



STEELE COUNTY WORK SESSION
Administration Center – 630 Florence Avenue – Owatonna, MN 55060

Steele County government is dedicated to delivering effective, efficient, respectful public service with integrity and accountability using both proven and innovative methods.

Tuesday, March 1, 2016, 2:00 PM - Board Room, Steele County Administration Center

Agenda

1. Call to Order
2. Probation Services Delivery Options

Meeting Notices

March 8: Board Meeting 5:00 p.m. (Note Start Time)

March 10-11: Association of Minnesota Counties (AMC) Legislative Conference (St. Paul)

Adjourn

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Steele County Board of Commissioners. This document does not claim to be complete and is subject to change.



TO: BOARD OF COMMISSIONERS

FROM: Administration

SUBJECT: Probation Services Delivery Options

DATE: February 29, 2016

Recommendation:

Information Only

Background:

Steele County is currently a County Probation Officers (CPO) county for the delivery of probation services. In 2014, the counties of Dodge, Steele and Waseca contracted with Springsted Incorporated to conduct a probation services study for consideration of a transition to a Community Corrections Act (CCA) delivery system. As there are specific deadlines for a change in the delivery system, it was decided that the timing was not conducive to a change in 2014. The Steele County Board directed staff to again review the possible transition again in 2016*.

In late 2015, the Internal Central Services Committee requested staff to arrange a work session to overview of the delivery systems and delivery system change process. Waseca County elected officials, County Administrator and stakeholders have been invited to attend the work session as the two counties currently collaborate with the Steele-Waseca Drug Court and Waseca County contracts with Steele County for Court Services Director functions. In addition, staff has been in contact with both Steele County judges and the Minnesota Department of Corrections – Steele County site regarding the review of delivery systems.

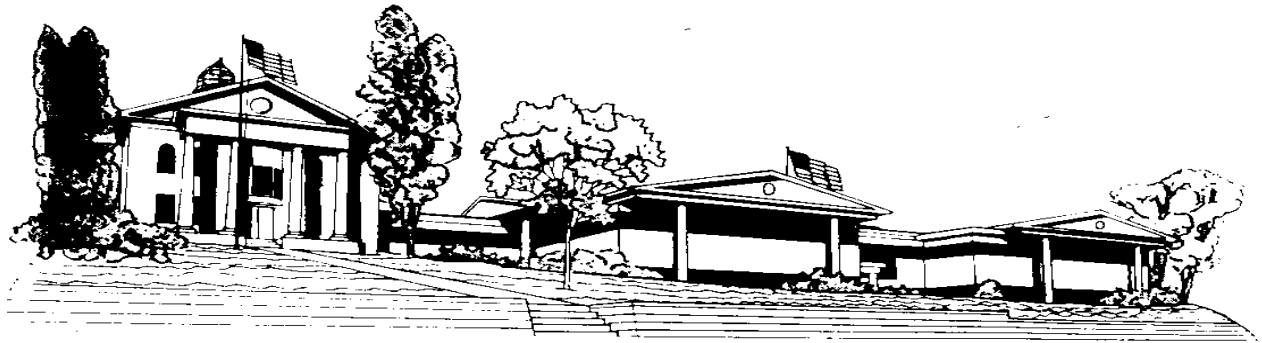
**A county must have formal action in the form of a resolution in time for the Minnesota Department of Corrections to implement the change within their budget, which is no later than July of an even-numbered year in order for the biennial budget which begins in July of odd-numbered years.*

Attachments:

Dodge, Steele & Waseca Counties Probation Services Study - 2014

Fact Sheet - Correctional Delivery Systems

The Delivery Systems Change Process (Three Probation Delivery Systems - Comparison)



DODGE, STEELE & WASECA COUNTIES

Draft Report – Probation Services Study

June 24, 2014

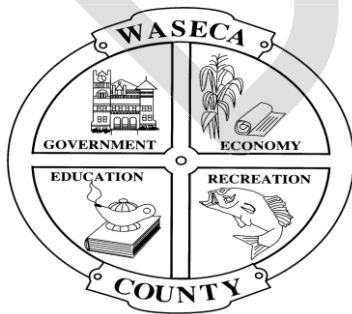


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June 24, 2014

Dodge County Board Members
Dodge County
22 6th Street East
Mantorville, Minnesota 55955

Steele County Board Members
Steele County
630 Florence Ave.
Owatonna, Minnesota 55060

Waseca County Board Members
Waseca County
307 N. State St.
Waseca, Minnesota 56093

RE: Probation Services Study

Dear Dodge, Steele and Waseca County Board Members:

I am pleased to submit this draft document for your review, consideration and discussion. It is my sincere desire that you find the information in this report informative, educational and sufficient to support your planned and focused policy discussion on your probation services model.

Probation services are complex; there are three business models and a large variation in how Minnesota counties manage, organize and participate in the delivery of probation services. As you know and we confirm in our study, there is no "off-the-shelf" easy option or choice. Each of your counties has a long history in the present model and it was evident during my work that there are strong allegiances to what is in place today. None-the-less, it is both healthy and productive to study, evaluate and review what your options are, especially in light of the financial and policy pressures that county governments are facing. There is a strong history of program evaluation in the culture of Dodge, Steele and Waseca counties. To that end, this draft report continues your practices and provides you an opportunity to reflect, review and consider what you have today and what you may want to have in place for the future.

It is important for me to express my thanks and appreciation to County Administrators' Jim Elmquist, Tom Shea and Laura Elvebak for their time and leadership in our process. I also wish to thank all of the staff and stakeholders that participated in the process. I hope that the document and upcoming discussion will provide you with a foundation to make a policy decision for your County.

Sincerely,

David Unmacht
Springsted Incorporated

ldr

1. Process

The probation services study planning process was designed to be inclusive and participatory. The process remains open and is flexible to adapt to changes until the County Boards are finished with your review. The deadline to make a decision on the delivery system model for the three County Boards in this calendar year is July 31, 2014.¹ The process has used the following 12 steps. (This section will be updated as the process moves forward and will be finalized when it is completed.)

1. Ongoing coordination and communication with the three County Administrators
2. Review an extensive set of probation related documents, including:
 - Department of Corrections 2013 Probation Survey
 - The Delivery Systems Change Process
 - An excellent resource for system change if a decision moves forward
 - MACCAC/CPO PowerPoint (Funding in Minnesota for the Supervision of Offenders in the Community)
 - Scott County Community Corrections Act Project (Carey Group Report; 2006)
 - This is an excellent resource for implementation strategies
 - Goodhue County Community Corrections Assessment (Carey Group Report; 2006)
3. Review of documents and information from each County (plans, budgets, studies, etc.)
4. Research and study of models for provision of probation services
5. Review of documentation and information from the DOC Supervisors
6. Collection and analysis of Joint Powers Agreements, Comprehensive Plans and Organizational By-Laws of Rock-Nobles, DFO, Region “6-W” CCA’s and the Minnesota Prairie County Alliance
7. Communications with Ryan Erdman, MACCAC staff with AMC
8. Meeting with the Department of Corrections staff on May 8, 2014
9. Conducting a large number of stakeholder interviews (list included in Section Six)
10. Ongoing contact and follow-up with county staff on questions and requests for information
11. Development of three phased working drafts (May 27, June 2, and June 11)
12. Preparation and distribution of a Draft Report (June 24)

As of this writing the Waseca County Board will review the study on July 1 and the Steele and Dodge County Boards have scheduled time on their agenda on July 8.

It is important to note that this analysis is not a program evaluation or study of the services or outcomes of the three counties’ probation services. Any study of probation services and outcomes in the three counties would have been a far more expensive and time-consuming undertaking. This study is designed to be more of a feasibility study on the topic of probation, what you have today and what the possibilities for different delivery systems are.

The original scope of work called for a more succinct and shorter report; however, it was determined during the writing of the document that in order to provide a more thorough and comprehensive review, additional information was necessary and important.

¹ Thank you to the Department of Corrections and DFO Board for granting a 30 day and 60 day extension respectively from the original deadline to allow the County Board’s additional review time.

2. Resources and Background

The following four pieces of information are designed to serve as resources and background information on organizational design and probation services.

1. Catalysts for organizational design
2. Factors in considering a delivery system change
3. Why consider community corrections?
4. What are evidence-based practices?

Catalysts for Organizational Design

In practice, organizational leaders design or redesign their organizational structure to increase coordination and integration of services, to combine similar functions, and/or to alter the present span-of-control environment. Cost savings are often a desired outcome, but experience has shown that this should not be the sole determinant or consideration. It is also important to note that in many cases, there is an up-front investment of resources required to create or change a structure; your experience with the Minnesota Prairie Alliance is a good example. As each County Board contemplates its policy options, these considerations – and more – should be included in your thoughts.

In making your decisions, consider whether the change will accomplish the following:

- Improve integration and coordination of work in units that share functional areas.
- Rectify situations where span of control is unequal or inconsistent.
- Provide focus on organizational and strategic issues.
- Repair existing structures which do not meet current expectations, standards or trends.
- Enhance the level of organizational consistency in policy, operations and culture.

Similarly, as you seek to work together, there are five considerations to avoid or be cautious of:

- Reorganize to work around current personalities.
- Reorganize out of convenience, as opposed to logic and anticipated outcomes.
- Reorganize around historical conflicts or problems.
- Reorganize to consolidate control and power (or to take it away).
- Reorganize believing that restructuring by itself will fix organizational issues.

Catalysts to changing structures often come in several forms: a change in personnel (generally when a top administrator leaves or retires); a facility/space change (a new or renovated building); a change in policy from the County Board(s); and/or a change in client service philosophy (a County seeks to gain efficiencies through integration and improved client coordination and access to services). It is not uncommon for local governments to have several motivations at work at the same time.

Factors in Considering a Delivery System Change

There are numerous factors which go into a county's decision to adopt a particular correctional delivery system, including:

- Level of court involvement in probation management
- Precedents for program standardization/centralization versus program variation/decentralization
- Level of state/local cooperation and trust
- Geography of the state
- Resource base of state and local governments
- Role of key leaders, interest group or stakeholder organizations
- Grant support and pilot projects
- An issue, critical event or crisis

As you evaluate your policy options give these points' consideration and reflection.

Why Consider Community Corrections

Each County has its own rationale for participating in the study. It is generally understood that the motive for changing probation service models is not financial, but rather programmatic. There are five principles involved in community corrections that make it an attractive delivery system; they are:

- Ability to provide "local control" over probation services
- Improve direct accountability with local elected officials
- Provide for the opportunity to have consistent supervision across all offenders
- Improve efficiency in the system and reduce duplication
- Enhance communication, collaboration and coordination

These five points are generally understood to be the primary rationale for considering a community corrections service model. They are valid and consistent across all counties and are not unique to Dodge, Steele or Waseca.

What are Evidenced-Based Practices?

In probation services, the term "evidence-based practices" is common nomenclature. In fact, during our interviews with county personnel and DOC staff, many references were made to the term as the basis for the work that probation staff performs. Simply stated, the term refers to activities put in place because a body of validated research has indicated that the activity, when strictly implemented according to the model, will produce a specific outcome.² In contrast, the use of the term "best practices" refers to a more loosely defined reference to practices that are commonly found and believed to be effective by professionals in the industry, though not necessarily proven by research.

The basic principles of evidence-based practices are that decisions should be based on quantitative research which specifies clear outcomes based on certain assumptions and variables. The Crime and Justice Institute define evidence-based practices as "A significant trend throughout all human service

² Carey Group; Community Corrections Assessment; Goodhue County; Page 9.

fields that emphasize outcomes. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety.”

New York City’s Department of Probation outlines four policies and practices that help explain the subject:

- Evidence-based policies and practices (EBPP) use current research and the best available data to guide decisions and produce the outcomes that our stakeholders—probation clients, victims, and communities—expect.
- EBPP involve research-tested principles that guide intervention. They also refer to specific intervention models that are proven to lead to good outcomes.
- EBPP embrace the use of all available tools, from internal practices to community-based programs to intensive treatment to incarceration.
- EBPP are based on the proven premise that the most effective interventions are those that reduce the chance that a probation client will re-offend, which leads to greater public safety.

In the DFO Comprehensive Plan, three of the four primary strategic goals refer to evidence-based practices in areas such as employee orientation and training; quality assurance; and out-of-home placements. A cursory review of the MACCAC Quality Assurance Standards, which integrate evidence-based practices, would assist decision-makers in considering “would we get a better deal?” over time in CCA, in terms of improved quality. DOC is in the process of developing similar standards.

3. Three Models of County Probation

What is Probation?

Probation is an order of the court placing an offender under the control, supervision, and care of a probation agent allowing the individual to remain in the community. Probation is in lieu of imprisonment with the understanding that the individual meets a certain set of established behaviors or standards of conduct. Conditions of supervision outside of incarceration include electronic monitoring, fines, restitution, and participation in behavioral programs, reporting requirements, abstaining from certain behaviors (drinking, drugs), community service, or other sanctions. Being on probation often means that the individual is required to formally report to a probation officer. In concept and often in reality, if the individual does not follow the order of the court or the direction from the probation officer, they could go back to the judge and be sent to jail or prison.

The state of Minnesota has three delivery systems for the supervision of offenders on parole, probation, and supervised release (intensive and regular). “The network of local correctional systems in Minnesota is large and elaborate.” The supervision of offenders in the community is provided by agents of the county or state who guide offenders in their compliance with orders of the court or other sentencing authorities; provide information and recommendations of diagnostic quality to the courts and other authorities so they can make appropriate decisions; increase public understanding and acceptance of the offender and correctional programs; and encourage the development of appropriate community resources

and seek the most effective methods of attaining community service goals. “Locally-delivered programs are a significant part of the state’s correctional services” practices and philosophy.

Each of the delivery systems is summarized below with three characteristics: Governance, Services and Funding. All funding for the field services units within the DOC originates from a legislative appropriation. For two of the models we reference the County-based professional association that serves these business models.

Department of Corrections (Minnesota Statue 244.20)

The Department of Corrections (DOC) model covers 16% of all probation offenders.

- **Governance:** The DOC ultimately reports to the Governor. The DOC provides administration, including setting policy and direction, with final approval or support by the Governor. Salaries and compensation are established by the Department in collaboration with State Employee Relations, and in negotiation with bargaining units. Minnesota is divided into regions, and each is under the direction of 14 district supervisors.
- **Services:** 55 counties contract with the DOC to provide adult felony probation;³ 28 of these counties contract with the State to provide all adult and community supervision services (the blue-colored counties on the map later in this section); the remaining 27 counties are County Probation Offices wherein the County provides adult misdemeanor, gross misdemeanor probation, juvenile probation and parole (the orange-colored counties on the map). DOC provides *supervised release*, which is community supervision for felony offenders released from prison on their court-ordered release date to these counties. DOC also provides *intensive supervised release* to these counties for offenders who require a greater level of supervision in the community.
- **Funding:** The DOC budget is submitted by the Governor to the Legislature for approval. Counties that contract for probation services from the DOC reimburse the Department in accordance with same formula used in the County system. DOC operations have a 23% share of the State’s overall funding for probation services.

Community Corrections Act (Minnesota Statute 401)

In 1973, the Minnesota Legislature enacted the Community Corrections Act (CCA) which gives counties an option to administer and control all correctional services in their jurisdictions.⁴ This model is used to provide probation services to 71% of all probation offenders.

- **Governance:** Single counties or a group of counties with a population of 30,000 or more are eligible for community corrections. The County Board or executive/governing board sets policy and budget, has authority over hiring, salaries and compensation, and determining the range of services provided. Multi-county jurisdictions are formed via a joint powers agreement which may be governed by an executive or governing board (M.S. 471.59). Joint Powers Agreements

³ The most recent change from CPO to DOC occurred in Houston County in 2008. Previously to 2008, Clearwater County moved to DOC in 2002, Benton County in 1998 and Winona County in 1997.

⁴ The CCA was enacted to address four major concerns: increasing institutional costs at the state level; limited local correctional services; overlapping correctional jurisdictions; and lack of uniform standards to delivering correctional services. Source: AMC

and Joint Powers entities vary by jurisdiction. *A Community Corrections Advisory Board* is statutorily required to provide oversight to the correctional system and to submit a Comprehensive Plan to the DOC for approval.

- **Services:** 32 counties participate in the community corrections act model (the green-colored counties on the map). The county or jurisdiction provides all adult and juvenile community supervision services. The number and type of services vary by county and by system. For instance, some CCA systems provide intensive supervised release; manage correctional facilities, and oversee juvenile parole. The strength of this model is the ability of the county or counties to determine what unique or particular services they can provide.
- **Funding:** CCA systems are funded by a combination of state subsidy and county tax dollars. State funding is based on a “needs based” formula based on population (age 10 – 24); workload measures (adult gross misdemeanor and felony case filings, juvenile filings); impact on prison beds (felons not sent to prison); and local economic factors (Adjusted Net Tax Capacity). CCA counties have a 70% share of state funding for probation services.
- **Professional Association:** the County-based professional association that represents CCA entities is the Minnesota Association of Community Corrections Act Counties (MACCAC).

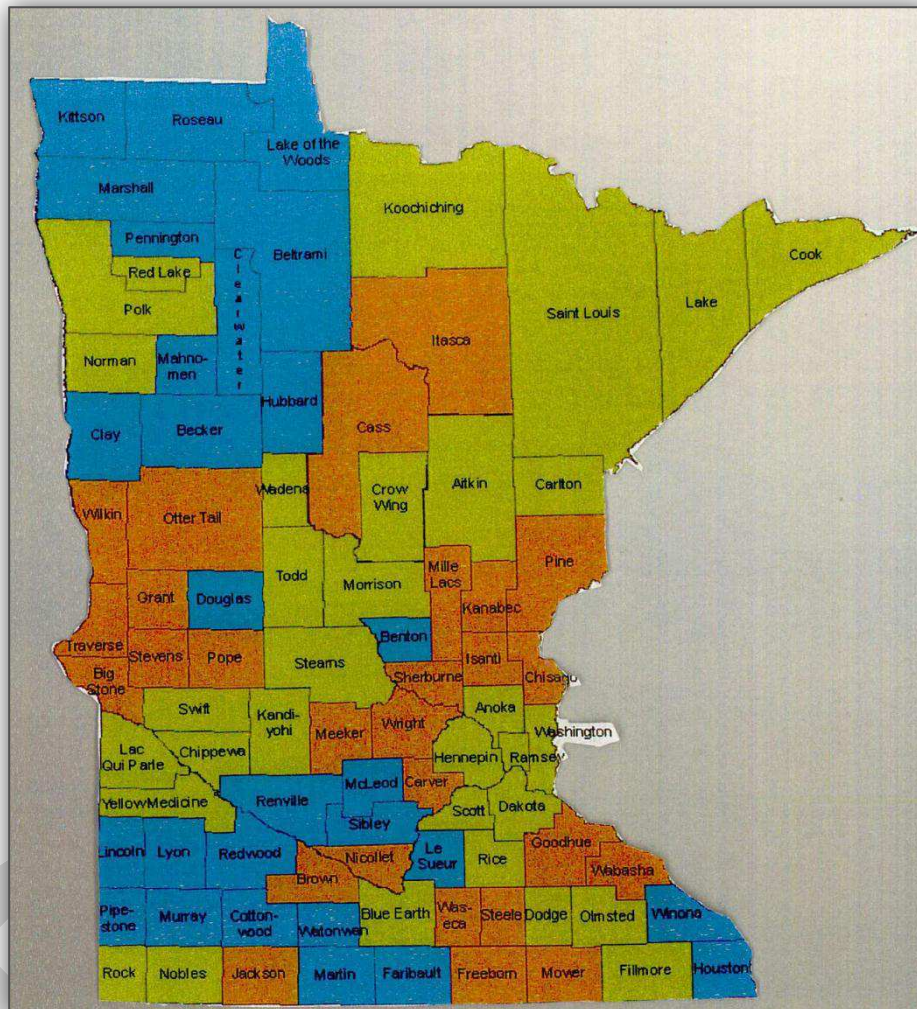
County Probation System (Minnesota Statute 244.19)

The County Probation System (CPO) model covers 13% of all probation offenders.

- **Governance:** Local courts, in cooperation with County Boards, provide governance oversight and administration, including setting policy and direction. County probation officers report to the court services director, who in turn reports to the district court. CPOs and the director are accountable to the county’s chief judge. CPOs are appointed by the judiciary of the district court in the county where they work, with the support of the County Board. Staff salaries and compensation are set by the Court but cannot be less than the state salary scale.
- **Services:** 27 counties participate in a CPO model. Counties provide adult misdemeanor and gross misdemeanor probation. Counties also provide juvenile probation and parole. Services provided are determined by the court, but fiscally authorized by the County Board. The State DOC provides supervision of felony-level offenders.
- **Funding:** The CPO system and contract counties receive funding through the county budget process. The county is then eligible to apply for reimbursement from the state legislature for up to 50 percent of an agent’s salary and fringe benefits under M.S. 244. If the state appropriation for this reimbursement is not sufficient to support 50 percent of compensation costs, the reimbursement is prorated. Current state funding represents approximately 30% of county costs for CPO salary and fringe benefits. A county’s share of the CPO subsidy is based on the number of probation officers hired. CPO counties have a 7% share of state funding for probation services.
- **Professional Association:** The County-based professional association that represents CPO entities is the Minnesota Association of County Probation Officers (MACPO).⁵

⁵ Sources: AMC; MN revisor of statutes; MACCAC/CPO presentation, 2014; DOC/MACCAC/MACPO, 2008

FIGURE 1



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Community Corrections Act

27

County Probation/DOC

28

Department of Corrections

The following table summarizes the distinctions between the three probation service models based on nine categories.

TABLE 1

	COUNTY PROBATION SYSTEM (M.S. 244.19)	COMMUNITY CORRECTIONS ACT (M.S. 401)	DEPARTMENT OF CORRECTIONS (DOC) CONTRACT (M.S. 244.19)
ADMINISTRATION	Local courts in collaboration with county boards	County board (single county) or corrections executive board (multi-county) per comprehensive plan approved by the DOC	DOC
STAFF	Appointed by court with approval of county board; staff serves at pleasure of court	Hired in accordance with county board or corrections executive board policy	Provided by DOC
SUPERVISION	By director/chief probation officer; appointed by and serving at the pleasure of the court	Director responsible to county board or corrections executive board	By DOC supervisor
FUNDING	State reimburses counties up to 50% of probation officer salaries and fringe benefits	Block grant by state augmented with continued level of local spending; block grant is based upon a five factor-based formula	County reimburses state for probation officer salaries in accordance with the same formula as county system
SERVICES PROVIDED	Determined by court Served and approved by the county board as it relates to funding	Range of services as determined by the board and authorized by the comprehensive plan; may include local correctional facilities	As requested by the court and approved by the commissioner of corrections
OFFENDERS SERVED	County supervises: Juveniles, misdemeanors, and most gross misdemeanor offenders DOC supervises: Adult felons and supervised releasees from prison	All offenders, adult and juvenile; may also serve offenders in local correctional institutions	DOC contract agents supervise juveniles, misdemeanants, and most gross misdemeanants DOC supervises adult felons and supervised releasees from prison
PERSONNEL POLICIES	Established by court along with local personnel policy	As set by county board or corrections executive board and/or negotiated by union contracts	By DOC as may be impacted by union contracts
PROFESSIONAL SALARIES	Set by court at no less than the state salary scale	Set by county board or corrections executive board and/or negotiated per union contract	State classified civil service per negotiated union contracts
SUPPORT STAFF	Provided locally at county wage and expense	Provided locally from block grant and local funds	May be either state or county employee per negotiated contract; expense paid by county

Source: Minnesota Department of Corrections

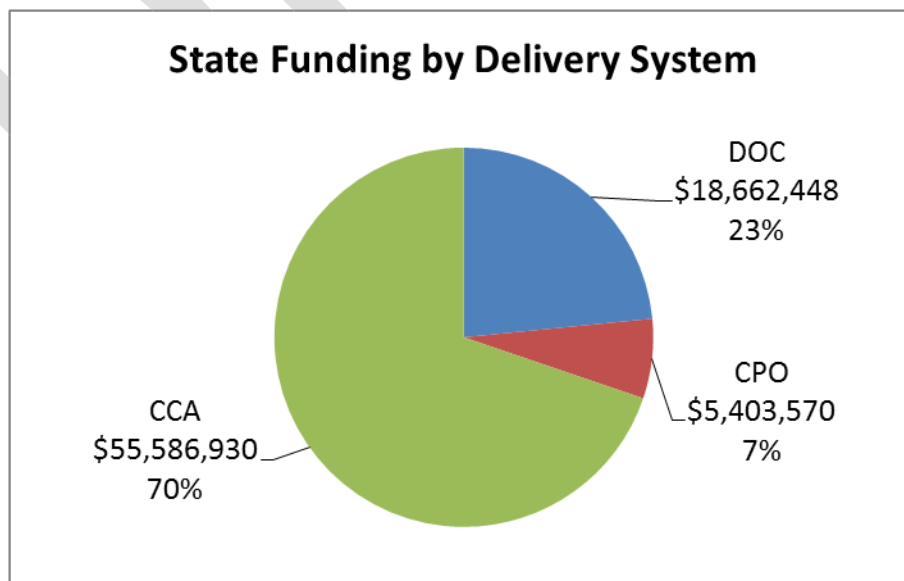
The following table shows the 2013 probation totals by delivery system in Minnesota.

TABLE 2

2013 Probation Totals by Delivery System										
	2013 Year End	Males	Females	White	Black	American Indian	Asian	Other/ Unknown	Hispanic	Non- Hispanic
CCA Agencies	77,200	59,032	18,168	49,739	16,440	2,444	2,611	5,966	4,707	72,493
CPO Agencies	14,198	10,598	3,600	9,696	488	805	101	3,108	463	13,735
DOC Agencies	17,835	13,586	4,249	14,290	942	1,879	154	507	1,023	16,812
Total	109,233	83,216	26,017	73,725	17,870	5,128	2,866	9,644	6,193	103,040

Source: Minnesota Department of Corrections

FIGURE 2



4. Current County Probation Services

Current Delivery Systems – Perspective⁶

Dodge County is in a three-county collaborative called DFO – Dodge/Fillmore/Olmsted Community Corrections. Both Steele County and Waseca County are CPO delivery systems. Prior to the 2014 legislative session, since Waseca County is not contiguous with Dodge County, both counties could only become a CCA in combination with another county. Steele County could be a CCA on its own. However, in the 2014 session Minnesota Statute 401.02 was amended to delete the requirement that counties must be contiguous in order to combine to become a CCA jurisdiction. Therefore, Dodge and Waseca could now combine if Steele County decided to stay in the CPO model.

There is nothing on record or no information available that can offer experience or guidance for when a County leaves a JPA to join another. Arrowhead Regional Corrections used to include six counties, rather than five until Aitkin County joined Central Minnesota Community Corrections in 1992.

Of the three counties, only Steele County indicated that within the recent past (2008), they discussed their probation services model. In the fall of that year, the Steele County Criminal Justice Committee created a Community Corrections subcommittee. The initial goal may have been to explore the concept of community corrections, but after the group started, the focus was broadened so it transitioned into a Corrections Alternatives Task Force. Steele County Probation Services Director, Mike McGuire noted that the difference was that the Task Force was looking for ways to improve the delivery of services without necessarily focusing on changing the delivery system. There were no documents or notes of record to review. Nothing formal materialized and no documented report exists.

Hence, for all three counties this analysis presents the first formal review of their probation services model.

⁶ Information on each delivery system was provided by staff from the three counties.

The data below is taken from the 2013 Probation Services Study. It compares statistics from each of the three counties in given categories.

TABLE 3

	2012 Year-end Population	2013 Entries	2013 Removals	2013 Year-end Population	Male	Female	White	Black	American Indian	Asian/Pacific Islander	Other Race	Unknown Race	Hispanic	Not Hispanic	Arson	Assault	Assault-domestic	Burglary	Crime Against Family	Crive Against Justice	Crime Against Government
Dodge (CCA)																					
Felony	149	49	45	154	125	29	136	4	1	2	11	0	9	145	0	10	10	13	0	5	1
Gross Misdemeanor	86	29	38	76	58	18	68	0	1	0	7	0	6	70	0	1	0	0	0	2	0
Misdemeanor	32	36	34	34	31	3	30	1	0	0	3	0	4	30	0	3	6	0	0	0	0
Juvenile	44	25	36	33	25	8	30	3	0	0	0	0	2	31	0	3	1	2	0	0	0
Total	311	139	153	297	239	58	264	8	2	2	21	0	21	276	0	17	17	15	0	7	1
Steele (DOC/CPO)																					
Felony	282	118	119	281	218	63	250	22	4	3	2	0	51	230	3	30	11	19	0	7	3
Gross Misdemeanor	323	142	131	336	250	86	69	5	0	0	262	0	1	335	0	22	22	1	2	4	3
Misdemeanor	296	235	205	324	224	100	29	2	0	1	292	0	1	323	0	17	36	0	0	6	2
Juvenile	62	134	126	70	55	15	1	0	0	0	69	0	0	70	0	3	1	4	0	2	0
Total	963	629	581	1011	747	264	349	29	4	4	625	0	53	958	3	72	70	24	2	19	8
Waseca (DOC/CPO)																					
Felony	83	42	37	88	79	9	79	6	1	0	2	0	9	79	0	14	4	3	0	1	1
Gross Misdemeanor	130	65	76	122	90	32	37	3	0	0	82	0	0	122	0	4	5	1	3	7	1
Misdemeanor	116	81	111	83	55	28	13	1	0	0	69	0	2	81	0	9	6	0	2	1	0
Juvenile	27	26	34	19	16	3	0	0	0	0	19	0	0	19	2	1	0	2	0	0	0
Total	356	214	258	312	240	72	129	10	1	0	172	0	11	301	2	28	15	6	5	9	2

	Criminal Sexual Conduct	Crim Vehicle Oper Harm	Crim Vehicle Oper Death	Distrubing Peace	Drugs	DWI	Escape/Flight	Forgery	Gambling	Harassment/Stalking	Homicide	Status/Federal/Misc.	Kidnapping	Obscenity	Other Person	Property Damage	Robbery	Sex Related	Stolen Property	Theft	Traffic (exclude DWI)	Vehicle Theft	Weapons
Dodge (CCA)																							
Felony	6	1	0	0	56	19	0	3	0	0	0	0	0	0	0	0	0	0	2	21	0	0	6
Gross Misdemeanor	0	0	0	0	0	65	0	0	0	0	0	0	0	0	0	0	0	0	1	3	2	0	1
Misdemeanor	0	0	0	4	0	20	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Juvenile	3	0	0	0	8	2	0	0	0	1	0	8	0	0	0	0	0	0	0	3	2	0	0
Total	9	1	0	4	64	106	0	3	0	1	0	8	0	0	0	1	0	0	3	27	4	0	7
Steele (DOC/CPO)																							
Felony	21	0	2	3	91	26	2	18	0	3	0	1	0	0	0	3	3	0	4	24	1	0	5
Gross Misdemeanor	3	0	0	0	2	198	1	7	0	2	0	0	0	1	0	1	1	1	1	13	43	0	3
Misdemeanor	0	0	0	34	6	131	5	0	0	4	0	6	0	1	0	5	0	0	1	36	32	0	1
Juvenile	7	0	0	5	11	0	0	1	0	0	0	12	0	0	2	1	1	0	0	11	5	4	0
Total	31	0	2	42	110	355	8	26	0	9	0	19	0	2	2	10	5	1	6	54	21	4	9

TABLE 4

	Criminal Sexual Conduct	Crim Vehicle Oper Harm	Crim Vehicle Oper Death	Disturbing Peace	Drugs	DWI	Escape/Flight	Forgery	Gambling	Harassment/Stalking	Homicide	Status/Federal/Misc.	Kidnapping	Obscenity	Other Person	Property Damage	Robbery	Sex Related	Stolen Property	Theft	Traffic (exclude DWI)	Vehicle Theft	Weapons	Unknown
Dodge (CCA)																								
Felony	6	1	0	0	56	19	0	3	0	0	0	0	0	0	0	0	0	0	2	21	0	0	6	1
Gross Misdemeanor	0	0	0	0	0	65	0	0	0	0	0	0	0	0	0	0	0	0	1	3	2	0	1	1
Misdemeanor	0	0	0	4	0	20	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Juvenile	3	0	0	0	8	2	0	0	0	1	0	8	0	0	0	0	0	0	0	3	2	0	0	0
Total	9	1	0	4	64	106	0	3	0	1	0	8	0	0	0	1	0	0	3	27	4	0	7	2
Steele (DOC/CPO)																								
Felony	21	0	2	3	91	26	2	18	0	3	0	1	0	0	0	3	3	0	4	24	1	0	5	1
Gross Misdemeanor	3	0	0	0	2	198	1	7	0	2	0	0	0	1	0	1	1	1	1	13	43	0	3	5
Misdemeanor	0	0	0	34	6	131	5	0	0	4	0	6	0	1	0	5	0	0	1	36	32	0	1	1
Juvenile	7	0	0	5	11	0	0	1	0	0	0	12	0	0	2	1	1	0	0	11	5	4	0	0
Total	31	0	2	42	110	355	8	26	0	9	0	19	0	2	2	10	5	1	6	84	81	4	9	7
Waseca (DOC/CPO)																								
Felony	3	0	0	0	31	13	3	1	0	2	0	0	0	2	0	1	1	0	1	4	1	1	1	0
Gross Misdemeanor	0	0	1	1	0	76	0	3	0	1	0	0	0	0	0	0	0	0	1	8	10	0	0	0
Misdemeanor	0	0	0	5	0	33	0	0	0	1	0	0	0	0	0	2	0	0	1	15	6	0	1	1
Juvenile	1	0	0	0	1	1	0	0	0	0	0	2	0	0	0	0	0	1	0	5	2	0	1	0
Total	4	0	1	6	32	123	3	4	0	4	0	2	0	2	0	3	1	1	3	32	19	1	3	1

In the period of 1995 to 2013, there has been a 10% statewide increase in all probationers. The percent increase of all probationers has exceeded the pace of county resident population growth in all three counties. Probationer growth percentages are greater than resident growth percentages. In this time period, Dodge County has experienced a 104% increase in all probationers compared to an estimated 21% increase in the resident population; Steele County has experienced a 60% increase in all probationers compared to an estimated 15% in the resident population; Waseca County has experienced a 9% increase in all probationers compared to an estimated 6% increase in the resident population.⁷

⁷ Source: MnGeo; DOC and United States Census

From 1995 to 2013, there has been a 58% statewide increase in felony probationers. The percentage increase in felony probationers in all three counties significantly outpaced resident population growth. The percentage increase in felony probationers in Dodge and Steele Counties has exceeded the growth statewide; Waseca has experienced slightly less percentage growth compared to the statewide average. In this timeframe, Dodge County has experienced a 228% increase, Steele County 146% increase, and Waseca a 57% increase in felony probationers—again, well ahead of resident population percentage increases. In this period, there has been a 56% statewide increase in gross misdemeanor probationers.

All three counties experienced a much greater percentage growth in gross misdemeanor probationers compared to the statewide average: Dodge (375%); Steele (239%); Waseca (230%). In this period, there has been a 22% statewide decrease in misdemeanor probationers, compared to a 580% increase in Dodge County, a 9% increase in Steele County and a 39% decrease in Waseca County. In this period, there has been a 52% decrease in juvenile offender probationers statewide, compared to an 8% decrease in Dodge County, a 42% decrease in Steele County and a 64% decrease in Waseca County.

The combined number of offenders would make DSW CC the 12th largest CCA jurisdiction by volume in Minnesota. The combined resident population of the three counties would make it the 12th most populous CCA jurisdiction. A cross-comparison of populations reveals that Steele County is approximately 91% more populous than Waseca County but has 219% more felony probationers, 175% more gross misdemeanor probationers, 290% more misdemeanor offenders and 268% more juvenile offenders. Steele County is approximately 80% more populous than Dodge County but has 82% more felony probationers, 342% more gross misdemeanor probationers, 853% more misdemeanor offenders, and 112% more juvenile offenders.

Dodge and Waseca Counties are close in resident population with a 6% estimated difference in (2013) but Dodge has 5% less than Waseca of total probationers, a 75% greater population of felony probationers, 38% less gross misdemeanor offenders, 59% less misdemeanor offenders, and 74% more juvenile offenders.

Notable in the data is the percent of drug and DWI offenders compared to the total probationers in each county. In Dodge County, 170 of 297 or 57% of the total offenders were on probation for drug or DWI offenses. In Steele County, 465 of 1,011 or 46% of the total offenders were on probation for drug or DWI offenses. In Waseca County, 155 of 312 total offenders or nearly 50% of the total offenders were on probation for drug or DWI offenses.

Dodge County

Dodge County has been a partner in the Dodge/Fillmore/Olmsted (DFO) community corrections collaborative for over 30 years. DFO was created by a joint powers resolution of the three County Boards. Each County shares personnel, facilities and financial resources in the development, administration and delivery of probation services within the community corrections system. The collaborative has formalized its Vision, Mission, Values and Overarching goals and principles. The size of DFO is significant in comparison to the court services departments of Steele and Waseca counties. Paul Fleissner is the Director of Olmsted County Community Services, Travis Gransee is the newly hired Director of Community Corrections in DFO; reporting to Paul. They report to a DFO Joint Powers Board made up of

County Board members from the three counties. The Board meets quarterly to review budgets, review and approve the Comprehensive Plan, and address any policy issues and considerations.

A 23-member DFO Advisory Board is in place that maintains primary responsibility for comprehensive correction planning, implementation and evaluation. This Board meets monthly and is made up of a large number of stakeholders and community representatives. DFO is responsible for all juvenile and adult offenses within the three counties; the Department of Corrections does not provide county-based services in the DFO. The level of sophistication within the DFO is quite extensive with the use of the performance measurement system “Balanced Scorecard”, strategy mapping and comprehensive planning and goal setting.⁸

The Joint Powers Agreement signed in January and February of 2013 identifies an annual funding formula for the DFO. The funding formula is determined by three variables:

1. The population in the three counties between the ages of 15 and 34 during the previous year.
2. The number of felony cases sentenced in the three counties during the previous year.
3. Caseloads in the three counties for the three previous years as reported by the Statewide Probation Survey.

The three variables are averaged together to arrive at each county’s fair share of the DFO’s shared cost. There are clauses in the agreement for splitting costs, payments, year-end adjustments, and assessments. Funding for the services provided in DFO is a combination of Department of Corrections dollars (DOC Subsidy), contributions from all three counties and fines and fees. The overall budget for the DFO is just short of \$9.2 million.

Comprehensive Plan

The Department of Corrections requires that each community corrections entity prepare a Comprehensive Plan. For 2013-2014, DFO Community Corrections has four primary strategic goals and five challenges. One of the challenges is to “expand integration across our three-county organization.” The joint powers arrangement between the three counties that defines the program has been revised to “address fiscal equity and proportionality and we have committed ourselves to working more effectively to integrate services and recognize shared value.”

Staff distributed a one-half-page list of “Additional Services” that the collaborative provides to offer testimony that the services provided by the DFO are noteworthy and extensive. Not having access to these types of services would potentially reduce the level of services provided in Dodge County today. Examples of these services include: Youth Night Campus; temporary housing (TLC); potential access to crossover resources such as foster care; and access to various programming.

Personnel

In 2014, the DFO has a total of 77.20 staff members. Dodge County probation staff report to a Community Services Supervisor. The Supervisor also oversees the Olmsted County Intake Team and the Fillmore County probation staff. There are 4.75 full time equivalent staff members that are located in

⁸ In fairness to Waseca and Steele Counties, they may also use tools and planning means, but a simple comparison between existing information reflects a large difference in the level of planning, program evaluation and performance analysis.

Dodge County. The probation staff are members of the Employees Association, which is the largest bargaining unit in Olmsted County. It includes all probation officers and non-professional staff in DFO. It covers the entire department, with the exception of the Juvenile Detention Center which is covered by the Teamsters Union.

Steele County

Steele County Probation Services (SCPS) uses the County Probation Officer model for delivery of its probation services. The department works with juveniles who have committed any level of offense, and with adults who have committed misdemeanor or gross misdemeanor offenses. Similar to Waseca County, a State of Minnesota Department of Corrections (DOC) office in the county handles adults who have committed felony-level offenses.

The Director and probation officers are appointed to their positions by the Third Judicial District Court judges serving in Steele County. The judges set the staff salaries via Court Order, but per statute they must be paid “at least as well” as the DOC agents in order to receive a reimbursement for a portion of the costs. The reimbursement is supposed to be 50% of the cost of salaries, insurance, retirement and social security; however, the current rate of reimbursement is approximately 30%.⁹ The Director works closely with the County Administrator, Finance Director and the County Board to create an annual budget. In addition to the general reimbursements, the County funds the SCPS with a DOC Caseload/Workload Reduction Grant, fees from clients and county tax dollars. The total expenses for Steele County Probation Services in 2014 are \$1,058,762.

Personnel

Of the three counties, Steele County probation services is the largest department. Probation is composed of nine staff members with eight full time equivalents. Currently, two probation officers work exclusively with juvenile clients, four probation officers work with adult clients, and the Director also has a caseload of adult clients. The department also has a case aide and administrative assistant.

Waseca County

Waseca County Probation Services (WCPS) uses the County Probation Officer model for its delivery of probation services. The department works with juveniles who have committed any level of offense and with adults who have committed misdemeanor or gross misdemeanor level offenses. Similar to Steele County, a State of Minnesota Department of Corrections (DOC) office within the county handles adults who have committed felony-level offenses.

At the time of our on-site interviews, probation services were being supervised by District Court Judge Larry Collins and County Administrator Laura Elvebak; the former Court Services Director left the position earlier in the year. In May, Mike McGuire, was contracted to provide similar services to Waseca County. Mr. McGuire now splits his time between the two counties. Probation staff in court services are appointed to their positions by the Third Judicial District Court judges serving in Waseca County. The judges set the staff salaries via Court Order similar to Steele County. The annual budget in Waseca County is created in partnership with the County Administrator and County Board. In addition to the

⁹ Funding for both probation service models is a highly charged and a political issue; the MACPO and MACCAC organizations are deeply involved in efforts to increase state funding for county probation services.

general reimbursements the County funds the SCPS with a DOC Caseload/Workload Reduction Grant, fees from clients and county tax dollars. The total budget for Waseca County Probation Services in 2014 was over \$540,000. However, with the elimination of the Director position and the removal of chemical dependency costs, it is accurate to say that the probation services budget in Waseca County is undergoing a transition stage.

Personnel

Waseca County Court Services is now staffed by a part-time Director, four full-time court service officers and an administrative assistant. Court services staff are not members of any bargaining unit. Waseca County provided information which reflects the transition that Court Services has undertaken over the past 15 years. This includes changes in client numbers; changes to services offered; new services and improvements in technology which have improved efficiency and effectiveness of the programs.

At the conclusion of 2014, Waseca County Court Services will no longer be responsible for the assessment (Rule 25), case management including transportation, interventions, civil commitment or managing funding for the chemical dependency services in the county; these services will be transferring to the new SDA. Testimony noted that this has been the practice since the 1990's. It is noted that having these services could cause a potential conflict in roles, e.g., providing confidential treatment versus reporting outcomes in a report or hearing. Of Minnesota's 87 counties, Waseca was the only one which provided this service outside of Human Services. This change will also result in a redirection of duties and responsibilities as the work will no longer be required.

Drug Court (Note – this section may change upon consultation with county officials on funding)

On July 1, 2014 Steele and Waseca counties will be starting a joint Drug Court program. The drug court is anticipated to be funded with 25% state and 75% local dollars. Court Services Officers in Waseca County will provide two hours daily of availability (by a male and female probation agent) to collect urine samples from participants. As part of pre-trial, Court Service Officers and drug court staff will administer a seven question assessment to identify referrals for the program.

Victim Witness Services

The three counties provide victim witness services and each is distinct in the structure and make-up of the programs.

Waseca County

Waseca County meets its obligations under 611A through the work of a paralegal in the County Attorney's Office. The position is funded by the County budget. There are no grant dollars that contribute to the program. From the County Attorney's website it states, "Our office has a victim/witness coordinator who advises crime victims of their legal rights and the status of their cases." This communication includes notices, letters, information and advice in order to make sure witnesses and law enforcement personnel appear in court. Due to limited staffing the office focuses primarily on basic communication to update, inform and advice victims and witnesses.

Steele County

Steele County has a full time Victim Services Coordinator working in the County Attorney's Office. The position is funded by the County and the 2014 budget is \$68,725. There are no grant dollars that

contribute to the program. The Coordinator provides assistance to the County Attorney's office in communication with and providing services to victims of general crime in the County. Specific duties and assignments include but are not limited to: corresponding with victims by telephone and letter, providing information/education to the community regarding victim's rights and criminal justice issues, recruiting and working with volunteers, communicating with the Minnesota Department of Corrections, referring victims to other services, providing support and assistance to victims in preparing for court, claiming restitution, and testimony preparations, working closely with prosecutors and other County Attorney Office personnel, coordinating with other criminal/legal system personnel and providing information and education for law enforcement, court personnel, health, legal and other professionals.

Dodge County

Dodge County, through the DFO, has the most extensive and involved victim services programs. In fact, distinctive from Waseca and Steele counties, victim services are offered in a comprehensive partnership that involves the DFO, the County Attorney's, Law Enforcement and Probation departments in all three counties. Uniquely defined by the contribution of what is described as victim advocacy services. Information from the DFO states the programs are committed to providing:

- Advocacy and support to help meet the needs of crime victims;
- Advocacy designed to prompt systems change;
- Professional and community education;
- Prevention efforts to challenge the existence of violence in our communities.

Dodge County has one full time victim witness advocate working in the system. The program is funded through the DFO. Dodge County contributions to the DFO are not broken out specifically for victim services. Distinct from Waseca and Steele, the victim services program in DFO receives over \$257,000 in non-property tax revenue (charges for services, fine money and grants) to fund the program, not including the county dollars that are allocated by the Board in the budget process.

The DFO victim advocates work with victims in a much more comprehensive way than traditional victim coordinators. Victim advocates are social workers who work through the impact of crimes including working with victims who do not report crimes. Victim advocate services that are provided in Dodge County that are different or in greater depth than in Steele and Waseca according to a matrix provided by the department include:

- Confidentiality of certain services (data and case notes)
- Assistance for victims with or without a criminal complaint
- Accompaniment to evidence exam, CAC interview, enforcement interview, criminal court hearings and civil court hearings
- Post-conviction services
- Assistance with Orders for Protection or Harassment restraining orders
- 24 hour crisis line

In Dodge County, by mutual agreement, the DFO Victim Advocate takes responsibility for much of the statutory obligations to victims required by the County Attorney; so there is not a second person in the Dodge County Attorney's Office doing this work.

5. Existing Shared Delivery Arrangements in Minnesota

The critical elements of a joint powers agreement for a Dodge, Steele and Waseca counties probation services collaborative (within a CCA model) are based upon a review of the comprehensive plans, joint powers agreements, and bylaws of three such jurisdictions: Dodge/Fillmore/Olmsted, Rock/Nobles, and Region 6W. In addition, we reviewed the Minnesota Prairie County Alliance JPA as well as the Minnesota Counties Insurance Trust (MCIT) seminar on JPAs. In Minnesota, there are seven existing county collaboratives for community corrections:

- Arrowhead Region (St. Louis, Cook, Lake, Carlton and Koochiching Counties)
- Central Minnesota Community Corrections (Crow Wing, Morrison and Aitkin Counties)
- DFO (Dodge, Fillmore and Olmsted Counties)
- Region 6W (Chippewa, Lac qui Parle, Swift and Yellow Medicine Counties)
- Rock/Nobles County Community Corrections
- Todd/Wadena Community Corrections
- Tri-County Community Corrections (Polk, Norman and Red Lake Counties)

Each of these collaboratives is shaped differently, adapting to the individual and collective cultures, political structures, and correctional goals and needs of its member communities. The same would be true for a new “DSW” collaborative, if pursued. Notwithstanding the unique nature of each organization, there are lessons, ideas and experiences common to each which should be considered. We list several of them below.

Requirements of the JPA (MS 471.59)

The following list identifies various requirements of the joint powers agreement (MCAA & MCIT, 2010). This is just a sample of the requirements that are needed.

- State the purpose of the agreement and the power to be exercised.
- State the method by which the purposes sought shall be accomplished or the manner in which the power shall be exercised.
- Identify who governs the entity. When the agreement provides for the use of a joint board, the board must be representative of the parties to the agreement.
- Provide for the governance by including all the statutory or charter provisions applicable to any of the parties for the exercise of the power which is subject to the agreement.
- Provide for the disbursement of public funds to carry out the purposes of the agreement.
- Provide that contracts let and purchases made under the agreement conform to the requirements applicable to contracts and purchases of any one of the parties to the joint powers agreement.
- Provide for strict accountability of all funds and must require reports on all receipts and disbursements.
- Provide for the return of any surplus monies in proportion to contributions after the purpose of the agreement is completed.

Identify the Purpose of the JPA Board

Since Minnesota Statute 471.59 is broad in its construction, it will be necessary to affirm what powers are and are not to be given to the Board via the agreement (e.g. bonding, acquisition of land, properties, lease/rent of facilities, authority to contract, etc.). The Minnesota Prairie County Alliance (MNPrairie) JPA is comprehensive in scope and detailed regarding powers, roles, and recitals. The agreement is constructed with assistance of appropriate legal advice. MCIT may provide technical assistance and training if necessary. The agreement and all updates/amendments must be approved by all participating counties. Enumerate the rights, obligations, terms and conditions that Dodge, Steele and Waseca intend to include in order to collaboratively deliver correctional services. Define how members and voting rights will be apportioned to the participating counties. The Rock-Nobles, 6-W, DFO and MNPrairie JPAs have examples of these elements. County Boards typically appoint to the JPB Board county board members, and district judges, since elected officials should retain the authority over final strategic, policy and fiscal approvals (though Rock-Nobles includes citizen members). That is, these powers are not appropriate to delegate to appointed officials or county employees.

Delineate the Functions of the JPA Board

Identify how often the Board will meet, and its powers and duties such the review and approval of the budget; development, review and approval of the Comprehensive Plan review; amending/updating the JPA and bylaws; soliciting and receiving state or federal funds and grants. The MNPrairie JPA has the most detailed enumeration of duties. Generally, an *executive committee* is created and it may consist of the elected officials appointed to the JPB and may also include key Administrators and/or the department director (in a non-voting capacity e.g. DFO). The executive committee needs to be engaged and invested in Community Corrections and therefore quarterly meetings may not be sufficient. The executive committee may be empowered as the supervisory and administrative entity such as in Rock-Nobles and 6-W. The Arrowhead CCA executive committee also meets monthly for these reasons. Empowered executive committees set policy, procedures and standards for Community Corrections. Subcommittees may also be necessary to prepare agenda items to be considered by the governing board. MNPrairie and Rock-Nobles JPAs detail the formation of sub-committees.

The agreement articulates how the department director and the Community Corrections Advisory Board reports to and is accountable to the Board. It is important to specify the fiscal agency over the new department and agency over human resource administration, including what agency is responsible to set salary and compensation for which employees. In Rock-Nobles, the Nobles County Administrator is designated as the fiscal administrator. Some JPB's executive committees, such as Rock-Nobles and 6-W, reserve approval of operational expenditures and others approve the overall budget but delegate to operational decisions to the department director. Details for the executive officers of the Board, their general responsibility, terms, appointment process, voting, determining quorum are spelled out clearly for everyone to understand. Once again, the MNPrairie is an excellent guide.

Identify Necessary Contractual Provisions

The three counties have extensive experience working together, none-the-less the agreement will need to include legal terms for individual and group protection including but limited to indemnification and hold harmless, limited liability, member withdrawal, filling vacancies, termination of the agreement, dissolution of remaining funds and property/assets, order of business, parliamentary procedure, open

meeting requirements, etc. Per diems and expense reimbursement must follow state law and are typically determined by the appointing County Board.

Annual Funding Formula

The funding formula is potentially one of the most contentious issues in a multi-county JPB. The counties must come to agreement on how expenses are determined and attributed to the correctional delivery system, the funding formula, including the variables of the formula, how expenses are reported and reimbursed and how the year end balances are adjusted.

Community Corrections Advisory Board (CCAB)

The CCAB has to include members and define duties required by statute (MS 401). The CCAB should be structured and organized along the lines of other effective multi-jurisdictional CCABs. The CCAB bylaws include the same elements as the JPA and Board bylaws. The agreement and/or bylaws can make clear the reporting and accountability of the Director to the JPB and the CCAB to the JPB, for example, 6-W CC.

6. Summary of Interviews

The following information is based on interviews held with stakeholders from each of the three counties. The stakeholders varied slightly per county, but they included the following:

- Three County Administrators:
 - Tom Shea, Steele County
 - Laura Elvebak, Waseca County
 - Jim Elmquist, Dodge County
- Scott Halverson, DOC Field Services District Supervisor for Waseca County
 - Also supervises field staff in LeSueur, Goodhue
- Jill Barickman, DOC Field Services District Supervisor for Steele County
 - Also supervises field staff in Mower, Freeborn and Faribault
- Mike McGuire, Steele County Probation Services Director
- Carolyn Wheeler and Mark Skrien, South Central Human Relations Center
- Three County Attorneys:
 - Paul Dressler , Waseca County
 - Dan McIntosh, Steele County
 - Paul Kiltinen, Dodge County
- Four Judges representing all three County Courts:
 - Jodi Williamson (Dodge County)
 - Larry Collins (Waseca County)
 - Karen Duncan and Joseph Buelstel (Steele County)

- Three Dodge County representatives:
 - Captain Ryer Anderson, Dodge County Sheriff's Office
 - Jane Hardwick, Director, Dodge County Human Services
 - Eric Thompson, Drug Court Coordinator
- Four DFO representatives:
 - Paul Fleissner, Director, Olmsted County Community Services
 - Jeanne Ronayne, Supervisor of Victim Services
 - Holly Busby, Supervisor of Sex Offender and Supervised Release
 - Curt Petzel, Supervisor for Probation Staff in Dodge County

In addition, three formal letters were received: Jim Herzog, resident of Steele County; Jeff Brumfield and Scott Rose, investigators for the Dodge County Sheriff's Office; and Mary Harders, Dodge County Victim Services.

To stimulate the probation staff, they were asked to identify why the model should stay the same and then challenged to provide an objective assessment of why the three counties should join into a "DSW" JPA. Nine Probation staff were interviewed in three groups, by county: Dodge – four; Steele – two; Waseca – three. Their interviews are reported in a different format.

Study Question

There was a common thread to the stakeholder interviews which formed around the question of why the three counties were studying their probation model at this time. There was a tendency to explore and search for what is wrong today or what is missing now to explain the timing of the study. Although the study author could not speak directly for the counties we offer the following outline for the rationale for the study. In summary, each County has distinct and purposeful reasons for studying their delivery systems.

Dodge County

Dodge County has a different question to answer than Steele or Waseca. They have been part of a long-time community correction collaborative, so the question for this County is do you want to move to a new partnership with two new counties or stay in the same entity? No one in Dodge County wants to move back to a CPO model; that is not the question facing the county.

The DFO personnel interviewed included a cross-section of supervisors. They discussed a list of services that are provided within the DFO model. Our conversation focused on the value of the DFO collaborative, the merits and advantages it provides, including: the economies of scale that are offered with Olmsted County's involvement. Although they recognize the "normal tugs and pulls" of a smaller entity (Dodge) within a larger entity (Olmsted), they do not believe it is an issue. Their belief is that Dodge County (and Fillmore County) is a priority within DFO and they believe the staff recognizes this with the tenure, high level of services and strong relationships that exist. They recognize and respect Dodge County's ability to raise the question of membership, but hope that the County fully understands what will be lost if it leaves DFO.

The Judge described her rich history and understanding of probation services and the DFO model. She described how, over the years, the question of the efficacy and efficiency of the DFO model surfaces. She strongly favors staying in the DFO model and believes the communities and people of Dodge and Olmsted counties are very connected in many ways. Dodge County is connected in social and culture interests and tendencies (“we look east not west”) and she believes that Olmsted County values their relationship with Dodge County. She wants the County to stay in the DFO as nothing is wrong and they do a very good job. The economies of scale provide resources, efficiencies (rate negotiations), and service opportunities.

A group conversation was held with three stakeholders in Dodge County the conversation was wide-ranging and participatory. Their experiences with probation services were strong and they truly appreciate the hands-on local control model that community corrections provides. They expressed support for the DFO and believe the system works well in Dodge County because of the strong relationships that exist between individuals within the system. An interesting comment was made that if the same people were working in Dodge County doing the same work, it would not matter what model was in place; the outcomes are “people-based” and not necessarily system based. An interesting discussion occurred about the social and cultural commonalities and differences; most notably that Dodge County people are oriented to the east and not the west. This travel “mindset” may not be a large factor in a policy decision, but it is a consideration for the probation officers and offenders as it is “nothing to get a ride to Rochester, but not too many people drive to Owatonna”. The group felt the conversation about the business model was a good discussion to have as it is important to understand what the options are as this discussion is an investment in the interests of Dodge County. If the County would change to a JPA with Steele and Waseca, the three professionals certainly do not want the probation staff to change.

In conversation with Jane Hardwick, we talked more conceptually about human services focus on the needs of children and how the existing relationship works within DFO. She supports the concepts of merged models and offered several observations about the differences between DFO and a possible “DSW”, in particular the possible impact of not having Olmsted County as a partner. In addition Jane reflected on the merits of the three county connections through the comprehensive human services redesign that is on the forefront of all three counties agendas (Minnesota County Prairie Alliance).

A summary of the Dodge County probation staff reasons for keeping the DFO Model:

- Strong interpersonal relationships in place with stakeholders
- Services for Dodge County clients are already in place
- They feel they are “on top of their game” – things are going very well
- DFO is an innovative entity
- Staff are highly trained and motivated
- Rely on Olmsted County for their leading policy and legislative work
- Olmsted County provides more opportunity for grant resources

The staff did not provide or offer any reasons for moving to a new model. Although respectful they thought there would be “too many unknowns, too many unanswered questions and too much to lose” by leaving the DFO and Olmsted County. They felt the gains would be realized more by Waseca and Steele counties. They did not support a change.

Finally, staff noted several points including the cost Dodge County must factor in now that refunds are provided and the “big brother” argument about Olmsted County dominating the relationship has changed over the recent years. Although committed to Dodge County, the probation staff is technically Olmsted County employees so they are worried that a change may impact their jobs, and potentially reduce their salary and benefits levels.

Steele County

Overall, the Steele County stakeholders testified that the existing CPO model is working well. In a reflective conversation the DOC staff noted the distinctions between the two offices carefully pointing out that the practices and philosophies are often different based on training and policies, but in no way are they adversarial. The DOC focuses on data, training and consistency in policy as a state-wide value and that may conflict with local desires. The DOC Supervisor offered that the two programs could both improve with more day-to-day interactions, joint sharing of resources and more information sharing and connectivity. Probation work is a “crisis-oriented business” – one system could be more efficient, but that does not imply it is better; that question is answered with more information.

The Director of Court Services has had the privilege of working in both systems in his career and has insights into the strengths and weaknesses of each. Candidly, both systems can work, but it “depends on the people, resources and value systems.” Noting that both systems offer opportunity he has not first-hand witnessed any drivers that would cause the need to change models in Steele County. Reporting to the Judges in a CPO model provides valuable flexibility to the court officers that may be lost in a more formal and larger three-county governing agency. In a conversation about the pros and cons of each model, he noted that one of the complaints about a CPO model is that the level of supervision for “some” felons is lower than it should be (or what the standards within the County would want them to be).

The Judges in Steele County offered a distinction between the level of service between the DOC and the Court Services staff. Most significantly this difference centered on the ability of the county personnel to work, interact, and interface with the Judges. The Judges, regardless of system, want the probation staff in the same building. The Judges talked about their philosophy within the system including flexibility, reducing recidivism, case continuity (youth to adults), and consistency in sentencing orders. Overall the system works, yet it can be improved, and whether or not a system change is needed to do that is another question. With these points noted, the Judges did not have strong feelings regarding the model options.

The County Attorney discussed the differences between the DOC and Court Services staff. He pointed out the value and importance of “local control” and believes that is a critical system need. Noting the differences between how the agents work in each agency, he expressed a strong preference for the manner in which the Court Services staff partner with his Office. The County Attorney noted a quite common refrain in his interview about “the system, not the people”. He believes the DOC model is often too bureaucratic, rule-based, inflexible and not adaptive to Steele County.

A summary of the Steele County Probation staff reasons for keeping the CPO Model:

- The system is working well today
- Ability to adapt to the needs of the court; have quarterly meetings with the Judges
- Current system is open to new ideas and programs
- Excellent relationships exist with stakeholders, including the Sheriff and Police Departments

- Current programs successful – intensive domestic; SCRAM; pre-trial, etc.
- Ability to adapt to community needs
- Already partnering with Waseca County through sharing of Director’s time

A summary of the Steele County Probation staff reasons for moving to a CCA Model:

- Better supervision of felony offenses due to more resources
- Efficiency improves as the need for two probation officers serving one individual will go away

Finally, staff noted several points including: transparency in the final decision, concern for facilities and space, the importance of making sure in a CCA model that all offenders get attention and not just the high profile cases or felons, and whether or not there will be enough resources in the system to handle all of the offender levels if programs are combined. These are typical questions that arise in a discussion that do not have “ready” answers, but would be addressed in an organizational change process.

Waseca County

Waseca County stakeholders testified that the existing CPO model is working well. The CPO model has been in place for well over three decades as best as could be remembered. All stakeholders interviewed identified the SCRAM¹⁰ (electronic monitoring) system as beneficial and good for offenders. It was clearly pointed out that no matter the probation model; the SCRAM service is highly desirable. Elected officials were not intimately familiar with the community corrections act and did not identify any particular service or benefit that was evident.

DOC staff particularly noted that they collaborate well – there is no confusion in roles and assignments and the relationships are largely driven by informal communication rather than structured agreements and formalities. As a small county, the stakeholders know each other well and have worked together, in some cases, for many years. DOC personnel believe they are providing strong evidence-based practices and are concerned that their current level of services could be impacted by a change in the model. They also testified that the state recently spent over \$20,000 to renovate the office (104 2nd Avenue SE) for security purposes and that investment could be lost.

The County Attorney’s Office in Waseca County reported no issues or concerns with court services and felt that pre-sentence investigations were complete and thorough. Interview results noted that the probation officers are hands-on and work well with people. The County Attorney thought the working relationship with the Department of Corrections was fine. No matter the model used, it is an important value for the County Attorney to have sentencing options available, whether community service, electronic monitoring, probation or jail time; and the ability to have a professional relationship with the probation officer, most notably by having them on site in the courthouse.

The Judge in the District noted that moving to a new probation model is a new conversation within the county. He felt the County staff was good at their work and indicated the same for the DOC staff. He

¹⁰ SCRAM: Secure Continuous Remote Alcohol Monitoring. SCRAM is a scientifically proven court validated tool that continuously monitors offenders to ensure they are abstaining from alcohol in compliance with court orders. Steele County has used SCRAM since 2009. Waseca County has used SCRAM since 2008.

highlighted the pride in their work, their detailed and thorough reports, and the strength of their pre-sentence investigations. He concurs that, overall, the system works well and that the informality and personal relationships are productive and important to the system effectiveness.

A summary of the Waseca County Probation staff reasons for keeping the CPO Model:

- System has been in place for many years
- Funding stream from state (although maybe not adequate) is predictable
- Flexibility; not working in a DOC model
- Very comfortable with the present model; it works
- Challenges with new felony caseloads would create new mandates
- Staff actually do work with felons because they are also on their case load

A summary of the Waseca County Probation staff reasons for moving to a CCA Model:

- Consistent services and treatment levels across all offense levels within three counties
- Standardize practices and policies
- Joint programming and training opportunities
- Will support “specialty” caseloads with greater staff capacity
- May create economies of scale to provide and offer more services
 - Currently no female cognitive skills programming or formalized case planning
- Flexibility in service; not as “one size fits all” as may exist

Finally staff addressed the personal concerns about the model; primarily related to organization, structure, compensation, and their positions. In summary, the concern was best expressed as, “We are not opposed to a new model, we have the natural concerns and fear of the unknown.”

Stakeholder Interview

In conversation with two officials from the South Central Human Relations Center a private, non-profit provider of mental health services, they indicated that their Center has a close relationship with all three county probation offices. The Center provides over 22 programs in seven locations¹¹ throughout the region. Their testimony indicated that the relationships they have with both business models are “seamless” and they do not see any distinction or difference in client services. From a “mental health perspective” both systems work hence they do not have an opinion about whether or not the counties should form a new collaborative.

7. Major Process Steps for Changing Systems

Scott County, Minnesota was the last County government to change delivery system models when they went from CPO to Community Corrections in 2006. The County studied this option at least twice in the previous decade and made a determination to change delivery systems.¹² From interviews and testimony,

¹¹ The main office is in Owatonna and two of their satellite offices are in Waseca and Dodge counties.

¹² It is entirely possible that other counties contemplate change or consider change, but no formal action has occurred.

Sherburne County is reviewing their options and considering a possible change in models. A work session on the subject was recently held between the County Board and staff.

As a result of the Scott County process, the Department of Corrections and Scott County officials convened and agreed to prepare a document that outlines the steps to a process change. The document was designed to support and give advice to counties who may be contemplating a change in the future. The *Delivery Systems Change Process* details the transition process. The Delivery System Change Process document is available in both hard copy and electronic copy for ease of review and we encourage anyone to take the time to read it.

This section is provided to give the three counties an indication of the steps and process that would be needed in order to transition from their current models to a new collaborative joint powers agreement. The timeframe is anticipated to be July 31, 2014 to July 1, 2015. This listing does not capture all of the steps or requirements, but it does provide a succinct list of the major requirements and action steps. We have prepared them in four areas: 1) project planning; 2) governance; 3) staffing; 4) operations; and 5) services.

Project Planning

Early on it will be important to appoint a project manager or an interim director to form a transitional team across the three counties. The transitional team should report to an appointed entity (possibly the three county administrators), and ultimately the County Boards. The *Detailed Design Phase Plan* of the SDA is an excellent resource. The *Delivery Systems Change Process* provides comprehensive planning documents. Scott County has a strategic action plan available for reference and Goodhue County's Report (2006) is helpful to communicate the benefits of CCA, transition steps, and implementation of evidence based practices. All recent guides emphasize the need for excellent organizational change management strategies and a formal communication plan. It is important to commit the necessary resources and time to the transition planning and implementation.

The three county administrators will form, resource and empower a transition committee to assist the Boards and new governing board by developing a project plan, using project management methodology. Since the transition to CCA may be historically one of the most complex organizational changes that the counties have managed, consider contracting for expert consultation. The changeover to community corrections is a major undertaking. The MACCAC executive director, AMC support staff and MACCAC members will also be a tremendous resource for all aspects of the transition to CCA. Formulate a legislative strategy with the DSW county boards, MACCAC and AMC to obtain additional funds from the legislature as referenced by Deputy Commissioner Solheid.

Governance

During the transition process it will be important to obtain legal advice and assistance from the County attorneys. (MCIT also provides training and technical assistance.) Some of the key governance steps will be:

- Enter into a joint powers agreement.
- Determine the governance structure of the new joint powers entity.

- Specifically consider what powers the collaborative will have and what the counties may want to reserve.
- Evaluate the composition of similar multi-county jurisdictions such as DFO, 6W and Rock-Nobles, and the Minnesota Prairie County Alliance to decide on the elements of the JPA.
- Appoint and convene the governing board and adopt by-laws.
- Determine the relationship with the new collaborative Minnesota Prairie County Alliance. For instance, in some CCA counties, Community Corrections is organizationally under Health and Human Services, aka Community Services.

One of the first formal actions of the collaborative will be to form a Community Corrections Advisory Board (CCAB) which includes all of the mandated members. The CCAB reports to the Governing Board. The CCAB can develop, for the approval of the governing board, new department vision, mission, values, goals, and outcomes. Consider a broad and inclusive process for involving elected and appointed officials, major stakeholders and affected staff in significant organizational design issues. Make a priority to recruit and appoint in the first year a CCAB chairperson and other Advisory Board leaders that have deep correctional system experience. Provide the CCAB thorough orientation and educational opportunities.

The CCAB will want to begin work immediately on the Comprehensive Plan and obtain technical assistance and guidance from the lead staff from the DOC Community Services Division. Helpful links are also provided in the appendices of this report. Since the governance board and CCAB may not include all of the key stakeholders in the adult and juvenile justice systems, or are not set up for this level of collaboration, some CCA counties form adult and juvenile justice advisory committees to coordinate regarding ongoing policy and operational issues.

Staffing

Several of the key steps necessary to implement the new collaborative include: hire a Director of the new Department and finalize an organizational structure. For example, will one county act as the fiscal and administrative agent? The new Director should be the operational lead of the strategic action plan for transition and have managerial authority over all aspects of the execution of the transition project plan. The Director should be directly accountable to the governing board and the CCAB. All “DSW” CCA supervisors and staff should report to the Director. The Director should feel comfortable to review and borrow from other multi-county jurisdictions for all organizational development such as policies, procedures, plans.

The current DOC staff will have options for transfer within the Department or they may want to transition to the new agency in which case there are some hold harmless provisions in statute that must be followed. This is an important distinction and the details on how the current DOC staff are transitioned is important to understand. Inform and involve union leadership in staffing and transitional issues. Supervisors and line staff will likely need support, assistance, and training to make the significant cultural and operational changes to operate as a unified three county community corrections collaborative.

What will be the governance structure of the new entity as it relates to hiring and compensation? Will each county retain its own hiring authority and compensation package or will one of the counties assume

the role of administrator? If one of the counties assumes the administration role, does it have higher salaries and compensation than the other two counties?

Operations

Enlist administrators/managers to work together, detail and execute an operating model including but not limited to: financial administration, information technology management, human resources management, space and facilities management, legal and administrative support, addressing all of the elements of the *Delivery System Change Checklist* (ibid, 2008). MACCAC members will help to identify and problem-solve particularly thorny transition issues such as DOC file transfer and data system transfer. Based on the Scott County experience the file transfer and data transfer is an operational requirement that will consume more time than anticipated.

Services

A review of other CCA Comprehensive Plans will facilitate a comparative analysis of programs, services and probation duties. Inventory all correctional services across “DSW” (see appendix B of ibid, 2008; Goodhue County CCA report, pp.72-79). Also consider state of the art, evidence based practices. See the MACCAC continuous quality improvement plan.

Inventory all correctional services across the “DSW” and prepare a gap analysis. This is as very important step as we know that the current services are not the same in all three counties. Consider areas of duplication and where there can be integration. Regional partnerships should be considered to fill gaps in correctional service delivery. An *As is/Could Be/Should Be* discussion with the governing board, executive steering committee and CCAB will provide direction to the new Director and staff on mapping out a strategic plan for program and service development. All strategic planning processes should be done with the additional goal in mind of completing and submitting the Comprehensive Plan. The counties may want to agree upon an MOU as an addendum to the JPA which articulates the respective responsibilities of the counties for specific programs and services to be considered as part of their contribution to the new agency

8. Funding a Combined Probation Services Model

Probation services funding in Minnesota is complex and hard to understand. Conventional wisdom and practitioner experience suggest that five challenges exist in funding probation in Minnesota:

- No common method for the Legislature to equitably fund changes in supervision of offenders
- No common voice for funding these services
- Too many funding streams and formulas
- Each of the three systems is funded differently
- Significant state funding inequities have developed over time

The following information was provided by the DOC and three county staff. We have attempted to summarize it for review. This is not a comprehensive fiscal analysis, but rather a representation of the existing and future funding possibilities.

Based on data provided, for 2013 or 2014 the counties provide the following county contributions for probation services (figures rounded):

Steele County:	\$834,300
Dodge County:	\$434,000
Waseca County:	\$383,600 ¹³

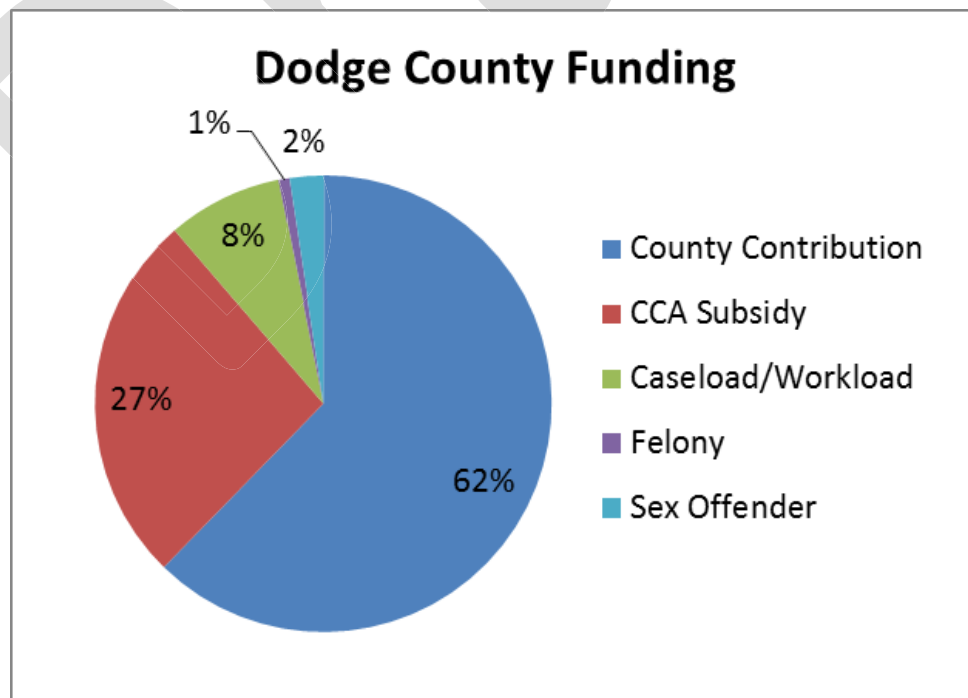
Funding

Dodge County levies taxes each year to fund its share of services provided by DFO collaborative. In 2013, its direct contribution was \$399,502; in 2014, it is budgeted at \$434,070. In addition to these funds, some of the DFO organization’s reimbursements can be allocated to Dodge County. The DOC estimates that the fiscal year (FY) 2013 payments attributable to Dodge County are as follows:

CCA Subsidy	\$ 184,035
Caseload/Workload	\$ 56,685
Felony	\$ 5,190
Sex Offender	\$ 16,777
Total	\$ 262,687

If Dodge County were to move to a new “DSW” jurisdiction, its funding from DOC would be unlikely to change. The amounts could still vary due to biennial recalculations and/or legislative actions.

FIGURE 3

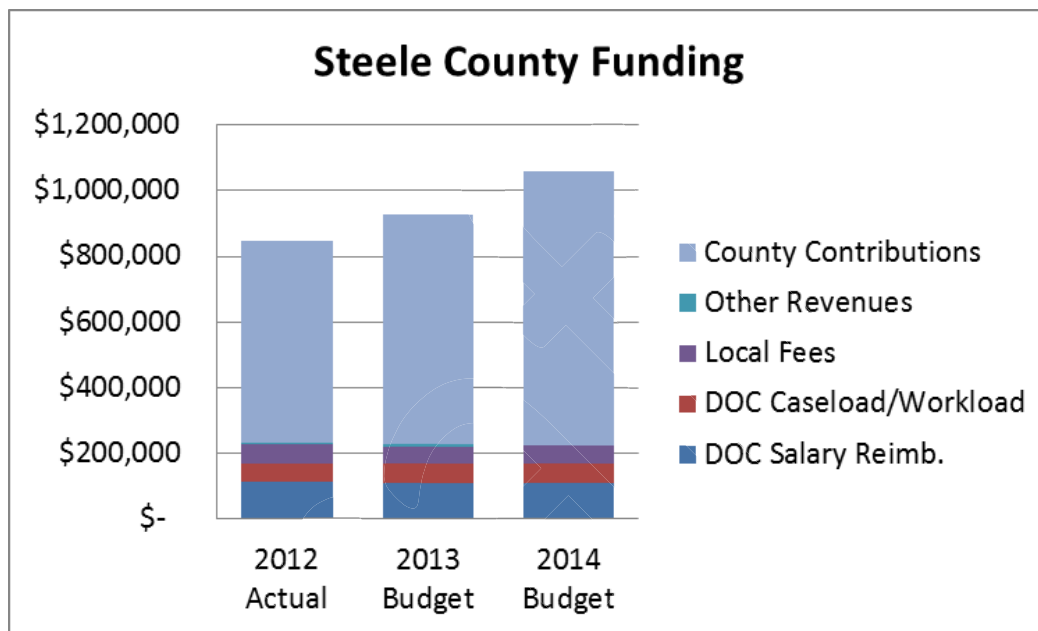


¹³ Waseca County’s funding for probation services is in a transition stage with two major changes that occurred in 2014.

Steele County Finances

Steele County also funds its probation services activities through a combination of County levy and funding from DOC. In 2012, the County's contribution was \$615,319, DOC payments were \$171,349, and local payments were \$60,183. For the 2014 budget, DOC payments are projected to remain nearly level at \$170,454, local revenues are expected to drop to \$54,000, while County contributions rise to \$834,308. This trend is illustrated in Figure 4.

FIGURE 4



If Steele County was to move to a new three county collaborative, it would assume additional responsibilities for felony supervision and support activities that are currently provided by DOC personnel. Steele County's probation subsidies from the State would be based on the CCA formula¹⁴

For Steele County, DOC estimates that the total subsidy would be \$376,618 based on this formula. This amount is \$22,700 more than what DOC intends to transfer from the rest of its budget into the CCA subsidy line item and therefore the DOC will have to request additional funds in its budget to the Governor and then to the Legislature, otherwise other CCA jurisdictions will be "harmed" as a result of the inclusion of DSW by collectively having to make up the difference. Additionally, the DOC would offer a caseload/workload reduction grant of approximately \$63,313, for total transfers of \$439,931. While this amount is considerably higher than the current payments from DOC, it must be remembered that most of the difference is due to the transfer of felony supervision and support activities to the new entity.

Since the move of Steele to CCA results in the transfer of nearly all probation services responsibilities from DOC to the County, the state funding for those responsibilities should follow the transfer. Thus,

¹⁴ State funding is based on a "needs based" formula based on population (age 10 – 24); workload measures (adult gross misdemeanor and felony case filings, juvenile filings); impact on prison beds (felons not sent to prison); and local economic factors (Adjusted Net Tax Capacity). CCA counties have a 70% share of state funding for probation services.

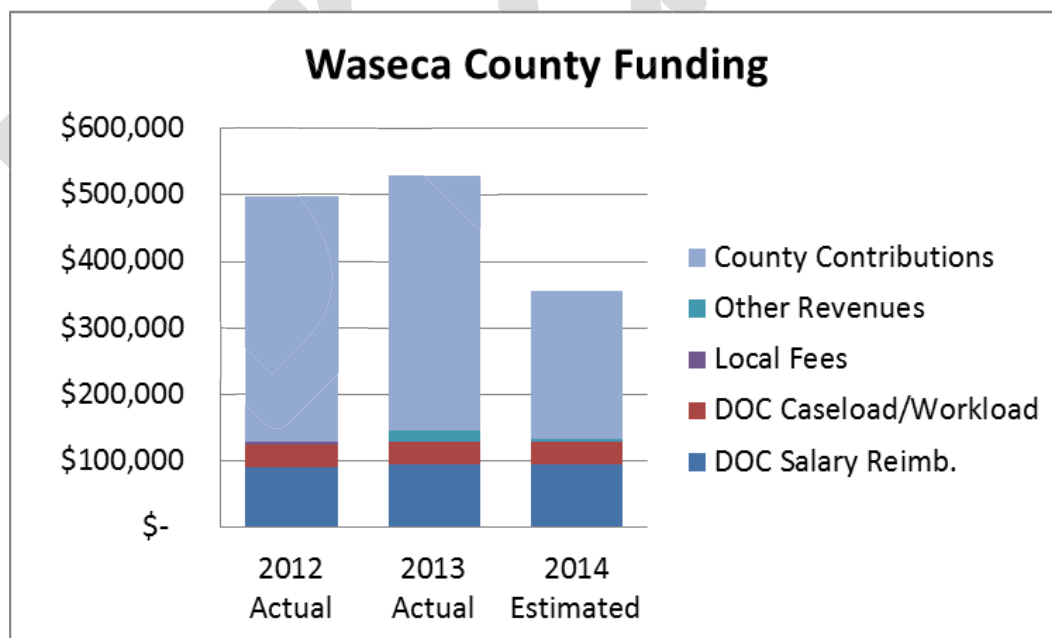
with the approval of the Governor and the Legislature, the DOC transfers the CPO subsidy amount from the CPO subsidy line item of its budget to the CCA subsidy line item. For Steele County, that is a straight up transfer of \$118,114 (2013 amount). For felony probation services, the DOC transfers only the dollars it apportions to Steele County for probation agents and support staff from the DOC probation services line items in its budget to the CCA subsidy line item in its budget (estimated at \$235,800 by DOC). It does not apportion other DOC budget expenses (e.g. supervision, administration, IT, HR, finance, etc.). Those administrative and overhead expenses remain in the DOC administration and probation services line items.

Waseca County Finances

Waseca County provides services through the same model as Steele County, and its figures show a similar trend. In 2012, the County's contribution was \$368,612, DOC payments were \$124,590, and local payments were \$3,639. In 2013, DOC payments rose to \$129,545, local revenues were \$16,016 (which included a \$15,000 grant for children's mental health), while County contributions rose to \$383,623.

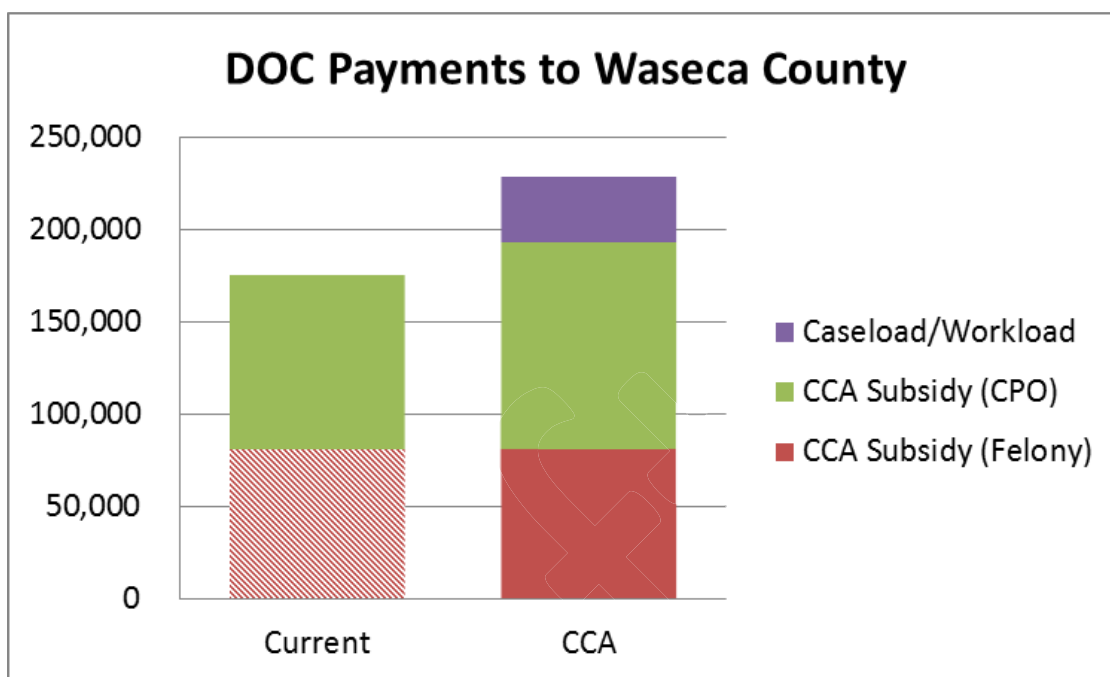
In 2014, Waseca County made significant changes to its Court Services budget. The department's Director was let go, resulting in a large reduction in personnel costs for the budget, at the cost of increasing the administrative workload for other management personnel. Additionally, the department split out the costs of providing chemical dependency services, in anticipation of moving these services to MNPrairie. As a result, the County's total contribution is estimated to drop to \$223,843 in 2014, while DOC reimbursements remain at their 2013 levels. The effect of these changes is shown in Figure 5.

FIGURE 5



DOC estimates of current and projected payments are shown in Figure 6, below.

FIGURE 6



If Waseca County was to move to the “DSW” it would assume additional responsibilities for felony supervision and support activities that are currently provided by DOC personnel. Waseca County’s probation subsidies from the State would be based on the CCA formula

For Waseca County, DOC estimates that the total subsidy would be \$193,956 based on this formula. This amount is \$18,000 more than what DOC intends to transfer from the rest of its budget into the CCA subsidy line item and therefore the DOC will have to request additional funds in its budget to the Governor and then to the Legislature. Additionally, the DOC would offer a caseload/workload reduction grant of approximately \$35,185 for total transfers of \$229,141. While this amount is considerably higher than the current payments from DOC, it must be remembered that most of the difference is due to the transfer of felony supervision and support activities to the new entity.

Since the move of Waseca to CCA results in the transfer of nearly all probation services responsibilities from DOC to the County, the state funding for those responsibilities should follow the transfer. Thus, with the approval of the Governor and the Legislature, the DOC transfers the CPO subsidy amount from the CPO subsidy line item of its budget to the CCA subsidy line item. For Waseca County, that is a straight up transfer of \$94,360 (2013 amount). For felony probation services, the DOC transfers only the dollars it apportions to Waseca County for probation agents and support staff from the DOC probation services line items in its budget to the CCA subsidy line item in its budget (estimated at \$81,500 by DOC). It does not apportion other DOC budget expenses (e.g. supervision, administration, IT, HR, finance, etc.). Those administrative and overhead expenses remain in the DOC administration and probation services line items.

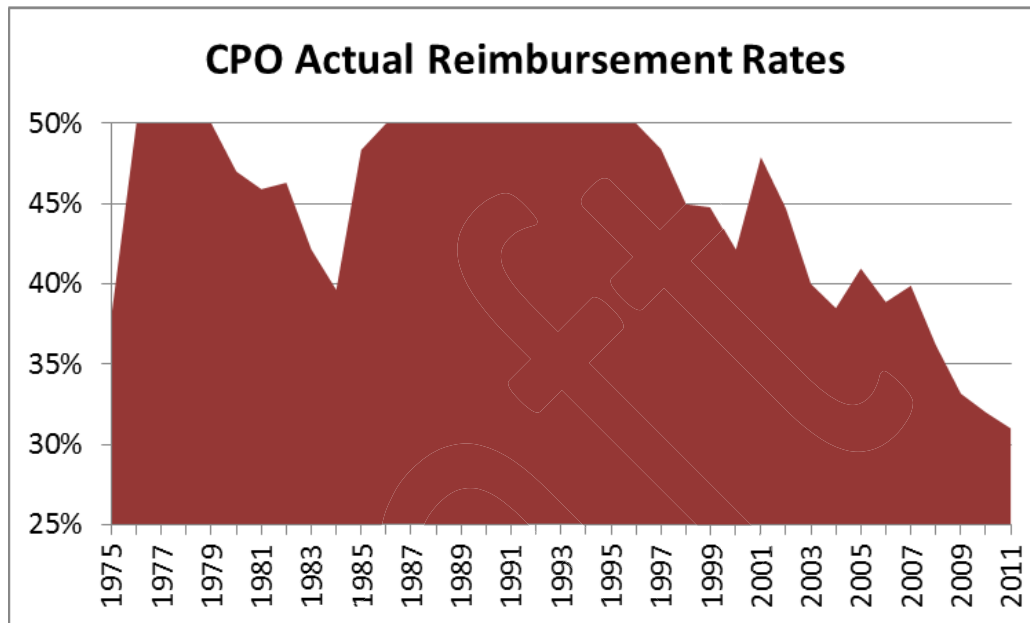
Table 5 was prepared by Sherburne County staff to illustrate a statistical comparison of financial data in community corrections delivery systems including a hypothetical DSW and subsequent Fillmore/Olmsted (FO). Note that Steele and Waseca Counties **would not** receive additional subsidies for Adult Felony grants and Sex Offender grants in a move to a “DSW” collaborative.

Table 5

2014 CCA Statistical Comparison								
County	Population	Offenders	FY14 CCA Subsidy	Adult Felony	Caseload/ Workload	Sex Offender	Total	Rank
Hennepin	1,198,778/1st	25,818/1st	\$10,878,516	\$279,897	\$3,788,519	\$1,120,066	\$16,066,998	1st
Ramsey	526,714/2nd	12,918/2nd	\$6,370,147	\$163,724	\$2,084,469	\$632,091	\$9,250,431	2nd
Dakota	408,509/3rd	8,196/4th	\$3,121,621	\$73,509	\$1,120,355	\$356,886	\$4,672,371	4th
Anoka	339,534/4th	8,470/3rd	\$3,186,340	\$83,854	\$1,075,055	\$306,950	\$4,652,199	5th
Arrowhead Region	265,183/5th	5,287/5th	\$3,924,037	\$102,117	\$1,196,563	\$367,899	\$5,590,616	3rd
Washington	246,603/6th	4,218/6th	\$1,559,498	\$39,844	\$542,251	\$156,775	\$2,298,368	7th
FO	170,061/7th	2,650/10th	\$1,423,050	\$36,212	\$430,854	\$127,521	\$2,017,637	8th
Stearns	152,092/8th	3,125/7th	\$1,683,392	\$41,696	\$553,366	\$161,023	\$2,439,477	6th
Scott	137,232/9th	2,981/8th	\$801,900	\$0	\$216,839	\$69,384	\$1,088,123	10th
Central Minnesota	111,822/10th	2,681/9th	\$1,074,739	\$27,851	\$401,164	\$126,344	\$1,630,098	9th
Sherburne	90,158/11th	2,346/11th	\$575,728	\$0	\$78,709	\$0	\$654,437	18th
DSW	75,912/12th	1,620/12th	\$754,609	\$5,190	\$155,183	\$16,777	\$931,759	12th
Blue Earth	65,528/13th	1,108/14th	\$728,408	\$18,072	\$221,221	\$60,780	\$1,028,481	11th
Rice	65,049/14th	1,107/15th	\$680,137	\$17,899	\$205,677	\$68,523	\$972,236	13th
Kandiyohi	42,410/15th	1,240/13th	\$466,221	\$12,188	\$177,415	\$60,693	\$716,517	16th
Tri-County	42,257/16th	924/16th	\$608,738	\$15,632	\$200,929	\$51,880	\$877,179	14th
Region 6W	38,809/17th	592/19th	\$482,911	\$13,831	\$130,288	\$33,701	\$660,731	17th
Todd/Wadena	38,186/18th	654/18th	\$553,789	\$15,438	\$200,929	\$51,880	\$822,036	15th
Rock/Nobles	31,137/19th	838/17th	\$327,520	\$9,046	\$101,418	\$0	\$437,984	19th

Figure 7 shows the annual CPO reimbursement percentages from the DOC since 1975. Legislative language establishing CPO reimbursements specify that they are intended to be 50% of annual compensation for probation officers, but budget and Legislative priorities have caused the reimbursement rate to fall below the 50% level in various years. As of FY 2011, the CPO reimbursement rate was 31%.

FIGURE 7



Steele and Waseca Counties each recently passed resolutions supporting 50% funding for CPO counties:

Financial Analysis Considerations

The following information provides background on the financial analysis considerations of probation services.

Other than the CCA subsidy, the DOC distribution method of subsidies are frozen in time at the inception of each subsidy (1995, 1996, 2001); the formulas for these subsidies are lost in DOC history, these funds are not run through the CCA formula and therefore not adjusted for the changing needs of each county or jurisdiction. In addition, it is not transparent what the amount DOC receives for the Caseload/Workload grant. These subsidies therefore tend to favor the DOC and against CCA over time.

DOC maintains as policy, on the basis of the Scott County precedent (if a single incident can be a precedent) that other CCA counties must be “held harmless” as a result of the new CCA jurisdiction joining the CCA, and therefore other CCA counties or jurisdictions subsidies should not be proportionately reduced to fund the new CCA entity. A potential “DSW” therefore would have to obtain a special appropriation from the legislature to obtain all of the subsidies that other CCA counties and jurisdictions receive. DOC estimates that the impact for “DSW” would be approximately \$40,700.

It is important to note that in the transfer of funds to the new “DSW” the DOC would not be transferring any funds related to DOC infrastructure or overhead. DOC has not apportioned funds to the new entity

related to a new director, supervisor, information technology, human resources costs, financial administration, comprehensive planning and grant reporting, facilities/maintenance, etc. Therefore, any projected "surplus" in the transfer is not likely to result in additional revenue, since there will be at least incremental infrastructure, administrative or support costs (i.e. additional rental/leasing costs for office and programming space). In addition, the transfer amount is based on the DOC district supervisor allotting staff to the counties that are breaking off the DOC district and forming the new CCA jurisdiction. In short, it is certain that the amount transferred does not represent the total cost of correctional services fairly apportioned to Waseca and Steele counties nor does it include all subsidies that other CCA counties receive. Thus the true cost to the County cannot be known unless further study and analysis is undertaken. MACCAC maintains that these are considerable disincentives to counties becoming community corrections models.

The CPO reimbursement statute biases towards CPO counties that hire staff. Those that hire more staff receive proportionally more dollars from the CPO subsidy. In addition, new statutes require that the vacation, sick leave, etc. transfer but there is no one time transfer of the cash value of these balances.

9. Policy Options and Decision Criteria

The County Boards have the following policy options in delivering probation services. They are:

- Retain your current models (status quo)
- Retain your current models, but for Steele and Waseca to seek changes with the DOC
 - Meet and discuss mutual topics such as: communications; coordination; training; joint cases, etc.
- Form a Dodge, Steele, Waseca "DSW" Community Corrections Model
- Form a Steele, Waseca Community Corrections Model

This assumes – quite safely – that none of the three counties will want to pursue a DOC contract model of probation services. There is a 5th and 6th option as well, but neither were explored in the discussions:

- Determine if it is possible for Steele and/or Waseca Counties to join the DFO
- Explore a collaboration with other adjacent Community Corrections Counties including Rice and/or Blue Earth

The Decision

The decision to change correctional delivery systems is driven by County decision-makers--primarily and ultimately elected officials. Such a decision is a significant policy decision and therefore comes down to the sum difference of the competing values of decision-makers and not specific decision factors. It is important to note that staff can inform the decision but their preferences should not drive the decision. Staff within the three correctional delivery systems are apt to like their system, prefer the existing organization and endorse that they do a good job. This is typical quite common. All three systems have strong and passionate defenders. With that said, some guidance can be offered to assist decision makers.

First of all, decision makers can make explicit their decision making values. The typical values are stakeholder opinions, political support, governance, financial, program effectiveness, outcomes, and quality but those values can be further expressed as organizational criteria. Here are sample questions:

- ☒ **Yes or No:** Local Control. Is it important to us to directly set organizational vision, mission, values, goals, outcomes, processes and policies? More to the point: which system best represents my values and the values of my district and county? Will having more local control allow us to better align probation programs and services with evidence based practices over time and to customize corrections to our communities?
- ☒ **Yes or No:** Do key decision makers agree that there is an organizational problem(s) that need to be fixed through a systems change OR is this simply an opportunity to improve the system over time in significant ways? Or neither?
- ☒ **Yes or No:** Does this moment appear to represent an "open policy window"? This means that key decision makers appear to support a systems change; there is a consensus for change; critical events such as the recent creation of a human services service delivery authority, the retirement of key leaders, the hiring of new directors, etc. create an organizational opportunity for change.
- ☒ **Yes or No:** Is remaining the same, or considering a change flow with the movement of historical changes in correctional systems? DOC/CPO occasionally move to CCA and CPO occasionally moves to DOC; DOC and CCA systems do not move toward CPO. CCA counties stay CCA counties. CCA is assuming the vast majority of probation responsibilities.
- ☒ **Yes or No:** Does the history of collaboration across the three counties tell us that we will work well together? The best predictor of future success is past success. The Minnesota Prairie County Alliance could be considered for the organizational structure for probation services too. This follows the form of other CCA jurisdictions (DFO, Anoka, Dakota, Scott, Stearns, etc.).
- ☒ **Yes or No:** Does our prediction for the future of corrections in Minnesota support our decision? For instance, will CCA, representing the bulk of the population and probation in Minnesota have more political and policy leverage with the Legislature and the Governor's office? Or, because DOC controls correctional subsidies, is a state agency, within the Governor's administration, and has direct access to the Legislature, will it have more leverage? Will more counties move toward CCA, DOC and away from CPO? Will this reach a policy tipping point to consolidate the number of correctional delivery systems in Minnesota (it never has, but will it)? Will the "one funding" proposal gain support and become state law?
- ☒ **Yes or No:** Do I believe a new three county jurisdiction will have the economy of scale to be efficient in administration but also to have the resources to develop specialized programming? Will all probation services that serve the community, victims and offenders be coordinated and streamlined better under one system? Certainly with Olmsted County a partner in the DFO strong feelings exist about their role and strengths they bring as a larger county.

- ☒ **Yes or No:** Is it important to me that policy-making--the vision and direction of probation--will be shared among elected officials on the board and in the justice system? Do I value corrections having an independent voice in the justice system? Do I want more of a voice into corrections policy?
- ☒ **Yes or No:** If we follow the pattern of CCA jurisdictions, our County will likely spend proportionately more county tax dollars over the long-term on certain probation services to improve the quality of services that we feel deserve more priority. We don't have to choose to spend proportionately more, but we and future boards likely will. This is not a “bad thing”, but an opportunity to address local needs.
- ☒ **Yes or No:** Am I comfortable with shared governance through a joint powers arrangement? Do we think we can resolve with the other counties any issues that arise?
- ☒ **Yes or No:** Is my county willing to do its share to support the time, staff, and resources necessary to make a considerable organizational change?
- ☒ **Yes or No:** do I think the size of the jurisdiction service area and the new organization is manageable under a joint powers agreement?
- ☒ **Yes or No:** is the value for the dollar in terms of efficiency, effectiveness, quality and governance, worth the investment it will take? Do the benefits outweigh the costs in the short term and the long term? What will be the impact of changing or not changing delivery systems 5 or 10 years from now? Would we have a more robust set of services under another model?
- ☒ **Yes or No:** can I present a convincing support of my decision to the electorate and key stakeholders?

This is not an exhaustive list of criteria but it assists decision makers to weigh the balance in the tradeoffs of competing values. Decision makers may weight some values more heavily than others.

APPENDIX

Helpful Links

The following references were of great assistance in the compilation of this report. They are included in this Appendix for the convenience of readers and policy makers who are interested in further reading.

- **Minnesota Department of Corrections summary of correctional delivery systems**
<http://www.doc.state.mn.us/pages/files/9813/9171/4438/DeliverySystemsFactSheet.pdf>
- **The Delivery Systems Change Process**
<http://www.doc.state.mn.us/pages/files/large-files/Publications/Deliverysystemschangeprocess.pdf>
- **AMC summary of Correctional Services**
http://www.mncounties.org/Publications/FYIs/PDF/Correctional_Services08.pdf
- **Community Corrections Act Counties Comprehensive Plans**
https://www.co.stearns.mn.us/Portals/0/docs/Department%20Files/HumanServices/14_15CCApplan_a.pdf
<http://www.co.washington.mn.us/DocumentCenter/View/4802>
http://ww2.anokacounty.us/v3_corrections/documents/2014%20Interim%20Comprehensive%20Plan.pdf
<http://www.co.rice.mn.us/sites/default/files/pdfs/corrections/documents/CC%20Comp%20Plan.pdf>
<http://www.co.olmsted.mn.us/cs/cspublications/Documents/DFOPublications/DFOCompPlan.pdf>
<http://www.co.nobles.mn.us/LinkClick.aspx?fileticket=id%2BmK7bVnGw%3D&tabid=838&mid=1943>
- **MACCAC continuous quality improvement plan**
<http://www.maccac.org/MACCAC%20CQI%20Phases%20One%20through%20Four%20Approved%204-25-13.pdf>
- **Community Corrections Subsidy Formula**
<https://www.revisor.mn.gov/statutes/?id=401.10>
- **House Research summary of Corrections Funding**
<http://www.house.leg.state.mn.us/hrd/issinfo/msa/msacorr.aspx>
- **MACCAC “What Works” brochure**
<http://www.maccac.org/WhatWorksBrochure.pdf>
- **Southeast Minnesota Human Services Delivery Authority**
https://www.co.dodge.mn.us%2F2014_01_02_SDA_Merger_Professional_Services_and_Expertise_RFI.pdf
- **Goodhue County CCA report**
<http://www.co.goodhue.mn.us/countygovernment/committees/CommitteeoftheWhole/2006/January%2017,%202006/FullProbationReport.pdf>
- **DOC response to Goodhue County**
<http://www.co.goodhue.mn.us/countygovernment/commissioners/CountyBoardPackets/2006/May%202/Admin/CourtServicesCosts06.pdf>
- **Minnesota Prairie County Alliance JPA**
http://www.co.dodge.mn.us/2014_05_07_JPA_Final.pdf
- **MCIT seminar on JPAs**
<http://www.mcaa-mn.org/docs/2010/Joint%20Powers%20Agreement%20Seminar.pdf>



Fact Sheet

CORRECTIONAL DELIVERY SYSTEMS

Introduction

- The network of local correctional systems in Minnesota is large and uniquely designed to allow for local control. Approximately 122,000 offenders – on supervised release, probation, or parole – are being supervised in Minnesota's communities. By comparison, approximately 9,700 offenders are incarcerated in Minnesota's prisons. This reflects Minnesota's commitment to serving offenders at the local level when possible and reserving prison beds for the most serious, chronic offenders. Locally-delivered programs are a significant part of the state's correctional services. There are three systems that are responsible for community supervision of offenders. This fact sheet provides a brief description of each system.

Minnesota Department of Corrections (DOC)

- The DOC provides adult felony probation and supervised release supervision in the 55 counties that are not part of the Minnesota Community Corrections Act. State-provided services are under the direction of 14 district supervisors, and the full cost is borne by the State of Minnesota.
- In addition to felony services, the DOC also provides juvenile and misdemeanor services to the court in 28 counties. These counties, referred to as contract counties, are billed for service costs, including agent salary and fringe benefits. Counties are reimbursed for a portion of these costs with funds appropriated by the state legislature.
- The DOC also provides intensive supervised release services through contracts with counties.

Community Corrections Act (CCA)

- Since its 1973 approval by the legislature, any Minnesota county or group of contiguous counties with a population exceeding 30,000 may elect to enter the CCA. Under this system, the county provides community supervision services. Funding is provided by a combination of state subsidy and county tax dollars. This system is overseen by a local Corrections Advisory Board and must submit comprehensive plans to the DOC for approval.
- Currently, 32 counties representing 17 jurisdictions participate in the CCA.

Types of Community Supervision

Supervised release: Community supervision for felony offenders released from prison on their court-ordered release date. In Minnesota, state law requires most offenders serve two-thirds of their sentence in prison and one-third in the community under supervision. Some offenders who require greater supervision are placed on intensive supervised release.

Probation: A community supervision sanction imposed on an offender by the court as an alternative to or in conjunction with confinement or intermediate sanctions. Offenders may be convicted of felony, gross misdemeanor, or misdemeanor offenses.

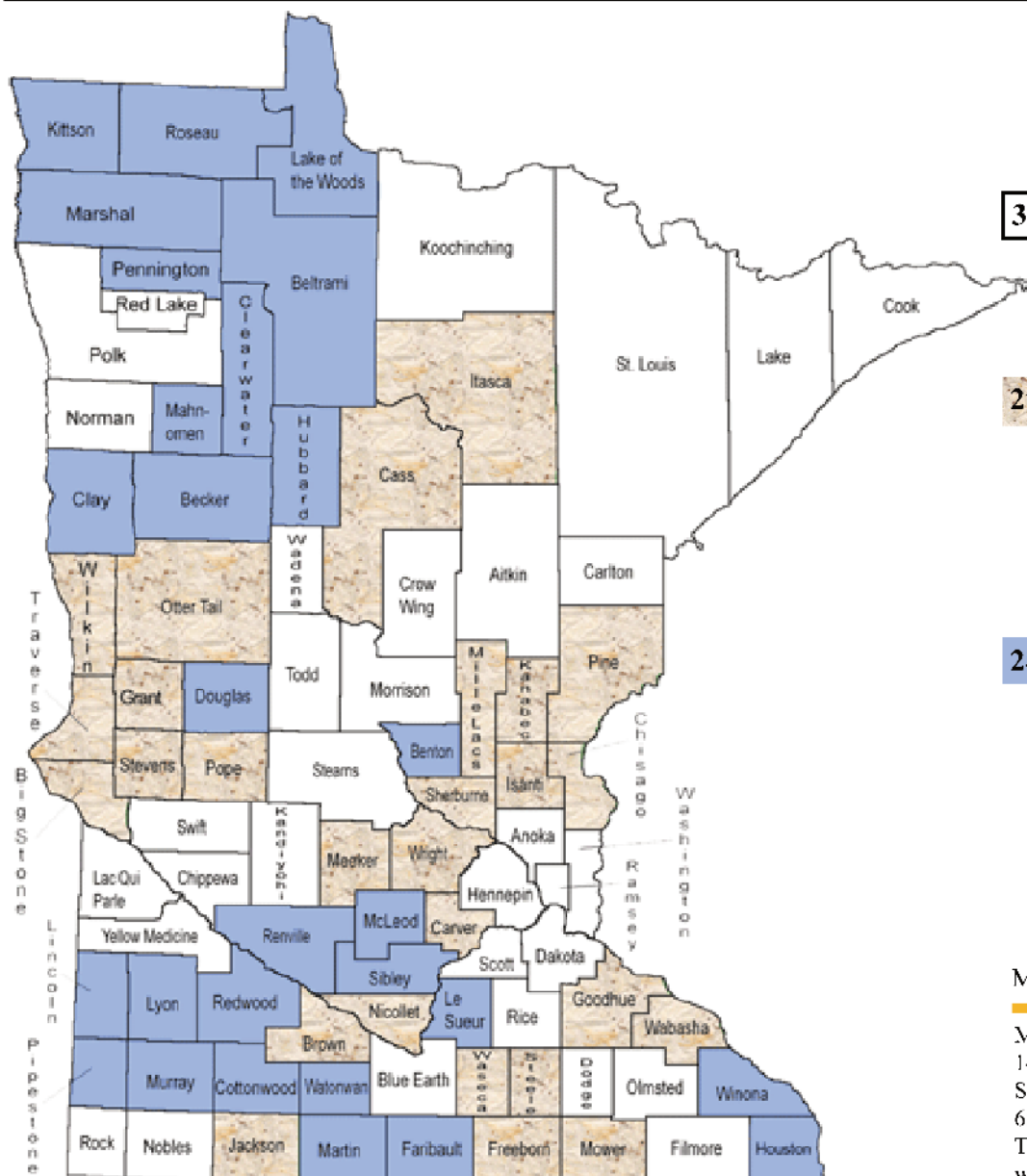
Parole: An indeterminate form of sentencing whereby offenders are released to community supervision after serving at least the minimum sentence imposed by the court. In Minnesota, only juvenile offenders and some life-sentenced inmates are eligible for parole. The commissioner of corrections is the paroling authority.

County Probation Officers (CPO)

- CPOs work at the pleasure of the county's chief judge and are supervised by the county's court services director. State law allows the DOC to reimburse a portion of salary and fringe benefits of the director and CPOs with funds appropriated by the state legislature.
- In these counties, felony offenders are supervised by the DOC, and CPOs supervise juvenile and most adult misdemeanor offenders. There are currently 27 counties utilizing this method of correctional delivery.

Delivery Systems Statutory Citations

Minnesota Department of Corrections	M.S. 241 and 244.19
Community Corrections Act	M.S. 401
County Probation Reimbursement	M.S. 244.19



32 CCA
Community Corrections Act provides all supervision services

27 DOC/CPO
State Corrections Department provides services for adult felons; county provides services for juveniles/adult non-felons

28 DOC
State Corrections Department provides all supervision services

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Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
651/361-7200
TTY 800/627-3529
www.doc.state.mn.us

APPENDIX A: THREE PROBATION DELIVERY SYSTEMS - COMPARISON

	COUNTY PROBATION SYSTEM (M.S. 244.19)	COMMUNITY CORRECTIONS ACT (M.S. 401)	DEPARTMENT OF CORRECTIONS (DOC) CONTRACT (M.S. 244.19)
ADMINISTRATION	Local courts in collaboration with county boards	County board (single county) or corrections executive board (multi-county) per comprehensive plan approved by the DOC	DOC
STAFF	Appointed by court with approval of county board; staff serves at pleasure of court	Hired in accordance with county board or corrections executive board policy	Provided by DOC
SUPERVISION	By director/chief probation officer; appointed by and serving at the pleasure of the court	Director responsible to county board or corrections executive board	By DOC supervisor
FUNDING	State reimburses counties up to 50% of probation officer salaries and fringe benefits	Block grant by state augmented with continued level of local spending; block grant is based upon a five factor-based formula	County reimburses state for probation officer salaries in accordance with the same formula as county system
SERVICES PROVIDED	Determined by court Served and approved by the county board as it relates to funding	Range of services as determined by the board and authorized by the comprehensive plan; may include local correctional facilities	As requested by the court and approved by the commissioner of corrections
OFFENDERS SERVED	County supervises: Juveniles, misdemeanors, and most gross misdemeanor offenders DOC supervises: Adult felons and supervised releasees from prison	All offenders, adult and juvenile; may also serve offenders in local correctional institutions	DOC contract agents supervise juveniles, misdemeanants, and most gross misdemeanants DOC supervises adult felons and supervised releasees from prison
PERSONNEL POLICIES	Established by court along with local personnel policy	As set by county board or corrections executive board and/or negotiated by union contracts	By DOC as may be impacted by union contracts
PROFESSIONAL SALARIES	Set by court at no less than the state salary scale	Set by county board or corrections executive board and/or negotiated per union contract	State classified civil service per negotiated union contracts
SUPPORT STAFF	Provided locally at county wage and expense	Provided locally from block grant and local funds	May be either state or county employee per negotiated contract; expense paid by county