



## 2024 MACCAC Policy Positions

### **Systematic Criminal Justice Change**

Racial equity is essential to a just society.

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.

In partnership with other community supervision organizations, MACCAC is taking action in the areas of equity in risk assessments, sanctions and incentives, case planning, response to violations, and trauma-informed and culturally responsive service delivery.

### **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.

### **Equity of Services for Youth**

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.

### **Youth 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.

### **Recruitment and Retention of Community Supervision Staff**

MACCAC supports efforts to increase effective recruitment and retention of community supervision staff.

### **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.

### **County of Financial Responsibility**

Disputes between counties reconciled by the Department of Human Services have ruled, inconsistently, that Minn. Stats. 256G applies to out of home placements in secure correctional facilities licensed under the Department of Corrections. Placements made by a county that is not the county of residence under Minn. Stats. 260B, are often billed back to the county of residence even though that county had no opportunity to make the juvenile placement decision.

MACCAC supports clarifying state law to align county of financial responsibility with responsibility for assessing a juvenile's needs and determining placement both pre and post disposition. Pre-trial and trial costs should be paid by the arresting and prosecuting county, with venue being transferred to the county of residence (financial responsibility) following determination of guilt or innocence. Simply stated, the county making the placement decision should be responsible for placement costs.

### **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 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.

## **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 agreements 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.

## **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 need 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.

## **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.

### **Juvenile Competency Attainment**

MACCAC supports creating a pathway to juvenile competency attainment and creation of services to provide support to youth during the delinquency process.

### **Minnesota Rehabilitation and Reinvestment Act Collaboration**

The Minnesota Rehabilitation and Reinvestment Act will be most successful in creating long term public safety if carefully planned through collaboration with justice system partners. MACCAC encourages the Department of Corrections to engage in extensive consultation with community supervision partners when creating evidence-based curricula for clients, re-entry and transition policies, and supervision abatement policies and procedures.

### **Juvenile Delinquency Age**

MACCAC agrees that changes to juvenile delinquency age limits may be appropriate, but that enacted legislation should include consideration of exceptions related to serious offenses.