.84
Nicollet	0.63	0.51	0.46	0.50	0.74

**Table 3.4: Percentage of "Adjusted Needs" in Minnesota Counties Under Current and Proposed CCA Formulas, continued**

County	Percent of 1995 State Population	Percent of State Correctional "Needs"	Percent of State Adjusted Net Tax Capacity	Percent of State's Total "Adjusted Needs"—Proposed Formula	Percent of State's Total "Adjusted Needs"—Current Formula
<b>County Probation Officer/ DOC Counties, cont.</b>					
Otter Tail	1.11	1.09	0.92	1.11	1.24
Pine	0.48	0.32	0.36	0.30	0.56
Pope	0.23	0.19	0.17	0.19	0.25
Scott	1.42	1.26	1.51	1.14	1.27
Sherburne	1.05	1.04	1.71	0.87	0.91
Steele	0.69	0.61	0.55	0.60	0.71
Stevens	0.22	0.19	0.16	0.19	0.26
Traverse	0.09	0.05	0.13	0.04	0.07
Wabasha	0.44	0.23	0.29	0.20	0.46
Waseca	0.39	0.22	0.32	0.19	0.39
Wilkin	0.16	0.22	0.17	0.23	0.15
Winona	1.06	1.14	0.65	1.37	1.22
Wright	1.62	1.42	1.65	1.30	1.47
SUBTOTAL	19.44	17.38	18.22	17.21	20.38
<b>DOC Contract Counties</b>					
Becker	0.57	0.61	0.47	0.64	0.64
Beltrami	0.79	1.23	0.43	1.92	1.05
Clay	1.13	1.28	0.73	1.53	1.36
Cottonwood	0.27	0.23	0.31	0.21	0.25
Douglas	0.64	0.68	0.58	0.68	0.63
Fanbault	0.35	0.27	0.36	0.24	0.34
Hubbard	0.34	0.34	0.40	0.31	0.32
Kittson	0.12	0.06	0.21	0.04	0.09
Lake of the Woods	0.09	0.06	0.07	0.06	0.09
Le Sueur	0.52	0.28	0.39	0.24	0.54
Lincoln	0.14	0.05	0.13	0.04	0.12
Lyon	0.55	0.60	0.48	0.62	0.55
McLeod	0.73	0.73	0.51	0.80	0.76
Mahnomen	0.11	0.09	0.08	0.09	0.13
Marshall	0.23	0.18	0.28	0.16	0.20
Martin	0.49	0.53	0.47	0.53	0.50
Murray	0.20	0.07	0.23	0.05	0.16
Pennington	0.29	0.39	0.16	0.55	0.34
Pipestone	0.22	0.15	0.16	0.14	0.21
Redwood	0.36	0.33	0.38	0.30	0.34
Renville	0.37	0.21	0.43	0.17	0.33
Roseau	0.36	0.23	0.25	0.22	0.33
Sibley	0.31	0.17	0.24	0.15	0.31
Watonwan	0.25	0.22	0.21	0.21	0.24
SUBTOTAL	9.44	8.99	7.96	9.90	9.83
STATE	100.00%	100.46%	100.02%	100.07%	100.03%

Source: Working Group on Community Corrections, September 1995; 1995 Minnesota population projections from Minnesota Planning.

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**The funding options we examined have strengths and weaknesses.**

allocating probation funds, and the Legislature asked us to recommend possible ways to do this.<sup>48</sup>

At the beginning of this chapter, we set forth guidelines for evaluating a new probation funding formula, and Figure 3.4 discusses the extent to which various funding options are consistent with these guidelines. All the funding options have strengths and weaknesses that should be considered by legislators. For example, Option 1 could not be implemented in fiscal year 1997, but it deserves serious consideration because it is the only option that would allocate funding to reflect risk assessments conducted for individual offenders. Option 2A would allocate funds based on the most direct measure of persons on probation (the Department of Corrections' annual probation survey), as weighted by normative workload standards developed by Minnesota probation professionals. However, the reliability of the probation caseload data is uncertain, and some people believe that linking funding directly to caseloads could create incentives for offenders to be placed or kept on probation. Option 2B would reduce the incentive to keep people on probation for unnecessarily long periods by providing funding based primarily on the number of persons convicted or adjudicated, as weighted by standards developed by Minnesota probation experts. This approach--like Option 2A--relies on standards that seem to have considerable support among Minnesota probation officials, but which should be the subject of additional discussion. Option 3--a statewide CCA formula--would eliminate incentives to place or keep people on probation by allocating funds based on rates of arrests, court cases, convictions, and population, but some of these measures (and the way they are weighted) may not reflect the workloads of probation agencies or the risks of the offenders they serve.

We offer no recommendations on the funding options presented here. None are without flaws, and the Legislature's choice of a funding option may depend on which of the six guidelines that we discussed in this chapter it considers most important. The choice may also depend on legislators' interpretations of the fiscal impacts that formulas would have on various counties. Regardless of the option selected, we think the Legislature should consider whether a new funding formula should include a measure of county ability to pay.

In addition, we recommend that:

- **The Legislature should amend state law to clarify the respective roles of county probation offices and the Department of Corrections.**

First, for purposes of allocating new state probation funds, the Legislature should clarify whether the Department of Corrections should approve the spending plans of service providers in addition to allocating funds to counties in accordance with the adopted funding formula. To receive fiscal year 1996 caseload reduction funding, service providers were required by the department to show that their planned expenditures met criteria set forth in law. If the 1996 Legislature would like to continue this state review before new funds are allocated, it should explicitly

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<sup>48</sup> *Report of the Joint Legislative-Conference of Chief Judges Correctional Delivery System Study* (St. Paul, March 1994), 12, and Probation Standards Task Force, *Probation in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 1.

**Figure 3.4: Evaluation of Probation Funding Options**

Suggested Guidelines—The Formula Should:	Option 1: Allocate Funds Based on Uniform Classification System	Option 2A: Allocate Funds Using "Snapshot-Based" Standards of the Probation Standards Task Force	Option 2B: Allocate Funds Using "Intake-Based" Standards of the Probation Standards Task Force	Option 3: Allocate Funds Statewide Based on a Revised CCA Formula
1. Be based on offender risk and probation workloads	If a valid classification system is implemented and a time study is completed, Option 1 could allocate funds to reflect the average time that service providers actually spend on offenders in various risk categories.	Option 2A would allocate funds to reflect normative standards of probation officials about the amount of time needed to serve probationers in various offense categories. The standards reflect these officials' perceptions of risk and workloads for various types of offenders, but they would not necessarily be based on measurements of risk and workload.	Option 2B would allocate funds to reflect normative standards of probation officials about the amount of time needed to serve probationers in various offense categories. The standards reflect these officials' perceptions of risk and workloads for various types of offenders, but they would not necessarily be based on measurements of risk and workload.	Option 3 is based on five very general measures of community corrections workload, weighted equally. There is no weighting to reflect the risks of particular categories of offenders, or the impact they have on probation workloads.
2. Use a single method to allocate funds to all counties in FY 1997	This option would use a uniform funding method, but it could not be used to allocate funds in FY 1997.	This type of uniform funding system could be implemented in FY 1997.	This type of uniform funding system could be implemented in FY 1997.	This type of uniform funding system could be implemented in FY 1997.
3. Be based on valid, reliable, complete and timely data	Option 1 could meet this guideline, assuming that service providers (1) implement a valid classification system, (2) provide accurate information for a time study, and (3) do not over-report the number of offenders in high-risk categories.	The "snapshot" caseload data collected by the Department of Corrections are widely viewed as imperfect, due mainly to (1) unclear reporting instructions, and (2) the difficulty that some service providers have had determining their daily caseloads. The actual amount of inconsistency and inaccuracy in the data are unknown.	The data on felons are subject to considerable review and verification by Sentencing Guidelines Commission staff. Data on adjudications and dispositions of gross misdemeanants and juveniles are reported by court clerks and audits have started recently. There are no misdemeanors conviction or "intake" data available—it may be necessary to rely on "snapshot" caseload data collected by the Department of Corrections, for which the reliability is unknown.	Data on arrests are submitted by law enforcement agencies, without central verification. Data on adult felons are subject to considerable review and verification. Data on the number of gross misdemeanor cases filed are reported by court clerks and audits of submitted data have started recently.
4. Not result in large funding fluctuations from year to year	Funding for any of these options could be based on multi-year averages to mitigate the impact of annual fluctuations in the formula's components.			
5. Not provide incentives for offenders to be placed or kept on probation	Because Option 1 provides funding based on the number of probationers served, it could create incentives for the courts or service providers to place offenders on probation.	Because Option 2A provides funding based on the number of probationers served, it could create incentives for the courts or service providers to place or keep offenders on probation.	Option 2B would count offenders only when they entered probation caseloads, so service providers would not financially benefit by having offenders on probation who are no longer being "actively" supervised.	Option 3 does not link funding to probation caseloads, so it would not create incentives to place or keep offenders on probation.
6. Be relatively simple to understand and implement	Option 1 would be fairly simple to understand, but complicated and time-consuming to implement.	Option 2A would be simple to understand and implement.	Option 2B would be simple to understand and implement.	Option 3 would be simple to understand and implement.

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**State and county probation responsibilities may need clarification.**

require this procedure in law. Second, the Legislature should consider how decisions about fund allocations should be made in those counties where probation services are provided both by county and Department of Corrections employees. Because responsibility for probation services is split in these counties, the allocation of a county's caseload reduction funds between the providers could be the subject of disagreements.

Although not required for the purpose of allocating future caseload reduction funds, we think the Legislature should also consider clarifying in law which service providers are responsible for various categories of offenders. As noted in Chapter 1, the law does not indicate which service providers should supervise gross misdemeanants in counties where both state and county employees provide probation services, and practices vary throughout Minnesota. Also, although the Department of Corrections is the sole provider of probation services to adult felons in non-CCA counties and receives a state appropriation for this purpose, the law does not appear to assign exclusive responsibility to the department for this population. Finally, although county staff in all non-CCA counties provide services to adult misdemeanants, their authorization for this responsibility is in the state's juvenile code (*Minn. Stat.* §260), and this is a source of possible confusion.<sup>49</sup>

Regardless of the funding system that the Legislature selects, there are a variety of actions that we think should be taken to improve accountability for probation expenditures in Minnesota. For example, relatively few service providers in Minnesota measure the outcomes of their services. In our view, outcome tracking is important to (1) help decision makers make funding choices and evaluate past ones, and (2) enable service providers to validate risk-based classification approaches. We recommend that:

- **The Legislature should direct the Department of Corrections to establish an "outcome measurement task force" to recommend by January 1997 statewide probation outcome measures, along with procedures for collecting outcome data. These recommendations should be subsequently reviewed by Minnesota's Criminal and Juvenile Justice Information Policy Group. The Legislature should require service providers to periodically report information to the Department of Corrections about the reoffense rates of adult offenders.**

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**Service providers should measure outcomes regularly.**

In our view, the task force should focus first on outcome measures for adults because statewide information on adult offenses is more readily available than information on juvenile offenses. The purpose of this task force would be to develop definitions that all state and local service providers could use to report outcome information for probation services. The task force's first priority would be to develop measures of state-level interest rather than measures that would reflect attainment of local goals. Of particular importance, the task force should recommend how service providers should measure and report recidivism in a uniform way. This would require the task force to make decisions regarding standard

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<sup>49</sup> To our knowledge, these problems with the statutes have not caused gaps in services. Nevertheless, we think that any system of allocating probation funds should have a clear basis in law.

periods of offender followup, appropriate data sources, and specific measures of reoffending. We recognize that not all community correctional outcomes are attributable to the efforts of public agencies, but establishing baseline measures of outcomes may help policy makers and service providers to examine reasons for those outcomes and ways to improve them.

Once the task force has produced recommendations on outcome measures, we think they should be reviewed by Minnesota's Criminal and Juvenile Justice Information Policy Group. This group was established in law in 1993 to help ensure that justice system databases are up-to-date, accurate, and integrated.<sup>50</sup>

By reaching agreement on ways to measure outcomes, the task force may be able to help the Department of Corrections improve its biennial performance report, which is mandated by law.<sup>51</sup> The department's 1994 performance report provided policy makers with little information on community corrections programs, despite the fact that these programs serve most criminal offenders in Minnesota and receive considerable amounts of state funding. We recommend that:

- **The Department of Corrections should summarize statewide information on probationers' rates of reoffending in its November 2000 agency performance report.**

Another issue that merits legislative attention is the way that offenders are classified by probation agencies. Classification systems help to ensure that offenders are supervised consistently and in ways that maximize use of probation resources. However, we found that some Minnesota service providers do not classify their offenders in any formal way. This is contrary to good management practices recommended by corrections professionals nationally, and it is contrary to the recommendations of Minnesota's 1994 Probation Standards Task Force. Even if the Legislature decides not to allocate state probation funds using a uniform statewide classification system, we recommend that:

- **The Legislature should require each Minnesota probation agency to adopt written policies for classifying adult offenders.**
- **The Department of Corrections should provide training and technical assistance that will better enable service providers to implement effective, valid classification systems.**

Implementing classification instruments could be a large undertaking for service providers, so we recommend starting first with services for adult offenders. We do not offer a recommendation here on whether probation agencies should be required to implement "risk-based" classification systems. Of the Minnesota service providers that now have formal classification systems, all but one (Hennepin County) classify offenders based on their risks of reoffending. In our view, all agencies that use risk-based classification systems should be expected to validate

<sup>50</sup> The group includes the Commissioners of Corrections and Public Safety, as well as the State Court Administrator and the chair of the Minnesota Sentencing Guidelines Commission.

<sup>51</sup> *Minn. Stat.* §15.91, Subd. 2.

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**Even if a statewide classification system is not adopted, service providers should adopt classification policies.**

them periodically, and the Department of Corrections should help to ensure that this occurs.

Throughout this report, we have discussed the limited amount of uniform, state-wide data that are available on Minnesota probationers. The only source of state-wide information on the probation population is an annual Department of Corrections survey, and the reliability of this information has been questioned by some service providers. Minnesota's experience contrasts with that of many, and probably most, other states, which use statewide information systems to track caseloads and balance staff assignments.

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**It would be useful to have more consistent data on all probationers.**

In our view, an **ongoing** database of Minnesota's probation offenders could serve several purposes. First, it could be used by service providers to determine whether offenders are on probation in other counties. Several service providers told us that they have been frustrated with their inability to get this information for purposes of presentence investigations and developing supervision plans. Second, a multi-county offender database could help service providers that wish to cooperatively develop and validate classification instruments. For example, to construct or validate a statewide classification instrument, it would be necessary to track reoffense rates or evaluate descriptive information for a random sample of offenders statewide; it is not presently possible to select such a sample. Third, a statewide offender database could be used to produce the "snapshot" of Minnesota's probation population that the Department of Corrections now produces through its annual survey. The database might also provide statewide information on the number of new probationers in detailed offense categories, which is not presently known.<sup>52</sup> We recommend that:

- **The Legislature should require probation service providers to collect a standard set of information on each offender, subject to definitions established by the Department of Corrections during 1996 and reviewed by the Criminal and Information Policy Group.**

Our recommendation for a statewide offender database would not necessarily require that Minnesota service providers use uniform computer software. Because service providers may wish to continue using a variety of information systems, we recommend that:

- **The Legislature should require the Department of Corrections to report to the 1997 Legislature on ways to implement ongoing links between the offender information systems of all probation service providers in the state.**

In Appendix C, we suggest a set of variables that could be considered for inclusion in a statewide offender database. The variables shown are ones that have been used (or considered for use) in some of the existing classification systems we

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<sup>52</sup> This information could be used in conjunction with Funding Option 2B. If the task force standards that were the basis for Option 2B are used for future fund allocations, the Department of Corrections should consider whether to collect statewide information on the number of persons in diversion and pre-trial supervision programs, too.

examined. We think the department should consult with service providers as it considers information that should be part of a statewide database.

We recognize that requirements for a statewide information database, offender classification systems, and outcome tracking might be viewed by service providers as more unwelcome state mandates. However, we think there is considerable consensus among persons we spoke with about the need for improved management information, and legislators have expressed in law their desire for improved outcome data.<sup>53</sup> The Legislature may wish to consider allowing service providers to use portions of their caseload reduction grants for these purposes.

Finally, we think the Minnesota Legislature should discuss and clarify the state's goals for probation services. Currently, there is no statewide definition of probation in state law, nor are there statutory goals that govern probation services in all counties. Based on our discussions with corrections officials around Minnesota, it is apparent to us that probation serves multiple goals. This is one reason that it is difficult to develop a "workload-based" funding formula; the time that probation officers spend with offenders may vary, depending on whether they are (1) making serious efforts to help the offenders change their behaviors over the long term, or (2) merely monitoring offenders' compliance with the court's probation conditions. We think that it will be easier for probation officials to select key outcome measures and agree on workload standards for probation services if the law provides clearer statements of probation's goals. We recommend that:

- **The Legislature should amend Minnesota's criminal code (*Minn. Stat. §609*) by defining the term "probation" and establishing general goals for probation services.**

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**State law should define probation and establish its goals.**

For example, we suggest that the Legislature consider the following definition and goals, which are based on a definition of probation developed by the 1994 Probation Standards Task Force:

Probation is a court-ordered sanction imposed upon an offender for a period of supervision no greater than that set by statute. It shall be imposed as an alternative to confinement or in conjunction with confinement or intermediate sanctions. The purpose of probation is to deter further criminal behavior, punish the offender, help provide reparations to crime victims and their communities, and provide offenders with opportunities for rehabilitation.<sup>54</sup>

Because this definition includes multiple goals, it would probably not eliminate debate about the purposes of probation. But, if adopted, such a definition would clarify, for example, that rehabilitation is one of the state's goals for probation services, or that reoffense rates are a reasonable outcome measure for probation services.

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<sup>53</sup> *Minn. Laws* (1995) Ch. 226, Art. 1, Sec. 11, Subd. 3. The 1994 Probation Standards Task Force and the 1994 work group on correctional delivery systems also recommended new reporting requirements for all service providers.

<sup>54</sup> We slightly modified a definition and statement of objectives contained in Probation Standards Task Force, *Probation Services in Minnesota: Putting the Pieces Together* (St. Paul, December 1994), 13.



## Appendix A: County Weighted Caseloads, Using Funding Option 2A

(1) County Name	(2) County Proportion of State Adult Felony Weighted Caseloads	(3) County Proportion of State Adult Gross Misdemeanor Weighted Caseloads	(4) County Proportion of State Adult Misdemeanor Weighted Caseloads	(5) County Proportion of State Juvenile Person Offender Weighted Caseloads	(6) County Proportion of State Juvenile Non-Person Offender Weighted Caseloads	(7) County Proportion of State Supervised Release Weighted Caseloads	(8) County Proportion of State Total Weighted Caseloads	(9) Impact on Column (8) of Weighting Misdemeanor Non-Person Offenders at 200 Rather Than 300 Cases	(10) Impact on Column (8) of Weighting Misdemeanor Person Offenders at 40 Rather Than 65 Cases
<b>CCA Counties</b>									
Aitkin	0.53%	0.40%	0.21%	0.34%	0.50%	0.22%	0.43%	0.42%	0.42%
Anoka	6.63	7.93	9.93	4.45	5.48	3.48	6.74	6.83	6.85
Blue Earth	0.68	0.69	1.44	1.87	1.45	1.20	1.04	1.05	1.05
Carlton	0.40	0.22	0.35	0.41	0.25	0.46	0.33	0.33	0.34
Chippewa	0.12	0.11	0.07	0.14	0.27	0.11	0.14	0.14	0.14
Cook	0.05	0.10	0.10	0.03	0.05	0.00	0.06	0.06	0.06
Crow Wing	1.03	1.36	0.68	0.58	1.20	0.79	1.04	1.04	1.02
Dakota	6.48	6.12	5.30	3.63	4.70	2.39	5.51	5.49	5.52
Dodge	0.20	0.22	0.13	0.00	0.15	0.11	0.16	0.16	0.16
Fillmore	0.15	0.21	0.18	0.20	0.38	0.05	0.21	0.21	0.21
Hennepin	25.30	25.55	26.51	28.00	17.23	33.19	24.53	24.67	24.50
Kandiyohi	0.59	0.65	0.57	1.26	1.90	0.71	0.91	0.90	0.90
Koochiching	0.35	0.38	0.05	0.34	0.64	0.11	0.37	0.36	0.35
Lac Qui Parle	0.08	0.05	0.08	0.07	0.25	0.11	0.11	0.11	0.11
Lake	0.15	0.08	0.16	0.10	0.21	0.12	0.14	0.14	0.15
Morrison	0.61	0.48	0.40	0.37	0.59	0.45	0.53	0.52	0.53
Nobles	0.43	0.44	0.62	0.17	0.51	0.22	0.44	0.45	0.44
Norman	0.14	0.08	0.02	0.10	0.17	0.00	0.11	0.11	0.10
Olmsted	1.95	1.26	1.34	3.16	2.39	1.05	1.89	1.87	1.87
Polk	1.83	0.99	0.81	0.81	0.95	0.67	1.19	1.16	1.17
Ramsey	19.19	12.84	13.22	12.39	8.26	19.87	14.59	14.48	14.63
Red Lake	0.12	0.02	0.01	0.03	0.04	0.00	0.05	0.06	0.06
Rice	0.88	0.89	0.67	0.58	1.56	1.19	0.97	0.96	0.97
Rock	0.09	0.18	0.19	0.03	0.09	0.05	0.11	0.11	0.11
St. Louis	3.88	3.46	4.79	4.48	4.50	3.15	4.04	4.04	4.09
Stearns	2.37	2.25	2.48	2.07	1.89	1.71	2.21	2.21	2.24
Swift	0.04	0.12	0.09	0.03	0.28	0.05	0.11	0.11	0.11
Todd	0.40	0.56	0.11	0.20	0.27	0.11	0.34	0.34	0.34
Wadena	0.48	0.11	0.10	0.17	0.32	0.27	0.29	0.29	0.29
Washington	2.47	3.88	4.35	1.73	2.40	1.77	2.87	2.94	2.87
Yellow Medicine	0.08	0.18	0.16	0.41	0.26	0.07	0.17	0.17	0.17
<b>SUBTOTAL</b>	<b>77.69%</b>	<b>71.82%</b>	<b>74.68%</b>	<b>68.16%</b>	<b>59.13%</b>	<b>73.67%</b>	<b>71.64%</b>	<b>71.74%</b>	<b>71.74%</b>

**Appendix A: County Weighted Caseloads, Using Funding Option 2A, continued**

(1) County Name	(2) County Proportion of State Adult Felony Weighted Caseloads	(3) County Proportion of State Adult Gross Misdemeanor Weighted Caseloads	(4) County Proportion of State Adult Misdemeanor Weighted Caseloads	(5) County Proportion of State Juvenile Person Offender Weighted Caseloads	(6) County Proportion of State Juvenile Non-Person Offender Weighted Caseloads	(7) County Proportion of State Supervised Release Weighted Caseloads	(8) County Proportion of State Total Weighted Caseloads	(9) Impact on Column (8) of Weighting Misdemeanor Non-Person Offenders at 200 Rather Than 300 Cases	(10) Impact on Column (8) of Weighting Misdemeanor Person Offenders at 40 Rather Than 65 Cases
<b>County Probation Officer/DOC Counties</b>									
Benton	0.74%	0.77%	0.35%	0.34%	0.53%	0.47%	0.62%	0.60%	0.61%
Big Stone	0.04	0.08	0.06	0.00	0.08	0.00	0.05	0.06	0.05
Brown	0.41	0.65	0.30	0.48	1.13	0.19	0.56	0.57	0.57
Carver	0.83	2.14	2.53	0.98	0.95	1.27	1.34	1.36	1.40
Cass	0.74	0.96	0.17	1.46	1.27	1.45	0.91	0.89	0.89
Chisago	0.71	0.99	1.10	0.58	0.96	0.46	0.84	0.85	0.84
Clearwater	0.18	0.29	0.09	0.44	0.34	0.13	0.24	0.24	0.24
Freeborn	0.44	0.39	0.18	1.19	1.26	0.36	0.61	0.60	0.60
Goodhue	0.57	1.28	1.47	0.61	1.31	0.76	0.97	0.99	0.98
Grant	0.04	0.15	0.08	0.14	0.13	0.00	0.09	0.09	0.09
Houston	0.12	0.21	0.31	0.27	0.40	0.19	0.23	0.24	0.23
Isanti	0.66	0.62	1.12	0.85	0.91	0.95	0.78	0.80	0.79
Itasca	1.09	1.23	0.25	1.12	1.59	1.05	1.12	1.09	1.09
Jackson	0.10	0.22	0.20	0.17	0.32	0.11	0.18	0.18	0.19
Kanabec	0.47	0.54	0.29	0.88	0.60	0.52	0.52	0.52	0.51
Meeker	0.42	0.73	0.46	0.51	2.11	0.38	0.81	0.81	0.80
Mille Lacs	0.60	0.96	0.72	1.29	1.24	0.73	0.87	0.86	0.87
Mower	0.62	0.50	0.76	1.02	0.91	0.68	0.70	0.70	0.71
Nicollet	0.32	0.64	0.69	0.54	0.73	1.28	0.57	0.57	0.57
Otter Tail	1.04	0.25	0.18	0.71	1.42	0.85	0.81	0.79	0.80
Pine	0.61	0.67	0.94	0.81	0.67	0.92	0.70	0.71	0.71
Pope	0.09	0.21	0.19	0.00	0.39	0.00	0.17	0.18	0.17
Scott	0.83	2.55	1.98	1.97	1.16	0.81	1.47	1.48	1.49
Sherburne	0.65	1.64	1.04	1.43	2.00	0.69	1.22	1.21	1.21
Steele	0.38	0.62	0.90	1.29	1.46	0.94	0.79	0.81	0.78
Stevens	0.09	0.13	0.07	0.20	0.23	0.05	0.13	0.13	0.13
Traverse	0.02	0.09	0.09	0.00	0.05	0.12	0.05	0.05	0.05
Wabasha	0.09	0.24	0.37	0.14	0.43	0.00	0.22	0.22	0.22
Waseca	0.19	0.37	0.30	0.00	0.49	0.22	0.25	0.29	0.27
Wilkin	0.09	0.09	0.06	0.10	0.36	0.19	0.14	0.14	0.14
Winona	0.61	0.45	0.98	1.02	1.06	0.89	0.75	0.76	0.76
Wright	1.25	2.94	2.84	2.55	2.59	0.82	2.12	2.11	2.19
<b>SUBTOTAL</b>	<b>15.03%</b>	<b>23.58%</b>	<b>21.06%</b>	<b>23.08%</b>	<b>29.09%</b>	<b>17.45%</b>	<b>20.91%</b>	<b>20.90%</b>	<b>20.94%</b>

Appendix A: County Weighted Caseloads, Using Funding Option 2A, continued

(1) County Name	(2) County Proportion of State Adult Felony Weighted Caseloads	(3) County Proportion of State Adult Gross Misdemeanor Weighted Caseloads	(4) County Proportion of State Adult Misdemeanor Weighted Caseloads	(5) County Proportion of State Juvenile Person Offender Weighted Caseloads	(6) County Proportion of State Juvenile Non-Person Offender Weighted Caseloads	(7) County Proportion of State Supervised Release Weighted Caseloads	(8) County Proportion of State Total Weighted Caseloads	(9) Impact on Column (8) of Weighting Misdemeanor Non-Person Offenders at 200 Rather Than 300 Cases	(10) Impact on Column (8) of Weighting Misdemeanor Person Offenders at 40 Rather Than 65 Cases
<b>DOC Contract Counties</b>									
Becker	0.61%	0.20%	0.08%	0.41%	1.12%	0.77%	0.55%	0.54%	0.54%
Beltrami	0.84	0.14	0.26	1.63	1.58	1.13	0.85	0.82	0.84
Clay	0.68	0.28	0.50	0.37	2.55	0.98	0.92	0.92	0.89
Cottonwood	0.20	0.15	0.12	0.37	0.33	0.16	0.22	0.21	0.21
Douglas	0.54	0.43	0.34	0.20	0.63	0.59	0.48	0.48	0.48
Faribault	0.25	0.10	0.16	0.34	0.32	0.46	0.24	0.24	0.24
Hubbard	0.34	0.10	0.04	0.48	0.35	0.44	0.27	0.27	0.27
Kitson	0.03	0.02	0.00	0.00	0.08	0.11	0.04	0.03	0.03
Lake of the Woods	0.06	0.01	0.00	0.07	0.04	0.05	0.04	0.04	0.04
Le Sueur	0.21	0.47	0.41	0.48	0.43	0.49	0.37	0.37	0.37
Lincoln	0.03	0.08	0.05	0.03	0.06	0.11	0.05	0.05	0.05
Lyon	0.49	0.63	0.29	0.75	0.58	0.23	0.52	0.52	0.52
McLeod	0.34	0.41	0.52	0.58	0.39	0.47	0.41	0.40	0.40
Mahnomen	0.23	0.35	0.03	0.14	0.24	0.29	0.23	0.22	0.22
Marshall	0.11	0.00	0.00	0.17	0.10	0.05	0.08	0.07	0.07
Martin	0.56	0.16	0.11	0.58	0.47	0.64	0.41	0.41	0.42
Murray	0.09	0.08	0.06	0.10	0.32	0.12	0.13	0.13	0.13
Pennington	0.32	0.03	0.00	0.31	0.27	0.11	0.20	0.20	0.20
Pipestone	0.11	0.14	0.06	0.20	0.23	0.22	0.14	0.14	0.14
Redwood	0.26	0.18	0.40	0.51	0.47	0.49	0.33	0.34	0.33
Renville	0.22	0.24	0.33	0.14	0.21	0.37	0.23	0.24	0.23
Roseau	0.31	0.06	0.01	0.31	0.36	0.27	0.23	0.22	0.22
Sibley	0.17	0.18	0.24	0.00	0.07	0.12	0.14	0.15	0.15
Watonwan	0.30	0.17	0.25	0.61	0.61	0.19	0.35	0.34	0.34
<b>SUBTOTAL</b>	<b>7.28%</b>	<b>4.60%</b>	<b>4.26%</b>	<b>8.76%</b>	<b>11.78%</b>	<b>8.88%</b>	<b>7.43%</b>	<b>7.36%</b>	<b>7.32%</b>

Source: Program Evaluation Division analysis of 1994 probation survey data from Minnesota Department of Corrections, as weighted by standards recommended by the 1994 Probation Standards Task Force.



## Appendix B: County Weighted Caseloads, Using Funding Option 2B

(1) County Name	(2) County Proportion of State Adult Felony Weighted Caseloads		(3) County Proportion of State Adult Gross Misdemeanor Weighted Caseloads		(4) County Proportion of State Adult Misdemeanor Weighted Caseloads (Based on 1994 Court Filings)		(5) County Proportion of State Adult Misdemeanor Weighted Caseloads (Based on 1994 Probation Survey)		(6) County Proportion of State Supervised Release Weighted Caseloads		(7) County Proportion of State Juvenile Person Offender Weighted Caseloads		(8) County Proportion of State Juvenile Non-Person Offender Weighted Caseloads		(9) County Proportion of State Total Weighted Caseloads
	Proportion of State Adult Felony Weighted Caseloads	Proportion of State Adult Gross Misdemeanor Weighted Caseloads	Proportion of State Adult Misdemeanor Weighted Caseloads (Based on 1994 Court Filings)	Proportion of State Adult Misdemeanor Weighted Caseloads (Based on 1994 Probation Survey)	Proportion of State Supervised Release Weighted Caseloads	Proportion of State Juvenile Person Offender Weighted Caseloads	Proportion of State Juvenile Non-Person Offender Weighted Caseloads	Proportion of State Total Weighted Caseloads							
<b>CCA Counties</b>															
Aitkin	0.53%	0.32%	0.27%	0.21%	0.20%	0.42%	0.35%	0.34%							
Anoka	6.24	7.54	5.39	10.06	3.00	5.51	7.89	7.35							
Blue Earth	0.77	0.78	1.16	1.45	0.78	1.07	1.63	1.18							
Carlton	0.44	0.70	0.50	0.34	0.73	0.68	0.84	0.62							
Chippewa	0.14	0.11	0.13	0.07	0.09	0.13	0.25	0.14							
Cook	0.03	0.07	0.09	0.10	0.04	0.05	0.06	0.06							
Crow Wing	1.37	0.99	0.97	0.71	0.77	0.60	1.15	0.96							
Dakota	5.97	7.64	5.09	5.44	2.29	6.19	7.29	6.27							
Dodge	0.18	0.27	0.16	0.13	0.04	0.34	0.23	0.21							
Fillmore	0.24	0.53	0.31	0.20	0.05	0.23	0.32	0.29							
Hennepin	22.64	25.75	36.58	26.03	34.08	24.23	13.61	22.64							
Kandiyohi	0.40	0.68	0.70	0.56	0.73	0.83	1.68	0.90							
Koochiching	0.32	0.28	0.21	0.05	0.09	0.39	0.38	0.27							
Lac Qui Parie	0.12	0.04	0.04	0.08	0.13	0.08	0.44	0.17							
Lake	0.16	0.09	0.11	0.17	0.10	0.05	0.16	0.16							
Morrison	0.72	0.54	0.47	0.40	0.46	0.44	0.93	0.62							
Nobles	0.54	0.27	0.36	0.61	0.13	0.21	0.81	0.50							
Norman	0.17	0.09	0.06	0.02	0.04	0.13	0.21	0.12							
Olmsted	2.54	1.86	1.57	1.39	1.11	2.16	1.92	1.87							
Polk	1.46	0.94	0.51	0.43	0.41	1.20	1.13	0.96							
Ramsey	14.87	8.17	9.25	13.17	22.87	11.65	7.68	11.57							
Red Lake	0.07	0.03	0.05	0.01	0.00	0.03	0.07	0.04							
Rice	0.97	0.83	0.76	0.68	1.15	0.34	1.18	0.86							
Rock	0.06	0.14	0.12	0.19	0.00	0.05	0.13	0.11							
St. Louis	5.16	2.87	3.72	4.96	2.94	4.65	4.34	4.34							
Stearns	3.09	3.04	3.03	2.50	2.01	2.16	2.33	2.56							
Swift	0.13	0.13	0.12	0.09	0.00	0.08	0.24	0.13							
Todd	0.65	0.57	0.35	0.11	0.04	0.13	0.39	0.34							
Wadena	0.58	0.16	0.29	0.09	0.22	0.18	0.32	0.25							
Washington	2.32	3.97	3.33	4.31	1.28	4.32	3.04	3.43							
Yellow Medicine	0.19	0.25	0.23	0.16	0.35	0.34	0.26	0.25							
<b>SUBTOTAL</b>	<b>73.07%</b>	<b>69.69%</b>	<b>75.94%</b>	<b>74.71%</b>	<b>76.17%</b>	<b>68.85%</b>	<b>61.65%</b>	<b>69.50%</b>							



**Appendix B: County Weighted Caseloads, Using Funding Option 2B, continued**

(1) County Name	(2) County Proportion of State Adult Felony Caseloads		(3) County Proportion of State Adult Gross Misdemeanor Caseloads		(4) County Proportion of State Adult Misdemeanor Caseloads (Based on 1994 Court Filings)		(5) County Proportion of State Adult Misdemeanor Caseloads (Based on 1994 Probation Survey)		(6) County Proportion of State Supervised Release Caseloads		(7) County Proportion of State Juvenile Non-Person Offender Caseloads		(8) County Proportion of State Total Weighted Caseloads			
	Weighted Caseloads	0.88%	Weighted Caseloads	0.97%	Weighted Caseloads	0.54%	Weighted Caseloads	0.07%	Weighted Caseloads	0.77%	Weighted Caseloads	0.83%	Weighted Caseloads	0.99%	Weighted Caseloads	0.74%
<b>DOC Contract Counties</b>																
Becker	0.88%	0.97%	0.54%	0.07%	0.77%	0.83%	0.99%	0.74%								
Beltrami	0.73	0.94	1.10	0.27	1.57	0.00	0.01	0.44								
Clay	0.61	1.70	1.39	0.39	0.40	1.14	1.50	1.05								
Cottonwood	0.34	0.15	0.13	0.11	0.18	0.10	0.29	0.20								
Douglas	1.05	0.59	0.54	0.34	0.69	0.49	0.45	0.56								
Faribault	0.34	0.08	0.15	0.16	0.39	0.21	0.43	0.26								
Hubbard	0.37	0.40	0.24	0.03	0.40	0.36	0.42	0.32								
Kittson	0.05	0.10	0.07	0.00	0.09	0.00	0.08	0.05								
Lake of the Woods	0.05	0.05	0.11	0.00	0.00	0.03	0.07	0.04								
Le Sueur	0.20	0.39	0.34	0.43	0.36	0.42	0.51	0.40								
Lincoln	0.04	0.06	0.05	0.05	0.00	0.00	0.10	0.05								
Lyon	0.94	0.54	0.54	0.30	0.20	0.75	0.59	0.57								
McLeod	0.89	0.90	0.65	0.53	0.49	1.20	0.46	0.72								
Mahnomen	0.26	0.42	0.26	0.03	0.33	0.21	0.21	0.23								
Marshall	0.14	0.12	0.08	0.00	0.04	0.18	0.16	0.11								
Martin	0.90	0.36	0.25	0.10	0.67	0.49	0.62	0.49								
Murray	0.11	0.13	0.08	0.06	0.00	0.05	0.32	0.14								
Pennington	0.35	0.34	0.41	0.00	0.09	0.57	0.67	0.57								
Pipestone	0.20	0.09	0.08	0.06	0.09	0.18	0.26	0.16								
Redwood	0.23	0.21	0.36	0.40	0.46	0.78	0.83	0.51								
Renville	0.32	0.42	0.27	0.31	0.34	0.16	0.37	0.33								
Roseau	0.32	0.32	0.31	0.01	0.04	0.36	0.54	0.30								
Sibley	0.11	0.22	0.24	0.25	0.10	0.13	0.18	0.18								
Watonwan	0.32	0.13	0.21	0.26	0.24	0.49	0.45	0.33								
<b>SUBTOTAL</b>	<b>9.79%</b>	<b>9.63%</b>	<b>8.41%</b>	<b>4.16%</b>	<b>7.95%</b>	<b>9.15%</b>	<b>10.53%</b>	<b>8.56%</b>								

Source: Program Evaluation Division analysis of 1993 adult felony data from Minnesota Sentencing Guidelines Commission; 1994 juvenile adjudication, adult gross misdemeanor adjudication, and adult misdemeanor case filing data from Minnesota Office of the State Court Administrator; 1994 supervised release and parole data and 1994 adult misdemeanor data from Minnesota Department of Corrections annual probation survey; weights derived from standards recommended by the 1994 Probation Standards Task Force.



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# Possible Elements of Uniform Offender Records

## APPENDIX C

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In Chapter 3, we recommended that the Legislature require probation service providers to collect a standard set of information on all offenders, subject to definitions established by the Department of Corrections during 1996. We offer the following list as a starting point for this discussion; there may be additional data elements that would be useful for all service providers to collect.

This list includes basic descriptive information on offenders, but it also includes data that other states have considered when developing risk classification instruments. If the Legislature decides not to require development of a statewide classification instrument, it might not be necessary to include some of these elements. In addition, it might be appropriate to collect some of these data elements only for certain categories of offenders.

### **Descriptive information**

Offender name	Gender
Unique identification number	Race/ethnicity
County code	Marital status
Birthdate	Date of probation intake

### **Current offense information**

- Most serious offense
- Other offenses that were part of disposition
- Disposition date of conviction offense
- Sanctions imposed (e.g., jail, fine, restitution, supervised probation)
- Length of stayed sentence
- Whether the offense involved a weapon
- Offender's status at time of offense (e.g., on probation, on supervised release, not under correctional supervision)

### **Substance abuse**

- Under influence of drugs/alcohol at time of the current offense
- Has alcohol been a part of the offender's criminal behavior at any time in the past?
- Have drugs been a part of the offender's criminal behavior at any time in the past?
- Has the offender ever had an alcohol problem?
- Has the offender ever had a drug problem?
- Frequency of the offender's alcohol consumption during the past 12 months
- Frequency of the offender's drug consumption during the past 12 months

**Criminal history**

- Number of prior convictions or juvenile adjudications (of any type)
- Number of prior felony convictions or adjudications
- Age at first delinquency adjudication or adult conviction
- Is the offender affiliated with a gang?
- Number of arrests as a juvenile
- Number of adult arrests for various offenses (property, person, drug, alcohol, other)
- Number of adult convictions for various offenses (property, person, drug, alcohol, other)
- Number of prior sentences to incarceration
- Number of prior periods of community correctional supervision
- Number of prior revocations of community supervision
- Conviction or juvenile adjudication of any crime against a person within the past 5 years
- Number of convictions or juvenile adjudications for burglary, theft, auto theft, or robbery
- Number of convictions or juvenile adjudications for worthless checks or forgery

**Living arrangements, education, employment**

- Current living arrangement
- Does the offender live in a high crime neighborhood?
- Number of address changes in past 12 months
- Percent of time employed in past 12 months
- Current employment status
- Highest grade in school completed

**Offender attitude**

- Does the offender indicate a willingness to change behaviors?

**Offender needs - In the view of the probationer or probation officer, does the offender have problems in any of the following areas?**

- |                                    |                     |
|------------------------------------|---------------------|
| Academic/vocational skills         | Alcohol usage       |
| Financial management               | Other drug usage    |
| Employment                         | Mental ability      |
| Marital/family relationships       | Health              |
| Companions                         | Sexual behavior     |
| Emotional stability, mental health | Use of leisure time |

Currently, there are no statewide data collected on the number of persons who are being supervised by probation agencies but who have not been adjudicated. In order to have more complete information on the caseloads of probation agencies, it may be useful for the Department of Corrections to collect information on these persons-- either through an ongoing information system (such as the one suggested above) or through periodic surveys of service providers.

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# Probation Services Survey

## APPENDIX D

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**T**his appendix contains the results of a survey that we sent to Minnesota's 50 probation service providers in September 1995. We sent the survey to each of the agencies that administers probation services in Minnesota, including 16 Community Corrections Act agencies, 25 agencies in County Probation Officer/Department of Corrections counties, and 9 Department of Corrections district offices. Some of these agencies oversee probation services in more than one county, but we asked each to provide us with a single completed survey that reflected the predominant practices in the service area. We received responses from all 50 service providers.

The appendix summarizes the responses from service providers. It does not contain the responses to "open-ended" survey questions, but these are available from our office upon request.



# PROBATION SERVICES SURVEY

## Minnesota Office of the Legislative Auditor

**INSTRUCTIONS:** This survey is intended to provide legislators and others with information about the services of county and Department of Corrections probation offices. The questions pertain to services that you provide to adult and juvenile offenders *prior* to sentencing, *after* sentencing, and while on *supervised release or parole* from correctional facilities.

Please answer the questions based on the experience of

\_\_\_\_\_ (Name of county or Department of Corrections district)

for the following populations:

- All adult and juvenile cases;
- Cases served by CPO probation staff;
- Cases served by DOC adult felony agents and DOC contract agents.

(The applicable box was checked for each service provider.)

Some survey questions may ask about types of offenders that are not handled by your jurisdiction. In these cases, please mark the "not applicable" choice or write "NA" next to that question. For example, questions in this survey that pertain only to felony offenders would not be applicable to respondents from CPO counties that only provide probation services to non-felons. Department of Corrections district supervisors should respond on behalf of DOC contract and adult felony agents in their districts, but not on behalf of CPO or CCA agents in their districts.

Please try to respond to each question as accurately as possible, even if you are not sure about your jurisdiction's practices. If you simply don't know about a question, please write "Don't know" as your survey response. Feel free to use the margins or separate sheets to provide any other notes of explanation. Administrators responding on behalf of more than one county should provide *one* response that best answers each question, but they should feel free to note significant variations within their jurisdictions.

**Please return the survey in the enclosed envelope by September 29, 1995.** If you have questions, please contact Joel Alter or Jan Sandberg at 612/296-4708.

1. For each of the following, please indicate whether the services were usually provided during the past year (1) by your staff, (2) through services purchased by your probation office, (3) by someone else (such as county social services or the county attorney's office), or (4) were not provided. *(Please mark (x) one answer for each service. Do not indicate that your staff conducted the screenings or assessments listed below if they only referred offenders to others for the screenings and assessments.)*

Service is: \_\_\_\_\_

	Usually Provided by Our Probation Staff	Usually Purchased by Our Office	Usually Provided by Someone Other Than Our Probation Office's Staff or Vendors	Not Provided In Our County(ies)	Other (specify)
a. Screening juveniles to determine those most appropriate for diversion programs	30	0	14	2	4 (including 3 who said "not applicable")

Service is:					
	Usually Provided by Our Probation Staff	Usually Purchased by Our Office	Usually Provided by Someone Other Than Our Probation Office's Staff or Vendors	Not Provided In Our County(ies)	Other (specify)
b. Screening adults to determine those most appropriate for diversion programs	10	2	13	24	1
c. Chemical dependency screening or assessment	27	2	20	0	1
d. Compulsive gambling screening or assessment	24	3	17	4	2
e. Psychological assessment	2	5	41	1	1
f. Sex offender assessment	2	12	35	0	1
g. Pre-trial release assessment	35	2	6	6	1
h. <b>Collection</b> of urine samples for drug tests	31	4	11	2	2
i. <b>Testing</b> of urine samples for presence of drugs	11	22	14	2	1
j. Breathalyzer tests	20	3	24	2	1
k. Bail evaluations	38	2	9	0	1
l. Skill building classes	8	7	23	11	1
m. Individual counseling	12	5	30	1	2
n. Group counseling	5	6	36	2	1
o. Pre-sentence investigations	46	2	0	0	2
p. Full investigations conducted prior to time of offender's plea ("pre-plea" investigations)	34	2	2	12	0
q. Supervise visitation in domestic relations cases	3	0	46	0	1
r. Custody investigation or mediation in domestic relations cases	9	2	38	0	1
s. Truancy services (assessment, counseling, or probation)	31	1	15	0	3 (including 3 who said "not applicable")
t. Directly supervise community service work crews for adults	16	12	22	0	0
u. Directly supervise community service work crews for juveniles	21	6	17	2	4 (including 3 who said "not applicable")

Service is:

	Usually Provided by Our Probation Staff	Usually Purchased by Our Office	Usually Provided by Someone Other Than Our Probation Office's Staff or Vendors	Not Provided In Our County(ies)	Other (specify)
v. Install electronic monitoring equipment in offenders' homes	29	4	14	2	1
w. Respond to possible violations detected by electronic monitoring equipment	41	1	6	2	0
x. Collect restitution payments	29	1	19	0	1
y. Collect court-imposed fines	23	0	25	0	2
z. House arrest without electronic monitoring	38	1	1	10	0
aa. Personal contacts with juvenile offenders in pre-trial diversion programs	36	1	4	6	3 (including 3 who said "not applicable")
ab. Personal contacts with adult offenders in pre-trial diversion programs	18	1	3	28	0

(Note: In cases where respondents indicated that the activity is usually provided by community corrections staff other than probation staff, these responses were grouped with "usually provided by our probation staff" for this appendix.)

2. For each of the following categories, please estimate the percentage of offenders in your jurisdiction for whom **your probation office's staff or its contractors** conducted pre-sentence, pre-plea or post-sentence investigations during the past year (or pre-dispositional reports in the case of juveniles):

	Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	<i>Not applicable--</i> our office does not provide services for this category of offenders
a. percent of adults convicted of felony offenses	99.0%	20%	100%	25
b. percent of adults convicted of gross misdemeanors	77.5	2	100	2
c. percent of adults convicted of misdemeanors	25.0	1	100	2
d. percent of adjudicated delinquents	50.0	0	100	3

3. Please indicate (x) which of the following electronic monitoring and surveillance techniques your office has used during the past year and the number of offenders under your jurisdiction **currently** being monitored by each: *(Please check the proper box and, if appropriate, fill in the number.)*

	YES, USED DURING <u>PAST YEAR</u>	IF YES, CURRENT NUMBER OF <u>OFFENDERS</u>	NO, DID NOT USE DURING <u>PAST YEAR</u>
Statewide Total			
a. <b>"Passive" electronic monitoring, <u>without</u> visual monitor:</b> A computer is programmed to call the offender periodically. When called, the offender's identity is verified with an electronic bracelet and/or electronic analysis of voice samples.	29	<u>157</u>	21
b. <b>"Passive" electronic monitoring, <u>with</u> visual monitor:</b> A computer is programmed to call the offender periodically, at which time a device in the offender's home takes a picture of the offender and faxes this information to a monitoring center.	27	<u>141</u>	23
c. <b>"Active" transmitter/telephone device:</b> A telephone in the offender's home continuously receives signals from a transmitter worn by the offender and sends reports to a central computer or receiver.	31	<u>570</u>	19
d. <b>Portable receivers:</b> A hand-held device allows a probation officer in a vehicle to determine, without leaving the car, whether an offender wearing a transmitter is at a nearby location.	5	<u>31</u>	45
e. <b>Electronic kiosks:</b> Offenders "check in" at a machine located in a public place, in accordance with pre-arranged schedules. The machine can be programmed to ask offenders for information and can also receive messages from offenders.	1	<u>600</u>	49
f. Other forms of electronic monitoring you have used <i>(please specify)</i> :			

4. During the past year, did your office assign **any** offenders in the following categories to **group reporting centers**? *(For purposes of this survey, a "group reporting center" is defined as an approach to supervision where the primary offender contacts occur at group meetings designed for 10 or more offenders.)*

	<u>Yes</u>	<u>No</u>	Not Applicable-- Did Not Supervise This <u>Category of Offenders</u>
a. Felons	9	17	24
b. Gross misdemeanants	10	38	2
c. Misdemeanants	10	38	2
d. Juveniles	4	43	3

*(For questions 5 and 6, please select (x) the response that best completes the statement)*

5. Assignment of offenders to electronic monitoring or check-in has resulted in \_\_\_\_\_ than would exist if we had not used electronic monitoring.

Number	
2	a. Significantly higher workloads for my jurisdiction's probation staff . . .
26	b. Somewhat higher workloads for my jurisdictions's probation staff . . .
14	c. Workloads for my jurisdiction's staff that are not different . . .
2	d. Somewhat lower workloads for my jurisdictions's probation staff . . .
1	e. Significantly lower workloads for my jurisdictions's probation staff . . .
1	f. Don't know;
4	g. Not applicable--my office has not used electronic monitoring.

6. Assignment of offenders to electronic monitoring has \_\_\_\_\_ from what they would have been if electronic monitoring had not been used.

Number	
7	a. Significantly reduced jail populations . . .
30	b. Somewhat reduced jail populations . . .
8	c. Not changed jail populations . . .
0	d. Somewhat increased jail populations . . .
0	e. Significantly increased jail populations . . .
1	f. Don't know;
4	g. Not applicable--my jurisdiction has not used electronic monitoring.

(Your responses for questions 7 and 8 should be based only on one-on-one meetings, not group meetings or phone calls. For these questions, do not include offenders who were part of the state's Intensive Supervised Release or Intensive Community Supervision programs.)

7. Please estimate the percentage of the **face-to-face** contacts by your probation agents or aides in the past year that were conducted at each of the following locations.

<b>Adults:</b>	Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported
a. At the probation office	85%	40%	100%
b. At the offender's home	5	0	30
c. At the offender's workplace	2	0	15
d. At other locations	5	0	55

(NOTE: Your responses for 7a through 7d should add to 100 percent of all one-on-one meetings with adults.)

<b>Juveniles:</b>	Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	<u>Not applicable-- we don't supervise juveniles</u>
e. At the probation office	60%	5%	90%	3
f. At the offender's home	10	0	60	3
g. At the offender's school	10	0	60	3
h. At other locations	5	0	30	3

(NOTE: Your responses for 7e through 7h should add to 100 percent of all one-on-one meetings with juveniles.)

8. Please estimate the percentages of your jurisdiction's probationers who have face-to-face meetings with your probation agents or aides at least once during a typical month. (For this and subsequent questions, please consider DWI offenders as "person offenders.")

	Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	<u>Not applicable-- we don't supervise this category of offenders</u>
a. percent of adult felony person offenders	90.0%	40%	100%	25
b. percent of adult felony drug offenders	72.5	10	100	25
c. percent of adult felony property offenders	60.0	10	100	24
d. percent of adult non-felony person offenders	50.0	0	100	0

8. continued . . .

	Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	<i>Not applicable-- we don't supervise this category of offenders</i>
e. percent of adult non-felony drug offenders	25.0	0	100	6
f. percent of adult non-felony property offenders	25.0	0	95	1
g. percent of juvenile person offenders	95.0	30	100	3
h. percent of juvenile drug offenders	80.0	3	100	4
i. percent of juvenile property offenders	70.0	20	100	4

(Note: One respondent chose not to provide estimates for questions 8a-8i.)

9. In your judgment, what impact (if any) on recidivism would a 25 percent increase in the number of *face-to-face meetings* by your probation staff have on the following categories of offenders? ("*Face-to-face*" meetings include personal meetings at the offender's home, the agent's office, or elsewhere. For purposes of this question, recidivism should include new offenses but not technical probation violations.)

<i>Mark (x) one box for each category of offenders:</i>	Little or No Impact	Somewhat Reduced Rates of Reoffense	Significantly Reduced Rates of Reoffense	Don't Know	Not Applicable-- Our Office Does Not Supervise This Category of Offenders
a. Adult felony person offenders	2	14	7	2	25
b. Adult felony drug offenders	4	14	6	1	25
c. Adult felony property offenders	4	16	5	1	24
d. Adult non-felony person offenders	3	31	14	2	0
e. Adult non-felony drug offenders	10	28	5	5	2
f. Adult non-felony property offenders	8	34	6	2	0
g. Juvenile person offenders	1	26	18	2	3
h. Juvenile drug offenders	4	26	14	3	3
f. Juvenile property offenders	5	26	14	2	3

10. In your judgment, what impact (if any) on recidivism would a 25 percent increase in the number of *home visits* by your probation staff have on the following categories of offenders?

<i>Mark (x) one box for each category of offenders:</i>	Little or No Impact	Somewhat Reduced Rates of Reoffense	Significantly Reduced Rates of Reoffense	Don't Know	Not Applicable-- Our Office Does Not Supervise This Category of Offenders
a. Adult felony person offenders	3	10	11	1	25
b. Adult felony drug offenders	6	6	12	1	25
c. Adult felony property offenders	6	11	8	1	24
d. Adult non-felony person offenders	3	27	17	3	0
e. Adult non-felony drug offenders	9	23	11	5	2
f. Adult non-felony property offenders	11	25	11	3	0
g. Juvenile person offenders	1	18	25	3	3
h. Juvenile drug offenders	2	20	21	4	3
i. Juvenile property offenders	5	20	19	3	3

11. Are there any misdemeanants or gross misdemeanants in your caseload who, in your judgment, require relatively high levels of supervision (that is, levels of supervision that are among your jurisdiction’s highest)?

Number

- 50 a. Yes
- 0 b. No
- 0 c. Don’t know
- 0 d. Not applicable--our office does not provide probation services to misdemeanants

**If you responded "yes,"** please give an example of a category of misdemeanor offenders that requires high supervision:

12. Are there any felons in your caseload who, in your judgment, **do not** require relatively high levels of supervision?

Number

- 26 a. Yes
- 1 b. No
- 0 c. Don’t know
- 23 d. Not applicable--our office does not provide probation services to felons

**If you responded "yes,"** please give an example of a category of felony offenders that requires relatively low levels of supervision:

13. Please indicate any of the following circumstances in which electronic monitoring was used by your office during the past year **for adult cases** (*check all that apply*):

Number

- 28 a. Before sentencing or before trial;
- 46 b. Following sentencing;
- 25 c. Following release from state or local correctional facilities;
- 6 d. We have not used electronic monitoring for adults.

14. Please indicate any of the following circumstances in which electronic monitoring was used by your office during the past year **for juvenile cases** (*check all that apply*):

Number

- 27 a. Before sentencing or before trial;
- 28 b. Following sentencing;
- 11 c. Following release from state or local correctional facilities;
- 18 d. We have not used electronic monitoring for juveniles.

Note: 3 respondents answered "D" because they do not serve juveniles.

15. Has your probation office added one or more full-time probation officer positions during the past 12 months?

Number

- 25 a. Yes
- 25 b. No
- 0 c. Don’t know

16. Please indicate (x) whether your probation office employs the following:

	<u>YES</u>	<u>NO</u>	<u>OTHER</u> <u>(specify)</u>
a. A uniform <i>classification instrument</i> for your <u>adult</u> offenders;	26	24	_____
b. A uniform <i>classification instrument</i> for your <u>juvenile</u> offenders;	21	26	3 (includes 3 who said not applicable) _____
c. Written <i>policies or guidelines on sentence length or type</i> to assist your staff in making recommendations to the court;	24	24	<u>2</u> _____
d. Written <i>policies regarding the frequency and type of contact</i> that your staff should have with various types of offenders;	29	20	<u>1</u> _____
e. Written <i>policies outlining circumstances in which early discharge should be given</i> (or recommended to the courts);	21	28	<u>1</u> _____
f. Written <i>progress or status reports</i> on all <u>felony</u> offenders, produced at regular intervals (such as annually or semi-annually);	21	2	27 (includes 25 who said not applicable) _____
g. <i>Caseload audits</i> (that is, periodic, systematic reviews by your supervisors of the probation services being provided to a sample of offenders on your caseload);	37	13	<u>0</u> _____
h. A computerized <i>caseload management or tracking system</i> ;	37	12	<u>1</u> _____
i. <i>Personal computers</i> for at least half of your probation officers.	37	13	_____

For questions 17 and 18, we would like to get your best estimates of the relative amount of time that your probation agents and aides devote to various types of activities. We recognize that, without conducting a detailed time study, your responses will rely on the best estimates of you and your staff.

17. Please estimate the percentage of time that direct service staff in your probation office spend in a typical month doing the following activities. For any activities that require virtually no time, please enter "0." Please be sure that your percentages add to 100 percent for adults and 100 percent for juveniles.

<b>ADULTS:</b>		Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	(N = 50 respondents)
a.	Personal contact with offenders	35.0%	10.0%	54.0%	
b.	Collateral contacts	10.0	3.0	26.0	
c.	Preparing pre- and post-sentence investigation reports	15.0	2.0	63.0	
d.	Preparing other reports (violation, annual, offender chronology, discharge, etc.)	11.5	3.0	25.0	
e.	Court appearances (including waiting time)	10.0	1.0	40.0	
f.	Traveling	5.0	0.0	15.0	
g.	Diversion cases	0.0	0.0	10.0	
h.	Other job-related activities	5.0	0.0	30.0	

TOTAL (17a through 17h) 100 percent (This total SHOULD NOT include time for vacation, sick leave, holidays, breaks, training, and administrative tasks. It should only reflect the time that your staff are actually available to provide probation services.)

<b>JUVENILES:</b>		Median Percent Reported	Minimum Percent Reported	Maximum Percent Reported	Not Applicable-- We do not serve juveniles
i.	Personal contact with offenders	30.0%	4.0%	65.0%	3
j.	Collateral contacts	13.0	5.0	30.0	3
k.	Preparing pre-disposition reports	15.0	2.0	40.0	3
l.	Preparing other reports (violation, annual, offender chronology, discharge, etc.)	10.0	5.0	25.0	3
m.	Court appearances (including waiting time)	10.0	0.0	25.0	3
n.	Traveling	6.0	0.0	20.0	3
o.	Diversion cases	5.0	0.0	25.0	3
p.	Other job-related activities	5.0	0.0	24.0	3
TOTAL (17i through 17p)		100 percent (This total <u>SHOULD NOT</u> include time for vacation, sick leave, holidays, breaks, training, and administrative tasks. It should only reflect the time that your staff are actually available to provide probation services.)			

18. Based on the experience of your probation staff, approximately how long do full investigations of the following types take to complete, on average? (Please include the time for interviewing, record-checking, and report-writing in your estimates. Do not include "abbreviated" investigations in your estimates, and do not include time spent presenting--or waiting to present--these reports in court.)

<u>Type of investigation</u>		Median Reported (Minutes)	Minimum Reported (Minutes)	Maximum Reported (Minutes)	<u>Not applicable-- we do not serve this category of offenders</u>
a.	Pre-sentence for felons	420	180	600	24
b.	Pre-sentence for gross misdemeanants	210	60	660	2
c.	Pre-sentence for misdemeanants	150	40	540	2
d.	Pre-dispositional report for juveniles	360	90	840	3

19. In your professional judgment, what portion of your county's existing probation cases are currently receiving a level of probation supervision that is appropriate to the risks they pose and the services they need?

<u>Please mark (x) the most appropriate box for each category of offenders</u>	<u>75-100 Percent</u>	<u>50-74 Percent</u>	<u>25-49 Percent</u>	<u>0-24 Percent</u>	<u>Not Applicable</u>	<u>Don't Know</u>
a. Adult felony person offenders	11	9	5	0	25	0
b. Adult felony drug offenders	12	7	5	1	25	0
c. Adult felony property offenders	10	7	8	1	24	0
d. Adult gross misdemeanor person offenders	10	12	16	10	2	0
e. Adult gross misdemeanor drug offenders	9	9	11	8	10	3
f. Adult gross misdemeanor property offenders	12	14	15	7	2	0

19. continued . . .

<i>Please mark (x) the most appropriate box for each category of offenders</i>		75-100 Percent	50-74 Percent	25-49 Percent	0-24 Percent	Not Applicable	Don't Know
g.	Adult misdemeanor person offenders	6	17	14	12	1	0
h.	Adult misdemeanor drug offenders	13	7	12	11	5	2
i.	Adult misdemeanor property offenders	10	19	11	8	2	0
j.	Juvenile person offenders	10	19	10	8	3	0
k.	Juvenile drug offenders	8	17	12	9	3	1
l.	Juvenile property offenders	8	23	11	5	3	0
m.	Repeat DWI/DUI offenders	5	17	10	15	2	1
n.	Non-felons who have committed domestic abuse	5	12	16	16	1	0
o.	Felony sexual offenders	14	7	3	1	25	0

20. In instances where your probation staff have been unable to provide the level of services that you believed was appropriate, which of the following approaches, if any, have you (or your court) used to manage your caseloads? (*check all that apply*)

Number

- 37 a. Discharging certain offenders from probation prior to the completion of their full sentences;
- 41 b. Keeping certain offenders on the probation caseload but eliminating personal contacts;
- 45 c. Keeping certain offenders on the probation caseload but reducing the frequency of personal contacts;
- 36 d. Conducting personal contacts in locations other than the offenders' homes;
- 16 e. Requiring group reporting or group supervision for certain offenders;
- 25 f. Reducing the amount of reporting or investigation on behalf of the courts;
- 26 g. Spending less time working with crime victims;
- 35 h. Spending less time on crime prevention activities;
- 16 i. Using electronic monitoring for certain offenders instead of traditional supervision;
- 6 j. Restricting number of offenders assigned to electronic monitoring;
- 5 k. Other:

21. In your opinion, what are the more **innovative practices** that your jurisdiction has used to maximize its use of limited probation resources? (Note: these may include innovations in staffing, direct service delivery, organization, technology use, supervision, outcome monitoring, or others.)

22. If there are innovative practices used in other counties or states that you think we should be aware of, please list them below:

Practice	Jurisdiction	Contact person
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23. Are there changes in state law, judicial practice, or administrative policy that would improve the efficiency or effectiveness of your probation services? If so please list up to three in the space below.







*State of Minnesota*  
**Minnesota Department of Corrections**  
*Office of the Commissioner*

January 2, 1996

James R. Nobles  
Office of the Legislative Auditor  
Centennial Building  
St. Paul, Minnesota 55155

Dear Mr. Nobles:

Thank you for the opportunity to review the final draft report on *Funding for Probation Services*. We appreciate the fact that you and your staff were receptive to our concerns and that many of our suggestions were incorporated into the final report. The report is a very impressive compilation of information, providing a wealth of data that will be invaluable to the legislature and corrections professionals.

We agree with your finding that implementation of a statewide offender classification system would take a significant amount of time and funding, and it is not realistic that such a system could be in place during fiscal year 1997. However, with sufficient resources and time—along with a commitment to participate from all system elements—there is no question that a statewide system can be developed and used as a future funding mechanism beginning in fiscal year 1998. In the interim, our department has established a funding process that is soundly based, is driven by workload demands, and has been accepted by funding recipients. This process requires clear documentation of probation service needs and ensures that positions are filled appropriately through monitoring.

We appreciate your acknowledgment of the fact that our department has had in place for the past 15 years a classification system that is used in 56 counties for adult felons and 24 counties for juvenile and adult misdemeanants. The department is proud of the fact that our agency has been a leader in development and implementation of a highly regarded and tested system.

It is essential to note that Minnesota's probation system is intentionally designed to allow local units of government the ability to determine which delivery system best meets their needs. Providing this local option is one of the key reasons Minnesota's probation system is nationally lauded for providing excellent services. Development and implementation of a statewide offender classification system will only improve what is already considered an outstanding system.

James R. Nobles  
January 2, 1996  
Page two

Your report comments that Minnesota statutes are not clear regarding responsibility for probation supervision. We can support your recommendation that the statutes be made more clear, but we would point out that this has not been a major issue for the providers of probation services in Minnesota, and we agree with you that changes in the statutes are not required for the purpose of allocating future caseload reduction dollars.

Your final recommendations are well thought out and, if enacted, will have a major impact on the probation system in our state. These recommendations will need to be adequately funded in order to achieve the desired results.

In conclusion, we would like to thank Joel Alter as project manager and your staff for their work on this extensive report. It will be extremely valuable to our department. I look forward to working with you during the legislative session as these important issues are discussed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank W. Wood". The signature is written in black ink and is positioned above the typed name.

Frank W. Wood  
Commissioner

FWW:sb

## Recent Program Evaluations

<i>Lawful Gambling</i> , January 1990	90-01	<i>Airport Planning</i> , February 1993	93-02
<i>Local Government Lobbying</i> , February 1990	90-02	<i>Higher Education Programs</i> , February 1993	93-03
<i>School District Spending</i> , February 1990	90-03	<i>Administrative Rulemaking</i> , March 1993	93-04
<i>Local Government Spending</i> , March 1990	90-04	<i>Truck Safety Regulation</i> , Update, June 1993	93-05
<i>Administration of Reimbursement to Community Facilities for the Mentally Retarded</i> , December 1990	90-05	<i>School District Financial Reporting</i> , Update, June 1993	93-06
<i>Review of Investment Contract for Workers' Compensation Assigned Risk Plan</i> , April 1990	90-06	<i>Public Defender System</i> , Update, December 1993	93-07
<i>Pollution Control Agency</i> , January 1991	91-01	<i>Game and Fish Fund Special Stamps and Surcharges</i> , Update, January 1994	94-01
<i>Nursing Homes: A Financial Review</i> , January 1991	91-02	<i>Performance Budgeting</i> , February 1994	94-02
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<i>Greater Minnesota Corporation: Organizational Structure and Accountability</i> , March 1991	91-05	<i>Motor Vehicle Deputy Registrars</i> , March 1994	94-05
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<i>Sentencing and Correctional Policy</i> , June 1991	91-07	<i>Sex Offender Treatment Programs</i> , July 1994	94-07
<i>Minnesota State High School League Update</i> , June 1991	91-08	<i>Residential Facilities for Juvenile Offenders</i> , February 1995	95-01
<i>University of Minnesota Physical Plant Operations: A Follow-Up Review</i> , July 1991	91-09	<i>Health Care Administrative Costs</i> , February 1995	95-02
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<i>State Contracting for Professional/Technical Services</i> , February 1992	92-02	<i>Early Retirement Incentives</i> , March 1995	95-04
<i>Public Defender System</i> , February 1992	92-03	<i>State Employee Training: A Best Practices Review</i> , April 1995	95-05
<i>Higher Education Administrative and Student Services Spending: Technical Colleges, Community Colleges, and State Universities</i> , March 1992	92-04	<i>Snow and Ice Control: A Best Practices Review</i> , May 1995	95-06
<i>Regional Transit Planning</i> , March 1992	92-05	<i>Funding for Probation Services</i> , January 1996	96-01
<i>University of Minnesota Supercomputing Services</i> , October 1992	92-06	<i>Department of Human Rights</i> , January 1996	96-02
<i>Petrofund Reimbursement for Leaking Storage Tanks</i> , January 1993	93-01	<i>Trends in State and Local Government Spending</i> , February 1996	96-03
		<i>State Grant and Loan Programs for Businesses</i> , February 1996	96-04
		<i>Post-Secondary Enrollment Options Program</i> , March 1996	96-05
		<i>Tax Increment Financing</i> , March 1996	96-06
		<i>Property Assessments: A Best Practices Review</i> , forthcoming	

## Recent Performance Report Reviews

PR95-20	Administration	PR95-10	Health	PR95-13	Public Service
PR95-01	Agriculture	PR95-16	Human Rights	PR95-14	Revenue
PR95-06	Commerce	PR95-19	Human Services	PR95-18	Trade and Economic Development
PR95-02	Corrections	PR95-17	Labor and Industry	PR95-11	Transportation
PR95-07	Economic Security	PR95-03	Military Affairs	PR95-05	Veterans Affairs
PR95-08	Education	PR95-04	Natural Resources		
PR95-09	Employee Relations	PR95-21	Pollution Control		
PR95-15	Finance	PR95-12	Public Safety		
PR95-22	<i>Development and Use of the 1994 Agency Performance Reports</i> , July 1995				
PR95-23	<i>State Agency Use of Customer Satisfaction Surveys</i> , October 1995				

Evaluation reports and reviews of agency performance reports can be obtained free of charge from the Program Evaluation Division, Centennial Office Building, First Floor South, Saint Paul, Minnesota 55155, 612/296-4708. A complete list of reports issued is available upon request. Summaries of recent reports are available at the OLA web site: <http://www.auditor.leg.state.mn.us>.