



## 2023 MACCAC Legislative Platform

**One funding formula for all counties.**

**Minnesota's community supervision system is at a breaking point requiring a new funding formula and significant appropriation from the legislature to ensure public safety.**

Community supervision, which includes probation and supervised release, is a critical part of Minnesota's criminal justice system. People under community supervision far out-number people who are incarcerated. When the criminal justice system sees an increase in arrests and court filings, those increases exacerbate the struggles created by underfunding community supervision which often gets forgotten by the public and legislature. The system is currently under severe strain from a lack of state appropriations. Without adequate state funding, it is difficult to implement and adhere strictly to evidence-based probation practices that are proven to reduce recidivism.

Counties are known for innovative local corrections programming that reduces recidivism and provides accountability through best practices in behavior change sciences. Examples include mental health focused caseloads in conjunction with human services, the Duluth model for domestic violence cases, dosage probation, and many diversion programs for youth and adults across the state. Effective intervention and innovative public safety programs are only possible when basic services, including probation and supervised release, are paid for by the state. Funding only the base level of supervision services will not advance fidelity of evidence-based practices which is crucial for reducing disparities and creating equity for all.

The current funding model, as envisioned by the state legislature, relies on a significant contribution from the state to support county administered supervision services. The state bears statutory responsibility for providing 100% of felony supervision regardless of whether the supervision is delivered by the state or county. Additionally, statute requires the state to reimburse counties for 50% of juvenile and misdemeanor supervision costs. The legislature has not fulfilled its duty to pay for the core function of community supervision. As a result, Minnesota now contributes the least amount of state funding in the nation for correctional services.

Counties are at a breaking point after decades of advocating for a change to the funding formula. Many counties can no longer support the community supervision system without a new formula and significant increase in state funding.

**Minnesota's failure to fulfill its statutory obligation to fund community supervision has brought public safety to a dangerous place. MACCAC urges the legislature to address this issue and enact a new, equitable, transparent funding formula in 2023 and increase statewide appropriations to adequately support community supervision.**

All of the policies in the MACCAC platform have been on hold due to our necessary focus on funding for basic probation services. It is time for the funding to be fixed so we can focus on what really matters for reducing recidivism and disparities and keeping communities safe.

## **2023 MACCAC Policy Positions**

### **Systematic Criminal Justice Change**

As a part of the criminal justice system, it is crucial that our organization support and drive systematic change, rather than be complicit through silence. Policies and practices that disproportionately and negatively impact people of color must be addressed. Actions that have led to racial disparities and marginalization must be replaced with actions that truly value the human rights and individual potential of all.

The Minnesota Association of Community Corrections Act Counties actively supports criminal justice reform, including measures that bring transparency and equity to all facets of the system. Evidence based practices exist in each sector of the criminal justice system. Practices based on research and evidence demonstrate that positive outcomes are achieved by using methods that promote dignity, respect, and compassion for all. These practices improve public safety and must be implemented statewide. It is critical that as employers, public safety agencies have the tools necessary to enforce standards of conduct in a decisive and transparent manner that promotes public trust. And finally, methods should be established to ensure that public safety agencies afford community input and are accountable to the expectations established by the public they serve.

Racial equity is essential to a just society.

### **One Funding Formula for All Counties**

Community supervision funding should be allocated using the same formula for every county, regardless of delivery system. Funding should be distributed to each county and tribal nation to decide how it should be used and which delivery system works best for each jurisdiction. The new formula must be equitable, transparent and consider the needs of each county.

### **State Funding for New Legislation**

Policies and laws enacted by the state legislature must include adequate, ongoing state resources to support service delivery related to those policies.

### **Deferred Sentencing Statute**

MACCAC supports a change to Minn. Stat. § 609.14 to align revocation practices for stays and deferred sentencing. Case law has changed the interpretation of the statute, which could have a negative impact on the types of plea deals that are available to criminal defendants. Deferred prosecutions are an important part of rehabilitation and behavior change for many clients. A small statutory amendment would preserve that option to stay convictions for those that change their behavior.

### **Community Corrections Act (CCA) Jurisdictions**

MACCAC supports the expansion of CCA counties with full and ongoing state funding. MACCAC supports the removal of systemic or statutory requirements that act as barriers to counties choosing the correctional delivery system that best meets their individual needs.

### **Data Collection**

MACCAC supports the creation of consistent statewide standards for data collection through the current statewide probation database, CSTS, used by all probation delivery systems in Minnesota. Any changes to CSTS must go through the corrections user group governance process to ensure input from all users.

All probation providers should regularly collect and analyze data to identify existing disparities and create changes within their probation agencies to address and eradicate those disparities.

### **Mental Health Supports**

An increase in mental health services is necessary throughout the state, and particularly in rural Minnesota. A gap in services exists for individuals that exhibit high-risk behaviors due to mental health conditions. An expansion in placement and program options is necessary to ensure that individuals are not incarcerated due to lack of mental health services.

### **Response to Violations of Supervision**

The response to violations of community supervision conditions must align with evidence-based practices and not used as an alternative to providing clients with treatment and services.

### **Restoration of Voting Rights**

MACCAC supports the restoration of voting rights for individuals who are not incarcerated in a state institution.

### **Pre-trial Assessments**

Pre-trial assessments must include uniform adherence to practice standards, be independently validated, and used consistently throughout all jurisdictions. Any tools known to have biases that create disparities must be discontinued.

### **Bail Reform**

Bail reform should not lead to needless community supervision or pre-trial monitoring that is inconsistent with the limited scope outlined in statute. Any approach to bail reform must balance equity with protecting the public.

### **Predatory Offender Registry Reform**

MACCAC supports legislation that takes a strong statewide approach to sex offender supervision by effectively monitoring overall behavior and activities of offenders using risk assessment and evidence-based practices that enhance public safety.

The predatory offender registry statutes are in need of revision to ensure that the original legislative intent is adhered to, while creating changes that address unintended consequences of the current system. Lifetime supervision of sex offenders should be reserved only for those individuals assessed as high risk to re-offend and the current requirement for juvenile sex offenders to register as predatory offenders must be modified. Additionally, evidence shows that residency restriction laws do nothing to address offender treatment or overall risk reduction, which are paramount to protecting public safety, and inhibit rehabilitation which is critical for ensuring that no further victimization occurs.

### **Statewide Assessment Tools**

MACCAC supports the advancement of statewide risk/needs/responsivity assessment tools that: are accurate as shown through local and external validation; promote fairness by addressing racial, ethnic, and gender disparities; are transparent and provide system stakeholders with information on tool development and validation; and are effectively communicated to clients using Risk-Needs Responsivity principles. Assessment tools must be implemented with sufficient guidance for agents to ensure that disparities are reduced.

## **Juvenile Supervision Policy Positions**

### **Equity of Services**

All juveniles should have access to the services they need regardless of their status as a child in need of protection, juvenile delinquent, or ward of the state. There should be no wrong door to receive help.

### **Juvenile Life without Parole**

MACCAC supports eliminating life without parole as a sentencing option for children. In June 2012 the Supreme Court of the United States ruled that juveniles convicted of murder cannot be subject to mandatory life imprisonment without the possibility of parole.

### **Juvenile Mental Health**

MACCAC supports the expansion of programs that provide adequate and appropriate services for children that have both mental health needs and are involved in the criminal justice system. Youth over the age of ten with mental health conditions are at a high risk of involvement in the criminal justice system. Programs that provide early interventions by a multi-system collaborative team and provide youth with the services they need to keep them out of the juvenile justice system, such as crossover youth and dual status youth programs, should be provided as a partnership between the state and counties.

The state must invest in therapeutic placement programs to ensure that secure detention facilities are not the only placement option for juveniles due to lack of services. The gap in services for juveniles that exhibit high-risk behaviors due to mental health conditions is even larger than the gap that exists for adults. The criminal justice system is often used as a tool to connect juveniles with appropriate services when other methods do not work. It is imperative that the children of Minnesota are never in contact with the criminal justice system solely to treat mental or behavioral health issues that are more appropriately addressed elsewhere.

### **Juvenile Justice Reform**

Juvenile supervision in Minnesota has evolved in the last decade. Juveniles are supervised based on a validated risk/needs assessment which focuses on strengths of the youth and family. Juvenile reform should continue and focus on: eliminating racial and ethnic disparities, reducing collateral consequences facing justice-involved youth; and modifying the current requirement for juvenile sex offenders to register as predatory offenders.

### **Juvenile Detention Standards**

MACCAC supports investments by the state in juvenile detention alternatives prior to changing juvenile detention policies. Changes to juvenile detention policies must include collaboration and input from stakeholders including MACCAC and other counties that run juvenile detention facilities. Juvenile practices should be trauma-informed and include a continuum of appropriate evidence-based responses such as graduated sanctions for high-risk behaviors. The safety and well-being of all children in facilities should be taken into consideration. Should a statewide risk assessment tool be adopted for juvenile detention, it should include uniform adherence to practice standards and independent validation to ensure that it will not create additional disparities in the criminal justice system.

### **Juvenile Stays of Adjudication**

MACCAC supports the option of longer periods of stayed adjudication for juvenile offenders in order to allow greater assessment and treatment of juveniles before an adjudication decision is made. At a minimum, the initial stay should not include the same collateral sanctions as adjudication. Lengthened stays of adjudication will enhance public safety by increasing the amount of supervision to ensure responsiveness to community-based education and treatment.