



May 6, 2019

Senator Warren Limmer
Senator Bruce Anderson
Senator Mark Johnson
Senator Andrew Lang
Senator Ron Latz

Representative Carlos Mariani
Representative John Lesch
Representative Kelly Moller
Representative Dave Pinto
Representative Nick Zerwas

Dear Members of the S.F. 802 Conference Committee:

The Minnesota Association of Community Corrections Act Counties (MACCAC) represents the 34 Minnesota counties that have chosen to provide probation and supervised release supervision under the Community Corrections Act. MACCAC counties provide community supervision to more than 70% of probationers in Minnesota.

On behalf of MACCAC, thank you for your work on the omnibus bills. We understand and appreciate the difficulty that lies ahead as you consider both the House and Senate proposals. We would like to take this opportunity to outline our perspective on how different provisions in the bills will impact Community Corrections Act counties for your consideration as you move forward.

Community Corrections Funding

We are very appreciative of the conversations we have had with legislators about the importance of probation services to our criminal justice system, and the large public safety contribution that county probation systems provide to Minnesota. We support the inclusion of the pre-trial and intensive supervised released (ISR) funds for Community Corrections Act (CCA) counties in the House bill, but have serious concerns regarding a lack of base subsidy appropriations for CCA counties in both the Senate and House bills.

The House and Senate omnibus bills provide appropriations for an operational increase for the community services division of the Department of Corrections, which is necessary to provide effective community supervision for the probationers served by the DOC. However, **CCA counties have the same operating costs and provide more than 70% of the community supervision services in the state.** Increased base funds are necessary to support the basic functions required to maintain public safety throughout the state, and therefore should be an equal priority for *all* counties in Minnesota.

While MACCAC appreciates the addition of pre-trial and ISR funds, we believe that diverting part of those funds directly into the base would have a greater impact on public safety by allowing CCA counties to focus on maintaining the supervision services that they are already providing. In addition, it would be a step towards restoring the equal partnership between the state and counties.

Probation Cap

MACCAC recognizes that a robust discussion and evaluation of probation lengths is needed as part of a broader review of sentencing policy and potential new practices. In Minnesota, Judges can impose a probation term up to the statutory maximum imprisonment term for an offense. A recent study found that 14 out of 21 states had maximum lengths of probation different from the statutory maximum: **most of them (12) had probation terms of five years or less.** Research indicates that offenders are most likely to recidivate within the first 3 years after conviction, which means that intensive supervision after 3-5 years has diminishing public safety returns. We support legislation that seeks to set probation terms that are in line with best practices, which are generally five years or less for most offenses.

Sentencing Guidelines Modification to Include Probation Terms

We would encourage legislators to spend more time considering the proposal to require the Sentencing Guidelines Commission to set probation terms. Currently, our probation system is underfunded. If the Sentencing Guidelines Commission sets probation terms that increase costs of supervision, they have no authority to allocate increased funds to probation agencies to address the resulting increase in cost. If costs increase with no additional funding, there will be inadequate resources to supervise individuals on probation and the safety of the public will be diminished.

Local Correctional Officers Discipline Procedures

MACCAC opposes this House provision. The House's proposed language will only apply to local correctional officers and will not apply to the Department of Corrections and will therefore lead to different standards throughout the state. The language mandates that a complaint against a correctional officer be shared with a union representative whether the officer wants to share it or not. We believe it should be the responsibility of the officer to share the complaint as not every officer wants to have the union involved. This bill was modeled after the Peace Officers Discipline Procedures Act, but does not allow for a law enforcement agency to sign the formal complaints like the model legislation. This would limit the ability of the law enforcement agency to investigate the complaint while keeping the complainant anonymous during the investigation. MACCAC asks that the Local Correctional Officers Discipline Procedures provision be removed from the omnibus bill this session for further work among stakeholders.

Family Impact Statement in Pre-Sentence Investigations

While MACCAC supports the intent of the House language that requires the judge to consider the impact on a child of a parent's incarceration, we have some concerns regarding the fiscal note associated with the provision. The fiscal note currently calls for no additional funding, even though it would require additional work and investigation by CCA agents.

Some information regarding the family of the defendant is already included in presentence investigations, such as living situation and whether the defendant has siblings, children, or other family supports. What is not included, but is called for in the legislation, is the financial needs of the child, the defendant's duties as a parent, the available supports for the child, and the impact of incarceration on a child's health, safety, and education. This is substantial additional information and would result in additional time and resources spent by agents when workloads are already at or above capacity. We encourage the committee to consider waiting to adopt this legislation once a more thorough fiscal note has been prepared.

Adoption of Juvenile Detention Risk Assessment Instrument

We support the adoption of a juvenile detention risk assessment instrument. It is important to know the assessed risk level of a juvenile to provide the correct level of supervision and services. We would suggest that the date by which the

department is required to adopt the risk assessment be pushed out to ensure that meaningful validation of the assessment can be completed as required by best practices. We do not believe this can be accomplished by September 15, 2019. We would also suggest that the committee consider which body would administer the assessment and apply funding appropriately for the increase in workload. Generally, probation officers or juvenile correctional officers at the local county level interact the most with juvenile offenders and would likely be the agents or workers to administer the new risk assessment. Administration of new assessments and tools require training and additional time to complete, impacting workloads that are at or above capacity. Funding commensurate with those additional duties should be allocated to probation officers or juvenile correctional officers who are expected to carry out the work.

Again, we sincerely appreciate your consideration of our input and perspective. Should you have any questions about the information provided above, please don't hesitate to reach out to your local Community Corrections director, county commissioners, or the MACCAC staff.

Sincerely,



Brian Kopperud, MACCAC President
Director Dakota County Department of Community Corrections
1 Mendota Road West, Suite 510
West St Paul MN 55118
651-554-6065-office
651-900-5546-cell



Carli Stark, MACCAC Executive Director
125 Charles Avenue
Saint Paul, MN 55103
651-789-4335-office
612-414-1869-cell

CC: Angela Cook, Senate Judiciary and Public Safety Committee Administrator
Jamael Lundy, House Judiciary and Criminal Justice Reform Finance and Policy Division Committee Administrator
Rachel Ganani, House Judiciary and Civil Law Division Committee Administrator