

# **Working Group on Criminal Justice System Efficiency**

*2003 Report to the Legislature*

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## **2003 Report to the Legislature**

### **prepared by a working group appointed by**

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January 2003

**Working Group on Criminal  
Justice System Efficiency**

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## **INTRODUCTION**

The Working Group on Criminal Justice System Efficiency was created by Minnesota Laws 2002, Chapter 220, Article 4, Section 31. The legislation directs the commissioners of Public Safety and Corrections to convene a working group on criminal justice to identify and study ways to make the criminal justice system more efficient and effective at both the state and local levels. The commissioners of Public Safety and Corrections, with input from the Chief Justice of the Supreme Court and the State Public Defender, are to report the group's findings to the legislature by January 15, 2003.

Working group members were selected to represent various components of the state and local criminal justice system, the legislature, and social services. The working group was co-chaired by representatives of the departments of Public Safety and Corrections. See Appendix A for a list of working group members.

The working group met on September 18, October 16, and November 13, 2002. A subgroup met on October 22, 2002.

During the first working group meeting it was the consensus of those in attendance that although ideas could be generated for improving the efficiency of the criminal justice system, the efficacy of the ideas could not be properly examined prior to the January 15, 2003, report deadline. While much efficiency currently exists within departments or segments of the criminal justice system, there are more opportunities for efficiency to be explored by integrating segments of the criminal justice and human services systems. Members expressed concern at not having adequate time to formulate ideas and make recommendations based on comprehensive data and research. It was decided to utilize the time available prior to the January report deadline to solicit options for consideration from a wide range of criminal justice and human services practitioners and advocates. These options are submitted to the legislature in this report without a discussion of their feasibility or efficacy.

The working group discussed the need for a process through which ideas could be adequately and thoroughly explored before development of specific recommendations. This process would need to take place after the January report deadline by a Criminal Justice Planning Council formed *specifically* for this purpose.

At the second work group meeting, the options generated were grouped into themes and subdivided into options for short- and long-term consideration. During the second meeting, a subcommittee was formed to refine the themes generated. The subcommittee submitted its work to the larger working group for consideration at the November 13, 2002, meeting.

On November 13, 2002, the group refined its recommendation for the structure of the Criminal Justice Planning Council.

## **THEMES AND OPTIONS**

Members generated more than 80 options (See Appendix A) that have the potential to create efficiencies in the criminal justice system. They are offered as options, rather than suggestions or recommendations, because the working group lacked the time and resources necessary to determine their relative efficacy, wisdom, or practicality. As unevaluated options, some are repetitive and some are contradictory. Some options were offered by their authors as “low-hanging fruit;” i.e., relatively simple, short-term fixes. Others require more study and consideration by stakeholders and, perhaps, legislation in order to be implemented.

From the 80 options, seven major themes emerged.

1. **Saving resources by changing how non-violent misdemeanor crimes are processed.** In times of dwindling resources, it is necessary to prioritize the criminal justice system’s response to different kinds of crimes. Clearly, crimes that are a threat to public safety will continue to require a vigorous response. However, this theme suggests that there may be certain non-violent misdemeanors that do not require the full attention of court and probation systems in order for justice to be served.
2. **Creation of efficiencies in the criminal justice and human services systems through legislatively-mandated diversion programs in all counties.** Not all Minnesota counties have diversion programs. Not all existing diversion programs take full advantage of available human services resources. This theme suggests that cost-effective diversion systems would be more efficient if criminal justice and human services worked more closely together.
3. **Develop alternatives to prison for short-term felony offenders and supervised release violators.** Each year, 1,350 offenders ( 42 percent of annual admissions) arrive at Department of Corrections’ prisons with less than one year to serve. There are tremendous costs involved in the intake and release processes that could be avoided if alternatives to prison were developed for this population.
4. **Alternatives to incarceration. This includes both short-term sentences and sentences for more serious crimes. Consideration should be given to alternative sanctions and how they interact with each other.** This theme asserts that efficiencies and cost savings can accrue with greater use of jail bed rentals rather than prison, home monitoring rather than work release, and treatment rather than jail.
5. **Break down “service silos” by coordinating services with shared administrations.** In the working group’s discussions, a metaphor developed that described Minnesota’s funding and service delivery systems. Just as a farmer might put the same type of grain in separate silos for the good of his or her overall enterprise, the state seems to fund similar activities in separate agencies. Unlike the farmer, funding similar activities in separate agencies doesn’t benefit the state’s overall enterprise due to lack of coordination between agencies. By far, there were more options generated under this theme than any other, suggesting that many savings can be realized by breaking down these “service silos.”

6. **Examine collateral sanctions and barriers to re-entry.** Often it is necessary to begin the costly process of release revocation to change conditions of release when an offender is in technical violation of one of the conditions. Just as often, it may be possible to hold the offender accountable by administratively changing conditions of release without the cost of incarceration in the county jail pending a revocation hearing. In addition, the lack of employment, housing, medical or mental health treatment, and chemical dependency aftercare can be a barrier to successful re-entry when offenders become preoccupied with meeting these basic needs, rather than concentrating on leading a lawful lifestyle.
7. **Other.** Some of the most important options fell in the “Other” category. They included planning and performance evaluation; creation of new crimes and how to handle drug offenses; training professionals in the criminal justice and related fields; the needs of female offenders; creation of statewide forms and terminology; and court management.

## **THE NEXT STEP**

Working group members agreed that options presented in this report deserve more careful consideration than time has allowed. Members discussed formation of a **Criminal Justice Planning Council** to properly research and evaluate options as well as identify and study additional opportunities to save the state money, avoid cost increases, or preserve resources by making a more efficient criminal justice system.

After considerable discussion, the majority of working group members felt that a recommendation should be forwarded to the legislature to create a **Criminal Justice Planning Council** with the following characteristics:

- **Purpose.** To improve the effectiveness and efficiency of the criminal justice and other related systems.
- **Functions.** To review and analyze policy; and 2) to assess service effectiveness and make recommendations regarding changes to inefficient systems and integration of existing, effective systems (break down service silos).
- **Membership.** An executive committee shall oversee the receipt of input from an assembly of delegates appointed by and representing the constituencies of the executive committee members. Executive committee members shall include: The State Public Defender; two members of the judiciary; two members from corrections (one local, one state level); a representative of the Minnesota County Attorney’s Association; two law enforcement representatives; representatives from the majority and minority parties of both houses of the legislature; a citizen member; and the commissioners of the departments of Human Services, Public Safety, and Corrections. The committee chair will be chosen by the executive committee.
- **Authority to Act.** Advisory to state and local governments. Executive members of the group will convey recommendations to their constituent bodies regarding changes to local rules, policy, or constituent group procedures. Annual reports to the legislature, governor, and chief justice will document actions taken based on the recommendations of the council.

- **Agenda Setting.** As determined by membership. However, requests from the legislature, chief justice, and governor would be considered.
- **Administration.** The council will contract with a private entity to staff, with research support from public agencies.
- **Auspices.** The council shall be an independent advisory board.
- **Funding.** The legislature would appropriate funds for the first year. The council will submit a proposal for ongoing funding after the first year.

The following further describes what such a group might look like:

***What is the Criminal Justice Planning Council?***

The council is a multi-disciplinary, multi-jurisdictional body designed to 1) conduct a comprehensive review of the options listed in this report to determine ways to save money well in excess of the costs associated with the planning council; 2) identify other potential resource savings and measures to improve cost-effectiveness in the administration and delivery of criminal justice and related services; 3) identify significant criminal justice policy issues of statewide interest; and 4) develop appropriate and effective policy proposals to address these issues at the state or local level. The council fills a current policy-making gap in Minnesota by providing an organized, ongoing system for developing solutions that specifically address statewide problems of the justice system, crime, and delinquency encountered by local units of government.

***How will the council achieve its objectives?***

Once the council has been formed it will meet quarterly, working with an agenda of criminal justice issues it has identified as important. As the council reviews issues, it will employ a study group format, researching topics in advance of meetings. Annual reports to the legislature, governor, and chief justice will document actions taken based on the recommendations of the council. Additionally, the council may generate issue papers and sponsor public meetings on topics of concern. Since members of the council will be representative of the various elements of the criminal justice system, as the council conducts its work on a particular issue and reaches conclusions members will go to their constituencies to implement the conclusions and take action to bring about the recommended changes.

Administration and staffing for the council will be contracted with a non-profit organization with expertise in the field of criminal justice or through an existing planning entity in a state agency. The organization will assist with development and research of topics of interest to the council. It will prepare or arrange for the preparation of background papers and materials on specified topics. In addition, the organization will work with the council chair and executive committee to help identify additional needs and manage arrangements for the participation of members in other activities related to the council's purpose.

***What are some examples of issues to be studied?***

Issues that are potentially controversial and would benefit from thought and discussion by justice system professionals before they appear on the agendas of elected policymakers; for example:

- Criminal justice system innovations (i.e., computerized discovery process; video arraignments and other proceedings; innovative court scheduling approaches)
- Specialized courts

- Restorative justice
- Opportunities for increased inter-jurisdictional partnerships to carry out basic criminal justice functions

***In what ways might the council respond to these types of issues?***

Implementation of conclusions and recommendations might involve a legislative change, but in many cases what may be required is a change in local policy in order to improve practices.

Some examples are:

- Seeking a more detailed protocol in the reporting of crime. These changes could be brought about through the cooperation of a number of police chiefs and sheriffs and/or the endorsement of their professional organizations.
- Creating a special metropolitan unit of prosecutors to address particular categories of crime (e.g., major retail crime, sex offenses, and robberies), possibly housing them in one location, would require only the cooperation of participating prosecutors from each jurisdiction.
- Developing a level of intervention for minor criminal conduct without bringing into play the whole criminal justice system, a concept that could be developed by the council and implemented by any law enforcement agency or local court system.

**Note:** Working group co-chair Mary Ellison, director of the Department of Public Safety’s Office of Drug Policy and Violence Prevention and the Executive Director of the Minnesota Center for Crime Victim Services, did not agree that a council should be created. Ms. Ellison strongly disagrees with formation of a council for two reasons: 1) She feels it is not a prudent request to make to the legislature at this time because of the state’s budget shortfall, and 2) there already are planning processes within state government that can be utilized without the expenditure of additional state dollars.

The working group acknowledges that it is ironic for a group charged with finding efficiencies in the criminal justice system to recommend creation of another bureaucracy. However, members believe that existing agencies are too invested in the maintenance of their own “turf” to objectively recommend meaningful change. Members believe that an independent planning council will be more effective in the long run.

**CONCLUSION**

The working group generated options for consideration during the 2003 legislative session. The group recognizes the extreme budget shortage faced by the State of Minnesota and has made every attempt to bring forth options that have the potential to improve efficiency and reduce or, at the very least, avoid increasing costs to the public. As stated above, time simply was not adequate to thoroughly research and evaluate the feasibility and efficacy of the ideas generated.

The working group recommends creation of a **Criminal Justice Planning Council** to accomplish such a task. The majority of working group members felt that such a group should be funded through the state and staffed through a contract with a private, not-for-profit agency.



# Appendix A

## Options

The Working Group on Criminal Justice System Efficiency generated more than 80 options that have the potential to create efficiencies in the criminal justice system. They are offered as options, rather than suggestions or recommendations, because the working group lacked the time and resources necessary to determine their relative efficacy, wisdom, or practicality. As unevaluated options, some are repetitive and some are contradictory. Some options were offered by their authors as “low-hanging fruit;” i.e., relatively simple, short-term fixes. Others require more study and consideration by stakeholders and, perhaps, legislation in order to be implemented.

### 1. Saving resources by changing how non-violent misdemeanor crimes are processed.

#### a. Short Term

- 1) Expand the list of offenses that may be resolved by payment of a fine without a court appearance (uniform fine schedule). Amend M.S. 609.101, subd. 4, to provide that the uniform fine schedule shall be promulgated no later than October 1 of each year and shall be effective January 1 of each year. (Statute now provides that the schedule is promulgated by January 1 and effective August 1 of each year.)
- 2) Discontinue non-person misdemeanor supervision. This rapidly growing area of supervision is consuming resources needed for more urgent supervision.
- 3) Provide probation supervision of only person misdemeanor and gross misdemeanor offenders.
- 4) Eliminate probation supervision of misdemeanor and traffic offenders.
- 5) Eliminate pretrial supervision.
- 6) Reduce the number of non-alcohol related driving and non-person offenders placed on probation.
- 7) Amend M.S. 169.89 to remove the provision that makes the third petty traffic offense in 12 months a misdemeanor.
- 8) Amend M.S. 609.535 to remove any criminal penalties for issuing a worthless check under \$100 and to provide an accelerated process for entry of judgment in favor of holder of worthless check under \$100 by filing with the court administrator the original check and an affidavit that notice of nonpayment or dishonor was mailed to the issuer of the check and payment was not made within 10 business days of mailing the notice of nonpayment. A nominal filing fee of \$35 would be required to obtain this judgment, and the filing fee and statutory penalties would be added to the judgment amount.
- 9) Amend M.S. 169.791 to provide for an administrative process for the first failure to provide proof of insurance. First-time offenders would be given a notice by the law enforcement agency that made the stop pursuant to M.S. 169.792 requiring the driver to provide proof of insurance to the Department of Public Safety within 10 days. Failure to provide proof of insurance to the Department of Public Safety will result in

a 30-day revocation of the driver's license and vehicle registration. A \$200 administrative fee (in lieu of current mandatory fine) would be charged for reinstatement of the driver's license and vehicle registration.

- 10) Re-examine NEAC report (Non-felony Enforcement Advisory Committee) and seek legislative support for its recommendations.

**b. Long Term**

- 1) Encourage courts to use alternatives to probation supervision.
- 2) Eliminate probation supervision on minor traffic offenses.
- 3) Eliminate supervision of low-level offenders, both adult and juvenile.
- 4) Redefine many non-violent misdemeanors as petty misdemeanors.
- 5) Using the Total Court Information System (TCIS), determine the ramifications of assigning administrative punishment for certain non-violent offenses.
- 6) Direct the Sentencing Guidelines Commission to develop logical sentencing reductions for non-violent offenders in order to reduce costs, yet preserve public safety.

**2. Create system-wide efficiencies in the criminal justice and human services systems by legislatively mandating county adult diversion programs.**

**a. Short Term**

- 1) Amend M.S. 401.065 to require county attorneys, city attorneys, and corrections departments in all counties to establish diversion programs that would include misdemeanor, gross misdemeanor, and felony offenses. Develop a statewide diversion policy/program (perhaps by the Sentencing Guidelines Commission) which judges may implement through stays of adjudication if local authorities fail to implement.

**b. Long Term**

- 1) Require the use of diversion including restorative conferencing.
- 2) Use mental health professionals in the courts to divert some people to appropriate services.

**3. Develop alternatives to incarceration in a Department of Corrections' (DOC) facility for new admissions with less than one year to serve following application of jail credit and release violators.**

**a. Short Term**

- 1) Look at the total cost of imprisoning the short-term offender.
- 2) Allow the DOC to contract with local jurisdictions for incarceration of short-term prison commits.

**b. Long Term**

- 1) Explore the creation of regional short-term facilities (jails) for some combined jurisdictions that would have responsibility for housing the short-term offender committed to the DOC as well as offenders currently served post-adjudication in County jails.

- 2) Enable the DOC to keep short-term offenders in local facilities with fair reimbursement to those localities.

**4. Consider alternative sanctions and alternatives to incarceration for both short-term offenders and offenders with more serious crimes.**

**a. Short Term**

- 1) Allow the DOC to contract with local jurisdictions for incarceration of short-term prison commits.
- 2) More crimes/cases for which the sanctions are fines.
- 3) Utilize intensive community supervision in lieu of extended jail sentences, and expand use of intensive supervised release for higher-risk offenders in lieu of extended prison sentences.
- 4) Expand community programming/aftercare and reentry services for chemically dependent, mentally ill, or developmentally disabled offenders in lieu of jail/prison.

**b. Long Term**

- 1) Community corrections and county social service agencies should jointly develop mental illness/chemical dependency and developmental disability treatment alternatives for nonviolent offenders.
- 2) Eliminate the mandatory prison sentence for drug offenders.
- 3) Eliminate residential work release in favor of electronic home monitoring at the state and county levels. Then, limited dollars could be used to provide residential placement for more dangerous offenders.

**5. Break down “service silos” by coordinating services with shared administrations.**

**a. Short Term**

- 1) Establish uniform standards for qualified forensic examiners.
- 2) Develop a two-tiered competency exam that screens more complex/probable incompetency offenders to advanced practitioners.
- 3) Seek legislation to mandate that all public dollars spent on offenders, whether they be through state or local departments of corrections, human services (regardless of designation; i.e., child protective services, behavioral health services, substance abuse treatment services, mental health services); and public safety; be audited and that an evaluation of how better to coordinate services be done with an eye toward elimination of administrative duplication, sharing of outcome information, and coordination of dollars. If each silo is acting independently, they may be working to achieve outcomes that may or may not be in support of other agencies.
- 4) Share information about services (e.g., the survey results of CPO counties) so that agencies across the state are aware of options for improving services.
- 5) Develop a quick, abbreviated way to disseminate information to staff in agencies that are affected by the information.

- 6) Amend Rules 26.03, subd. 1, and 27.03, subd. 2, of the Rules of Criminal Procedure to provide that the defendant need not be personally present at sentencing when defendant is in the custody of the commissioner of corrections, has requested execution of a stayed sentence that will run concurrent to defendant's current sentence and will not extend defendant's time in custody.
- 7) Improve scheduling of court appearances and reduce contention about continuances by computerizing in-court scheduling or using email.
- 8) Eliminate unneeded reports throughout criminal justice and human services systems.
  - (a) Allow the court complete discretion on ordering pre-sentence and pre-dispositional reports.
  - (b) Jail credit for prison sentences should be specified at the time of sentencing.
  - (c) Reduce the list of offenses required to have a bail study and allow the court discretion in ordering bail studies. Fully fund any mandates created by the legislature.
  - (d) Probation supervision of only person misdemeanor and gross misdemeanor offenders.
  - (e) Complete pre-sentence investigations on person offenders only.
  - (f) Amend M.S. 609.115 to provide that pre-sentence investigations in felony matters (as in misdemeanor and gross misdemeanor matters) may be ordered at the discretion of the judge and are not mandatory.
  - (g) Amend M.S. 626A.17 to eliminate the requirement that reports regarding pen registers are made to the State Court Administrator.
- 9) Change the ownership of Thistledeew Camp and claim federal funds.
- 10) Maximize chemical dependency/mental health consolidated treatment funds. At the point of entry into the criminal justice system when a person is suspected to have CD/MH/MR, this should trigger a referral to the county social service agency for a determination of eligibility. If a client is found eligible, the case manager should develop a service plan within 30 days that identifies needs and the person's eligibility for funding. This plan should accommodate the individual before, during, and after incarceration. It should also identify treatment and support alternatives to incarceration. This could be done on the short term by establishing a screening tool and referral process to county social services.
- 11) Develop a formulary that is consistent across county jails, departments of corrections, and the Department of Human Services (DHS) medical assistance program. This will assure treatment protocols initiated while in the custody of corrections are consistent and remain intact upon release to the community.

**b. Long Term**

- 1) Change the system of delivering correctional services from three to one system.
- 2) Continue development of CriMNet system.
- 3) Review and make recommendations related to a single system for community supervision that both develops and enforces standards and provides resources. Having three systems is both confusing to the public and wasteful due to multiple bureaucracies set up to administer the same service. Include CD/MH/MR treatment and supports as a necessary component of an integrated system.

- 4) Review the efficacy of having two prosecuting authorities in some jurisdictions for the same reasons as above.
- 5) Develop and implement strategies that result in improved communication and conflict resolution between agencies.
- 6) Develop collaborative partnerships to sustain communication, cooperation, and save money – this is hard to do but is crucial to improving community correctional services for the long haul.
- 7) Partner with educational institutions to implement vocational training and education to offenders whose choices are limited due to lack of skills.
- 8) Although there are three delivery systems to provide probation services, they appear to have a long history of doing well despite a confusing system. They would be greatly enhanced if the three systems could agree to similar use of forms and policies regarding offenders. Possibly this could be done in relatively short time with the players from all three systems. A universal system might be necessary as the three systems allow for more creativity and friendly competition.
- 9) There are current discussions regarding the possible recommendation for one funding stream for the three correctional delivery systems in the state (DOC/CPO/CCA). This is a step in the right direction; however, it may be appropriate for the committee to look at how correctional services are actually delivered. Is it efficient to often have more than one delivery system supervising different offenders in the same county?
- 10) Integrate State Operated Services Forensic System operated by the DHS with DOC mental health services.
- 11) Develop a uniform method of handling felony DWI offenders in DOC/CPO counties.
- 12) Communication breakdowns are usually the source of intra-agency and interagency conflict, so work at improving communication.
- 13) Community mental health/mental retardation services should be made available to individuals upon release, including those in DHS State-Operated Services.
- 14) Make pre-sentence investigations mandatory only on person offenses.
- 15) Discontinue use of pre-plea investigations.
- 16) Maximize utilization of federal funds.
- 17) Medical releases for seriously ill or elderly inmates. Efficient utilization of existing funding sources.
- 18) Expand the use of video conferencing for certain court proceedings.

## **6. Examine collateral sanctions and barriers to re-entry.**

### **a. Short Term**

- 1) Allow the practice of intermediate sanctions prior to a technical violation being filed. Allow violations to be handled on an informal basis without a court hearing in order to free up court time.

### **b. Long Term**

- 1) Supported work for juvenile and some adult offenders.
- 2) Develop housing, employment, medical, chemical dependency aftercare, and mental health options for offenders upon release.

## 7. Other

### a. Short Term

- 1) Seek a legislative mandate that directs an evaluation of the current system and the participation of various sub-systems and ancillary systems. Each part of the overall system should have only one representative to the planning process who is appointed by his/her constituency and who has a mandate to consider the overall system in his/her participation. Furthermore, the aforementioned representative shall have responsibility to seek buy-in from his/her constituency group for the final product. Said legislation should direct that a plan be developed over a period of five years and implemented at that time, absent legislative action to the contrary.
- 2) Seek legislative direction on response to controlled substance crime.
- 3) It is helpful when the DOC provides training and support when new technologies and corrections practices are first being introduced into the field, as was done with CriM-Net, the Statewide Supervision System, YLSI, and LSI-R.
- 4) Survey staff of agencies that serve clients. Ask them what suggestions they have; then compile them, and ask staff to “adopt” a small project that will produce results.
- 5) Maximize opportunities for multiple-occupancy housing at minimum and medium-custody facilities within the DOC.

### b. Long Term

- 1) Require statewide terminology and forms for prosecution, court system, and corrections.
- 2) Eliminate the mandatory prison sentence for drug offenders.
- 3) Evaluate the efficacy of Minnesota sentencing guidelines.
- 4) Continue efforts to improve on corrections placements for serious female offenders. Develop a “safety net” for long-term, non-violent offenders with significant mental health concerns. At times, this type of offender can be difficult to place in the private sector.
- 5) Enhance criminal justice education in colleges for would-be corrections professionals.
- 6) Community education about criminal justice to reduce myths about this field.
- 7) Implement the eight standards suggested by the DOC Community Services Advisory Council.
- 8) Measure performance.
- 9) The DOC should be the clearinghouse for training.
- 10) Notwithstanding statutory maximums, the system would be more efficient if offenders were discharged from supervision when conditions were met and a reasonable adjustment achieved.
- 11) Study efficiencies in court management by creating administrative processes in place of certain district court proceedings.
- 12) Declare a moratorium on development of new criminal statutes.
- 13) Consistent with the DOC commitment to sound correctional practice that maximizes the safety of staff and offenders, examine the department’s policy regarding multiple-occupancy housing at all custody levels.

## Appendix B

### Working Group Members

Avery	Dennis	Manager, Adult Probation	Hennepin County Community Corrections
Berglin	Linda	State Senator	Minnesota Senate
Bolduc	John	Chief	Brainerd Police Department
Brennan	Jean	President	Minnesota Corrections Association
Cain	Dan	Director	RS Eden, Inc.
Carlson	Jill	Regional Manager	Minnesota Department of Corrections
		Director, Prosecution	
		Division	Ramsey County Attorney Office
Carruthers	Phil	Senate Staff	Minnesota Senate
Conley	Cindy	Warden and Co-Chair	MCF-Stillwater
Crist	David	Executive Director and	Crime Victim Services, Department of Public
		Co-Chair	Safety
Ellison	Mary	County Attorney	Ramsey County Attorney
Gaertner	Susan	Research Staff	Minnesota Department of Corrections
Hinske	Rachel		Minnesota Association of Community
		President	Corrections Act Counties
Ilse	Don	County Attorney	Anoka County Attorney
Johnson	Bob	Fiscal Director/Chief	
		Administrator Designate	State Public Defender's Office
Kajer	Kevin	House Fiscal Analyst	Minnesota House of Representatives
Karger	Gary	Judge	Dakota County Judicial Center**
Lynch	Edward	Chair, Legislative Committee	Minnesota Corrections Association
McCoy	Therese	Senate Staff	Minnesota Senate
Merz	Sara	Executive Director	Minnesota Sheriff's Association
Podany	Larry	State Senator	Minnesota Senate
Ranum	Jane	Director	Dakota County Social Services
Rooney	Dave		Minnesota Association of County
		President	Probation Officers
Schultz	Les	State Representative	Minnesota House of Representatives
Stanek	Rich	Public Defender	Minnesota State Public Defender
Stuart	John	Acting Assistant	Minnesota Department of Human
		Commissioner	Services
Tessneer	Mike	Court Administrator	Hennepin County District Court
Thompson	Mark		Institute on Criminal Justice, University of
		Executive Director	Minnesota Law School
Wiig	Janet		

**\*\*Representing the Chief Justice**



# Appendix C

## Working Group on Criminal Justice

Meeting Minutes  
September 18, 2002

**Participants:** Co-chairs David Crist and Mary Ellison, Linda Berglin, Therese McCoy, John Bolduc, Robert Johnson, Gary Karger, Edward Lynch, Cindy Conley, Rachel Hinske, Sara Merz, Les Schultz, Don Ilse, Kevin Kajer, Mark Thompson, Janet Wiig, Dan Cain, Dennis Avery, Jill Carlson, Larry Podany, Jean Brennan, Sheryl Ramstad Hvass

1. Commissioner Sheryl Ramstad Hvass welcomed the group and explained the scope of the group's task.
2. Introductions were conducted.
3. The actual legislation was distributed.
4. Executive summaries of past efforts in the area were reviewed. The only common threads seem to be the need to share data among jurisdictions and the need to reexamine sentencing practices for drug offenders.
5. Mary Ellison reviewed past DPS efforts at introducing criminal justice efficiencies, including the recommendations of the Byrne Advisory Committee
  - Development of CrimNet
  - Exploring drug treatment as a cost effective alternative to incarceration
  - Improve drug abuse prevention efforts
  - Create an oversight group for development of sound criminal justice policy
  - Develop community and government partnerships
  - Complete study on racial profiling
6. Gary Karger related the legislative discussions that prompted the House to propose this provision in the legislation. Lawmakers were anticipating the need for all state agencies to make changes in response to the budget deficit. Efficiencies discussed included:
  - Whether PSI's were necessary in every criminal case
  - An examination of intensive probation case ratios
  - Drug treatment rather than prison
  - Unfunded mandates that added duties to parole and probation agents
  - DOC per diem cuts

7. Bob Johnson observed that there is no multi-disciplinary group overseeing the development of criminal justice policy. He asserted that institutional inertia has contributed changes that “nibble around the edges” of criminal justice institutions, without making significant structural changes to systems. Areas in need of change include:
  - Drug cases
  - Policing
  - Prosecution
8. He proposed the establishment of a Criminal Justice Planning Council (CJPC) with the resources to study criminal justice policy in depth and to make recommendations to the legislature and local government, with the support of criminal justice segments, to lead the state into the future.
9. Judge Lynch stated that the CJPC should define a process for examining criminal justice policy.
10. Dan Cain suggested that the original Sentencing Guidelines Commission is a successful model for the CJPC. Inevitably, changes will affect line practitioners.
11. Mark Thompson cited the inefficiency of having over 50 prosecutorial agencies in Hennepin County. The state of politics is such that the metro counties must court and rely upon elected officials from Greater Minnesota to support Hennepin County initiatives because metro politicians are too responsive to individual’s personal concerns. Mr. Thompson warned that state and local elected officials must support the CJPC in the face of job changes at the line level by giving the committee authority to examine issues and make changes.
12. Senator Berglin responded that line level jobs were being heavily impacted by present initiatives to resolve budget deficits. She went on to request that the working group invite representatives from DHS and county social services to future working group meetings because they provide linkage to the chemical dependency and mental health services needed by offenders. Some of those services include: medication monitoring; supported housing and work; and case management. County government must be willing to support these initiatives.
13. Dan Cain suggested that the commissioning body should determine the organizations recommended for membership on the CJPC. Those organizations should appoint the individual who sits on the committee. It will be that individual’s responsibility to convince his or her peers to approve and support the committee’s initiatives.
14. Dennis Avery reminded the working group that it is important for the CJPC to determine the mission and goals of the committee before they propose substantive changes. It is important to include local communities in the criminal justice planning process, also.
15. Senator Berglin cited the chronic offender as an important issue.

16. Mark Thompson recommended that the working group identify obvious issues to address in the short term, but set long-range goals.
17. Dan Cain made the first attempt to summarize the discussions to this point by suggesting that the working group:
  - Identify “low-hanging fruit” or short term, easily completed efficiencies;
  - Recommend establishment of an ongoing, legislatively created CJPC with a defined membership;
  - That the CJPC define its mission;
  - That the CJPC specifically study ways to prevent offenders from slipping through the cracks
18. John Bolduc stressed the importance of establishing measures of effectiveness.
19. Mark Thompson agreed and stated that the CJPC must include research and evaluation components.
20. Gary Karger reminded the working group that the legislation suggests a “best practices and benchmarks” approach to its recommendations.
21. Janet Wiig suggested different approaches to research and evaluation, including recidivism and the Washington state economic model to evaluate criminal justice system costs, victim costs and long range cost effectiveness. Research and evaluation is integral to the concept of the CJPC.
22. Judge Lynch cited the 2-year process undertaken in Dakota County to establish goals and strategies and the ongoing need to reevaluate goals periodically.
23. Dan Cain said that it took 2 years to structure the Sentencing Guidelines Commission. He estimated that it would take 2-3 years for the CJPC to enact meaningful change. He cautioned that the model and the authority of the Sentencing Guidelines Commission began to be eroded within 4 years of its creation. There is a need for a system to monitor the independence of the CJPC and to promote continuing legislative support.
24. Bob Johnson suggested that the CJPC issue regular reports and that the CJPC not be sunset. He asked to whom should the group report—legislature, courts, etc.
25. Mark Thompson stressed that the stakeholders on the CJPC treat the criminal justice system as “one share” of the same company, requiring them to work cooperatively, not competitively, to make systemic changes.
26. Commissioner Ramstad Hvass suggested that the working group send questionnaires to line level stakeholders to determine short and long-term goals. She noted the need for minority representation on the working group, also.
27. Don Ilse stressed the need to stay in touch with the needs of line level workers.

28. Senator Berglin recognized that the CJPC must realize that different constituencies may have different opinions of the same outcomes. For instance, citizens may favor increased incarceration for chronic nuisance offenders, but jails and prisons may favor increased supervision in the communities to prevent reoffense.
29. Mary Ellison urged the group to recognize the well-settled research outcomes in areas like drug treatment.
30. Dan Cain commented that stakeholders don't always agree what constitutes effective uses of existing budgets. Mr. Cain went on to identify several potential projects:
  - Merging the 3 different community supervision systems into one.
  - Incarcerate short-term offenders in a more cost effective manner than placing them in state prisons.
  - Resolving the inefficiency of having both city and county systems of prosecution.
  - Developing a more thoughtful approach to drug offenders.
  - Coordinating DHS, DPS and DOC interests in delivering mental health care and the consolidated treatment fund
  - Explore consolidation of police agencies within the state.
31. Judge Lynch suggested that working group members submit by email suggestions for low hanging fruit, long term projects, best practices and suggestions for efficiency. He requested that members attempt to identify costs, savings or cost avoidance for each suggestion.
32. Senator Berglin suggested that the state create one formulary for treating the mentally ill in order to take advantage of bulk purchasing.
33. Gary Karger noted that legislators want the state to maximize federal reimbursement for state services whenever possible.
34. Judge Lynch reviewed "low hanging fruit" possibilities within the court system. See attachment.

### Action items

1. Rachel Hinske, Mary Ellison and David Crist will produce meeting minutes and distribute them to the membership by Friday, September 20.
2. Members will distribute the questionnaire attached to the minutes to the constituencies they represent with instructions that they return the questionnaires to Rachel Hinske by October 10 for compilation prior to the next meeting.
3. Janet Wiig, Bob Johnson, and Mark Thompson will submit an outline for a Criminal Justice Planning Council.
4. David Crist will seek working group representation from DHS and county social services.
5. **The next working group meeting will be Wednesday, October 16, 2002 at 9:00am at the DOC Central Office.**



## Working Group on Criminal Justice

### Meeting Minutes

October 16, 2002

**Present** – Jill Carlson, Gary Karger, Les Schultz, Therese McCoy, Don Isle, Jean Brennan, Mike Tessneer, Dennis Avery, Ed Lynch, Linda Berglin, Kevin Kajer, John Stuart, Dan Cain, Dave Rooney, Bob Johnson, David Crist, Mary Ellison, Janet Wiig, Rachel Hinske

1. **Introductions** - David Crist welcomed everyone and asked for people to make introductions, as there were new people present in the group.
2. **Discussion of questionnaire responses** – David Crist provided members with a handout detailing the suggestions generated as a result of the questionnaire distributed after the last meeting. The group was given time to read over the suggestions.
3. David Crist discussed the tasks that the group must accomplish. He indicated that a report is due to the legislature in January and that the Department of Corrections internal deadline for the report is December 18<sup>th</sup>. Given the short time remaining co-chairs David Crist and Mary Ellison recommend that the next meeting of the group review a draft report. They further recommended that the report include a description of the meetings that have taken place, along with a listing of the short term and long term suggestions for improving the efficiency of the criminal justice system that have been generated. They also suggested that based on the conversation of the group at the last meeting, that the report includes a recommendation for the formation of a planning body that would be able to study ideas for improving the efficiency of the criminal justice system over a several year period.
4. Dan Cain indicated that there should be a body that is ongoing over a 2 – 5 year period that makes studied recommendations on criminal justice matters. Senator Berglin indicated a concern that there is not a delay in making recommendations that could result in savings to the legislature this session. She further expressed the concern that if this group does not make recommendations then the legislature may make budget-cutting decisions that have harmful consequences.
5. The group discussed the possibility of forming a smaller group to review the list of short-term recommendations that have been generated. The group would then bring specific recommendations back to the next meeting for consideration. The following individuals volunteered to be part of the group: Linda Berglin, Dan Cain, John Stuart, Bob Johnson, David Crist, Don Isle and Mike Tessneer.
6. John Stuart suggested that the working group identify themes for the smaller group to consider as they sift through recommendations. Gary Karger indicated that it would be desirable to make reference to other groups that have been formed to address recommendations included in the list generated for our consideration. Two such examples are the group formed to explore options for Thistledeew and the group formed to make recommendations regarding

the three probation systems that operate in Minnesota. Other group members indicated that the deadline for our report might not allow time for extensive review of other reports; however, it would be good to reference them wherever possible.

7. The workgroup generated themes for the small group to consider. These themes include the following:
  - a. Saving resources by changing how non-violent misdemeanor crimes are processed.
  - b. Creation of system wide efficiencies through diversion. Legislatively mandate requirement for adult diversion programs. Include the criminal justice system and human services.
  - c. Define short-term felony offenders. Develop alternatives to prison for short term offenders and release violators.
  - d. Alternatives to incarceration. This includes both short-term sentences and sentences for more serious crimes. Consideration should be given to alternative sanctions and how they interact with each other.
  - e. Coordinated services with shared bureaucracies. Break down “service silos.”
  - f. Eliminate unneeded reports throughout criminal justice and human services systems.
  - g. Maximize utilization of federal funds.
  - h. Medical releases for seriously ill or elderly inmates. Efficient utilization of existing funding sources.
  - i. Maximizing Chemical Dependency/Mental Health consolidated treatment funds.
  - j. Examine collateral sanctions and barriers to re-entry.
  - k. Medication management through a drug purchasing consortium/formulary for prisons and jails.
  - l. Other.
8. Don Isle expressed the view that these themes would be difficult for the small group to distill into specific recommendations. Discussion centered on the role of the small working group and the consensus was that the small group would examine the themes and the recommendations generated and attempt to recommend changes that could be considered by the legislature this year. The small group members will convene at the close of the meeting so select a meeting date.
9. Discussion of Criminal Justice Planning Model – Janet Wiig distributed a fact sheet on a proposed criminal justice planning model. Janet also distributed information on criminal justice planning bodies currently operational in the states of Iowa, Texas and Georgia. The idea that has been generated by a group of individuals including Janet Wiig, Bob Johnson, John Stuart and Dan Cain envisions the creation of a body that operates independently of a government, that includes broad representation from the criminal justice system and which studies and makes recommendations regarding criminal justice issues. An independent, not for profit agency would provide staffing to the planning body.
10. Bob Johnson further indicated that there is no ongoing criminal justice planning group in Minnesota. Ad hoc groups have met from time to time but there is no ongoing group that meets over an extended period of time to research issues and make recommendations. He stressed the importance of having the group operate independently of the state so as not to be impacted politically.

11. John Stuart expressed the view that the system needs recommendations that have been considered cross-jurisdictionally. Too often recommendations are made by one part of the criminal justice system without regard to the impact on other parts of the system.
12. A question arose as to funding of such a body. Bob Johnson indicated that initial estimates were for \$75,000 - \$100,000 per year.
13. Bob Johnson expressed the importance of having a group that meets over a longer period of time. Dan Cain indicated that the proposal is similar to a proposal for a criminal justice planning council considered during the Perpich administration.
14. Linda Berglin indicated that the group would need to identify what savings would result from recommendations of the group. These savings (or a portion thereof) could be used to fund the effort.
15. Mary Ellison indicated that her agency has a mandate due to the federal funds (Byrne formula grant) administered to generate a strategic plan every four years that includes recommendations for improving the criminal justice system. Several states that administer Byrne funds utilize a planning council and utilize federal administrative funds to complete the planning process. If this were to occur in Minnesota, however, the group would be staffed and funded through the Department of Public Safety. She also stated that Colorado had a negative experience with a high level planning council. In Colorado's experience the legislature had become frustrated with the perception that the council was a group that could prevent legislative initiatives from moving forward. Colorado ended up abandoning the council.
16. David Crist indicated that some state agencies might not want to have to go through a separate council for policy initiatives.
17. Bob Johnson stated that the body would not have any operational control. The idea is for the group to operate independently. He also expressed the need to have legislators on the group.
18. John Stuart indicated that in his experience when members of the various segments of the criminal justice system have the time to explore issues that there is more agreement than one might imagine.
19. Senator Berglin expressed the importance of having the group be independent of state government.
20. Kevin Kajer reinforced the idea that the group should be independent of any state agency.
21. He also suggested that grant funds could be sought for the initial operation of the group and then when savings are realized as a result of the group's work, the legislature could be approached for funding.
22. Gary Karger cautioned the group to be careful of recommendations that carry a request for funding.

23. Bob Johnson indicated that the funding could perhaps be provided through criminal justice aid.
24. John Stuart indicated that the costs seem modest versus the potential savings.
25. Mike Tessneer expressed the concern that if the purpose is limited to improving the operation of the criminal justice system then it will end up in a silo.
26. Discussion ensued regarding coming to consensus on the items listed in Janet Wiig's hand-out. These include purpose, functions, auspices, authority to act, membership, agenda setting and administration.
27. Due to time constraints Dennis Avery suggested that the handout be e-mailed to the group and that members be asked to respond to these items in a timely manner. Then the compilation of results could be shared along with a recommendation for each component listed.
28. David Crist agreed to e-mail the fact sheet and checklist to the group along with a deadline for completion.
29. There was a suggestion that the fact sheet be modified to include a recommendation for a sunset on the proposed council along with the proposal that the group be funded through savings generated by efficiency recommendations. Janet Wiig agreed to make those modifications and David Crist will send out the fact sheet and checklist as stated above. Once the information has been sent back to David then the results will be compiled and if the results clearly indicate a consensus of opinion then a new recommendation will be completed for consideration.

**Working Group on Criminal Justice**  
**Small Group Meeting Minutes**  
**October 22, 2002**

Members Present: Dan Cain, Robert Johnson, Sen. Linda Berglin, Don Ilse, John Stuart, David Crist

1. After discussion of the Themes document, the group agreed to retain numbers 1, 2, 3, and 5 as priorities. Numbers 6, 7, 8, 9, and 11 were consolidated into number 5. The revised Themes document will be distributed to the entire group with these minutes.
2. The following additional options were discussed:
  - a. Using the Total Court Information System (TCIS), determine the ramifications of assigning administrative punishment for certain non-violent offenses.
  - b. Enable the DOC to keep short term offenders in local facilities with fair reimbursement to those localities.
  - c. Expand the use of video conferencing for certain court proceedings.
  - d. Direct the Sentencing Guidelines Commission to develop logical sentencing reductions for non-violent offenders in order to reduce costs, yet preserve public safety.
  - e. Study efficiencies in court management by creating administrative processes in place of certain district court proceedings.
  - f. Declare a moratorium on the development of new crimes and mandates.



**Working Group on Criminal Justice**  
**Meeting Minutes**  
**November 13, 2002**

Members Present: Les Schulze, Judge Edward Lynch, Kevin Kajer, Gary Karger, Dennis Avery, Don Ilse, Dan Cain, Janet Wiig, Mike Tessneer, Jean Brennan, Rachel Hinske, Phil Carruthers, David Crist

1. David Crist reviewed the efforts of the small group meeting to collapse the themes identified at the last large group meeting into fewer categories. The new themes were incorporated into the report draft.
2. The group decided to refer to the suggestions under the themes as options, rather than recommendations, since we did not have the time to research or develop consensus on each option.
3. The group felt strongly that the committee co-chairs should express the will of the group to recommend the creation of an independent, legislatively funded Criminal Justice Planning Council. The group understood clearly that one or both of the commissioners of DPS or Corrections may not support this recommendation ultimately.
4. **If necessary, the next meeting is scheduled for Dec. 11, 2002 at the DOC Central Office from 9 to 11am in Pung Rm. 1. David will poll the membership following distribution of the next draft to determine the need for another meeting. The next draft is attached.**