
Variations in Minnesota Probation Services

CHAPTER 2

The 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.¹ 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.² 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.³ 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.

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

² 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.

³ 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.

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 Mahnomon 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.⁴ 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

⁴ 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^a</u> |
|------------------------------------|---|--|
| COUNTIES WITH HIGHEST RATES | | |
| 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 |
| COUNTIES WITH LOWEST RATES | | |
| 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 |
| OTHER COUNTIES | | |
| 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.

^aFor this analysis, we excluded 82 misdemeanor offenders statewide whose most serious offense was reported as a juvenile status offense.

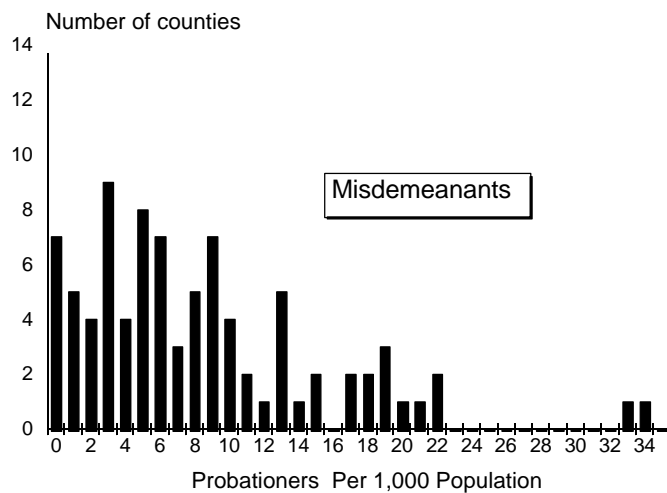
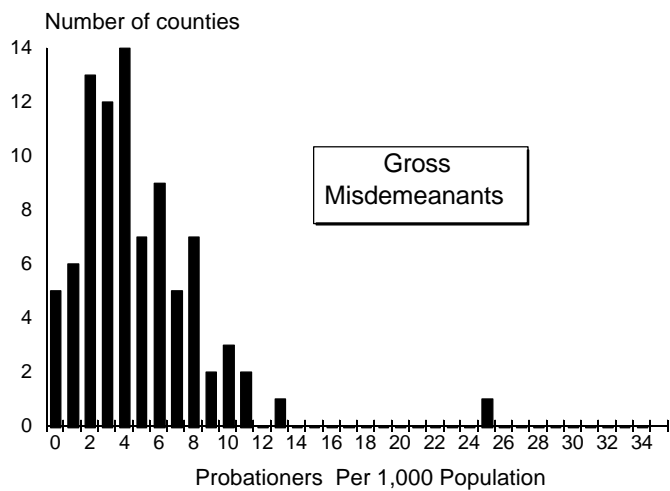
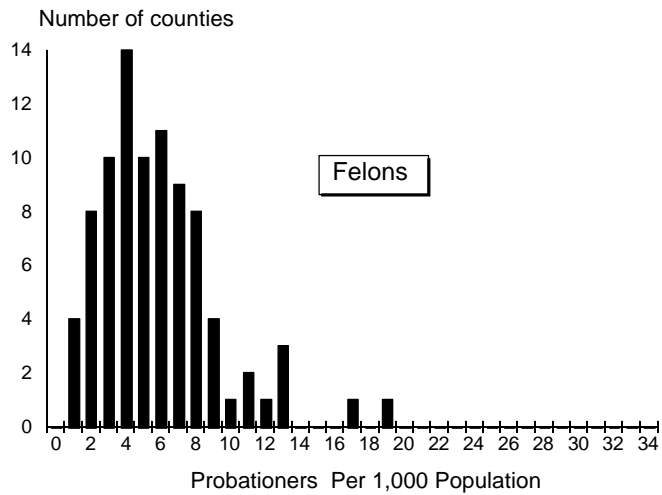
mostly of misdemeanants, while Itasca's consisted mainly of felons and gross misdemeanants.⁵

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.

⁵ 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 charge 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.

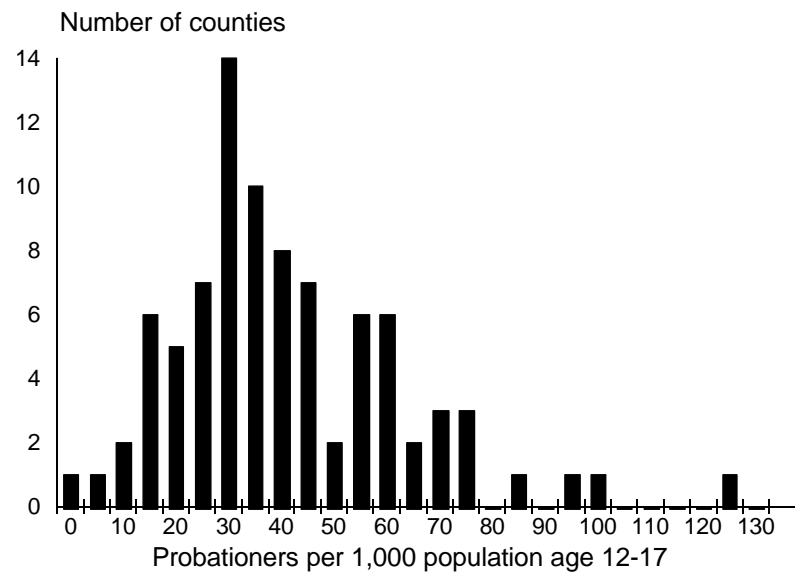
Figures 2.1 to 2.3: Adult Probation Rates in Minnesota Counties, December 1994



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.⁶ 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:

⁶ 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 ^a |
|--|---|--------------------------|
| 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.

^a1.0 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.⁷ 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.

⁷ 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.

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).⁸
- 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-

⁸ 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.⁹

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 1994.¹⁰

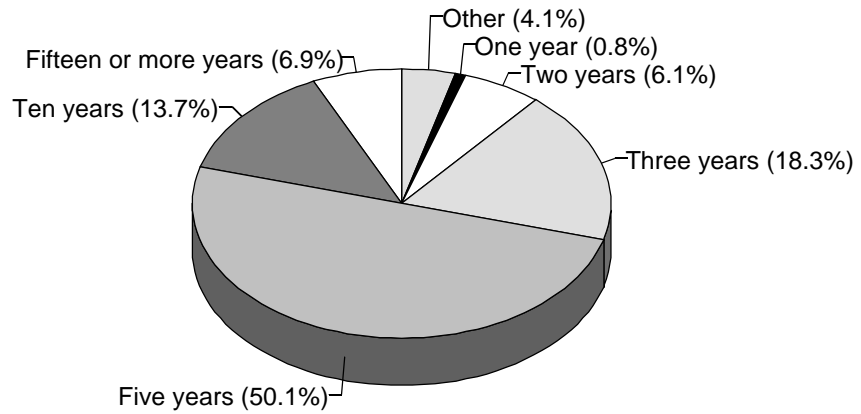
We examined variation in the average length of stayed sentences for convicted felons among the state's 10 judicial districts, which are shown in Figure 2.7. We conducted this analysis only for felons because the sentencing database maintained by the Minnesota Sentencing Guidelines Commission contained 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

⁹ See *Minn. Stat.* §609.135, Subd. 2.

¹⁰ 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.

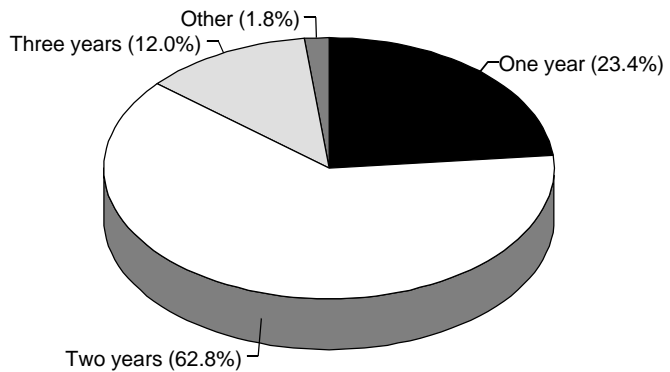
The most common length of stayed sentences was five years for felons and two years for gross misdemeanants.

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.

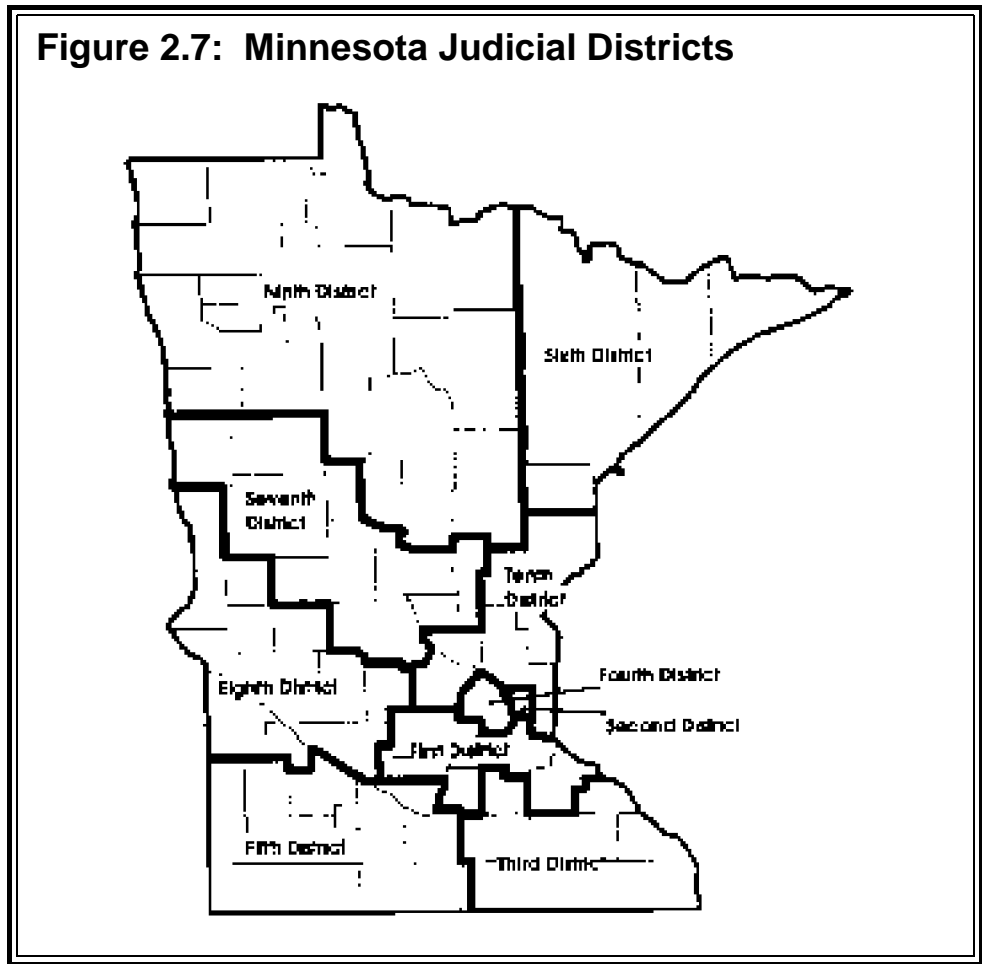


Table 2.3: Average Length of Stayed Sentences for Convicted Felons Sentenced to Probation, by Judicial District, 1993

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.

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

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.¹² 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.¹³

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

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

¹¹ 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.

¹² 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.

¹³ As determined with F ratios at a 0.01 level of confidence, comparing mean sentence lengths for 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.¹⁴ 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.¹⁵

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

¹⁴ 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.

¹⁵ 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 | 0.85 |
| 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.¹⁶

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.¹⁷

¹⁶ 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.

¹⁷ 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.¹⁸ 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.¹⁹ 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.²⁰

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]."²¹ 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

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

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

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

²¹ 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.²²

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.²³ 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."²⁴ 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'

²² 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.

²³ 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.

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

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> |
| WISCONSIN/NATIONAL INSTITUTE OF CORRECTIONS INSTRUMENT^a | | | |
| 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) ^b | 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 | | |
| OTHER INSTRUMENTS | | | |
| 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.

^aSome 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.

^bUses 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.

**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.²⁵ 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.²⁶ 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.

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.²⁷ A risk classification instrument is considered valid if it can identify groups of offenders who have very distinct rates of reoffending.

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.²⁸

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."²⁹

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-

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.³⁰

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.³¹ 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.³²

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

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

³⁰ 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.

³¹ 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.

³² 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.³³ 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

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."³⁴ 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."³⁵

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.³⁶ 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 1993.³⁷ The number of reported PSIs ranged from 2 in Murray and Traverse counties to 5,809 in Hennepin County.³⁸ Figure 2.10 shows that there was a moderate, but not strong, relation-

³³ 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.)

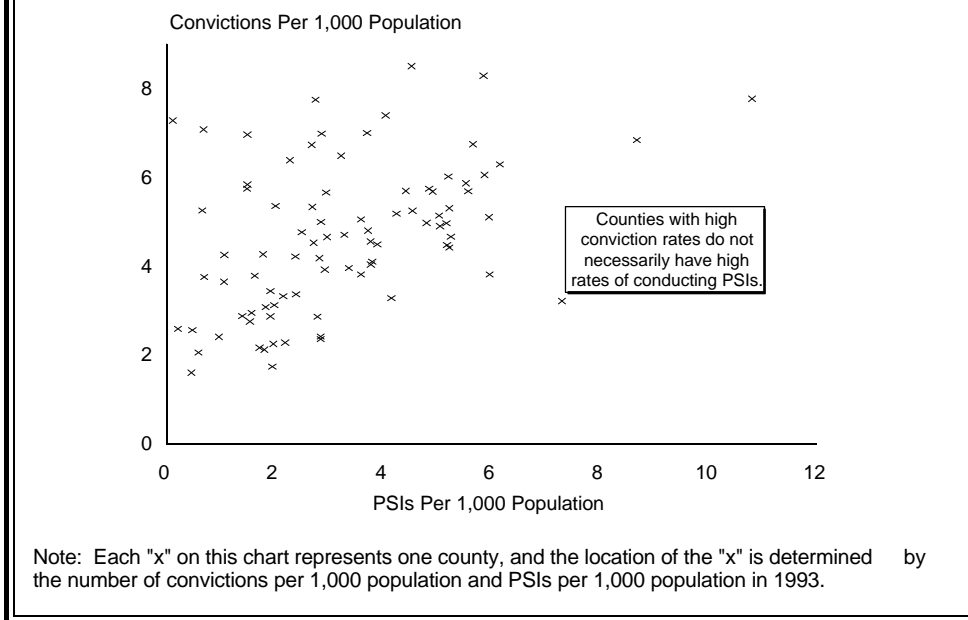
³⁴ *Minn. Stat.* 609.115, Subd. 1.

³⁵ *Minn. Stat.* 260.151, Subd. 1.

³⁶ 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.

³⁷ 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 Correction Act funds to only 31 counties.

Figure 2.10: Relationship Between County Rates of Felony/Gross Misdemeanor Convictions and Rates of Presentence Investigations Completed, 1993



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.³⁹

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.⁴⁰ 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

³⁸ 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.

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

⁴⁰ In cases where the offender is required by law to go to prison, probation agencies may conduct 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.

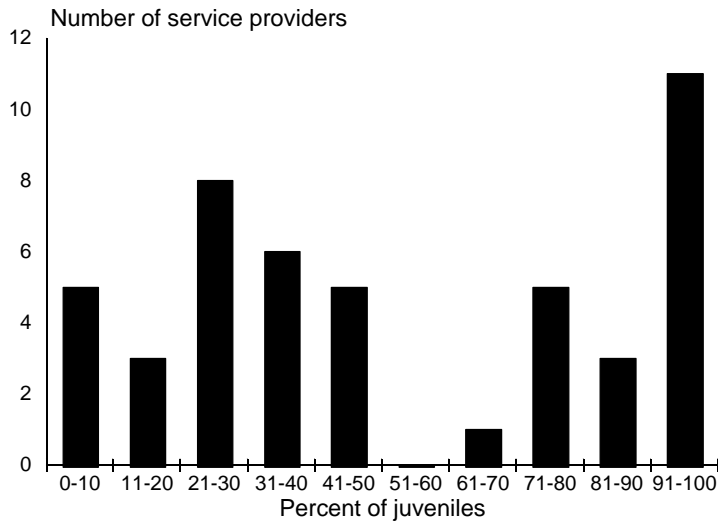
Table 2.6: Variations in the Presentence Investigation Practices of Minnesota Probation Agencies

| 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 ^a | Median of All Agencies | Lowest | Highest | Number of Agencies that Provided Estimates ^a |
| 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.

^aOf 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).

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.⁴¹

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.⁴² The Department of Corrections, which supervises adult felons in 56 of Minnesota's 87 counties and

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

⁴² 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 standard that providers use for their "riskiest" offenders, however defined.

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.⁴³

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.⁴⁴ For this reason, we asked service providers to estimate the amount of face-to-face contact they have with persons in selected offense categories.⁴⁵

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.

⁴³ 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.

⁴⁴ 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.

⁴⁵ 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

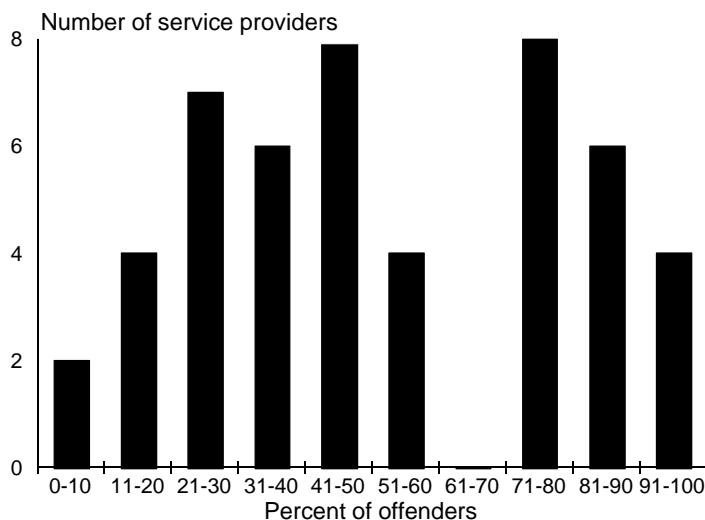
| <u>Types of Offenders</u> | <u>Percentages Reported by Probation Agencies</u> | | | <u>Number of Agencies that Provided Estimates^a</u> |
|-------------------------------------|---|---------------|----------------|---|
| | <u>Median of All Agencies</u> | <u>Lowest</u> | <u>Highest</u> | |
| Adult felony 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.

^aOf 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.⁴⁶

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.

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.⁴⁷ 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:

⁴⁶ 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 ~~ue~~ for both adults and juveniles.

⁴⁷ As reported in Appendix D, we asked about the following categories of adult offenders: ~~only~~ 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, training, and administrative tasks. Each provider's responses totalled 100 percent for these categories and 100 percent for these eight juvenile categories. The table shows the median 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.⁴⁸

⁴⁸ 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: ^b | | | | Number of Respondents Who Said They Served These Offenders ^a |
|--|--|---------------|---------------|--------------|---|
| | 75-100 Percent | 50-74 Percent | 25-49 Percent | 0-24 Percent | |
| ADULT FELONS | | | | | |
| Person offenders | 44% | 36% | 20% | 0% | 25 |
| Drug offenders | 48 | 28 | 20 | 4 | 25 |
| Property offenders | 38 | 27 | 31 | 4 | 26 |
| ADULT GROSS MISDEMEANANTS | | | | | |
| Person offenders | 21 | 25 | 33 | 21 | 48 |
| Drug offenders | 23 | 23 | 28 | 20 | 40 |
| Property offenders | 25 | 29 | 31 | 15 | 48 |
| ADULT MISDEMEANANTS | | | | | |
| Person offenders | 12 | 35 | 29 | 25 | 49 |
| Drug offenders | 29 | 16 | 27 | 24 | 45 |
| Property offenders | 21 | 40 | 23 | 17 | 47 |
| JUVENILES | | | | | |
| Person offenders | 21 | 40 | 21 | 17 | 47 |
| Drug offenders | 17 | 36 | 26 | 19 | 47 |
| Property offenders | 17 | 49 | 23 | 10 | 47 |
| SPECIFIC CATEGORIES OF OFFENDERS: | | | | | |
| 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?"

^aExcludes providers who marked "not applicable."

^bPercentages 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.⁴⁹

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 19 95.

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

⁴⁹ 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 ^a | 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 ^a | 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 ^a |

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

^aService 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.⁵⁰ 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.

⁵⁰ 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.⁵¹
- Hennepin County has about 12 full-time-equivalent probation officers who (1) evaluate defendants' need for monitoring while awaiting trial, and (2)

The duties of probation officers vary considerably among agencies statewide.

⁵¹ 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 ^b |
|--|---|---------------------------------------|---|--------------|------------------------------------|
| | Usually Provided With Probation Staff ^a | 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 ^a | Usually Purchased by Probation Office | Usually Provided by Someone Besides the Probation Office's Staff or Vendors | Not Provided | Number of Respondents ^b |
|--|--|---------------------------------------|---|--------------|------------------------------------|
| 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.

^aIncludes instances where the services are provided by non-probation community corrections staff.

^bThree 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.

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.

Nearly all probation agencies use some type of electronic monitoring.

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 |
|---|--|--|
| "Passive" electronic monitoring, without visual monitor: 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 |
| "Passive" electronic monitoring, with visual monitor: 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 |
| "Active" transmitter/telephone device: 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 |
| Portable receivers: 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> |
| ALL TYPES OF ELECTRONIC MONITORING | 92 | 899 |

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.⁵² 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

⁵² No respondents said that electronic monitoring increased their jail populations; one respondent "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.⁵³ 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.⁵⁴

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.

⁵³ 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.

⁵⁴ *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

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.