

MINNESOTA CRIMINAL JUSTICE FORUM 2008 - 2010

The Criminal Justice Forum was established by Chief Justice Eric J. Magnuson in the fall of 2008. This effort is in response to the current and forecasted economic climate of the state: projected state budget deficits are large and likely to be growing and the criminal justice system will be facing a funding crisis in the next biennium. In a time of budget shortfalls and staff cuts, it is essential that the criminal justice system look for ways to better coordinate work, find efficiencies across organizational boundaries and prioritize what is done.

2008-2009

In its first year of existence the Forum reviewed current criminal justice fiscal constraints, and the measures the various constituencies have taken to change policies, procedures, or operations to address these constraints. The group also began exploration of changes in policies, procedures, and practices in other parts of the justice system which would increase efficiencies and reduce costs. For example:

Amend court rules to provide for more use of electronic signatures.
Seek bonding or capital request to invest in technology infrastructure to automate processes request to fund law enforcement equipment for e-citation systems.
Provide for electronic search warrants and complaints
Provide that all service of notices will be provided by posting on Court web site and at courthouses in lieu of in newspapers.
Give judges discretion to determine which cases require PSI
Create single stream for probation funding.
Permit cities and counties to establish administrative penalty systems
Change payable misdemeanors to infractions
Combine Rule 5 and Rule 8 hearings
Permit continuances for dismissal at discretion of judge
Consolidate prosecutions and court jurisdiction. Allow for multiple prosecutions involving the same defendant commenced within 6 mos. period to be combined in one county.
Use magistrates for arraignments
Lower cost of getting driver license reinstated
Give State Public Defender discretion in taking appeals
Create statewide worthless check diversion programs
Allow persons facing criminal sanctions equal access to diversion programs implemented at the county level. Offenders prosecuted by city attys should have access to diversion programs operated by the county. Funding and monitoring should be a joint responsibility of counties and cities.
Establish statewide pre-charge diversion program
Eliminate criminal and traffic surcharge
Increase property value thresholds

Defer prosecution for certain traffic offenders
Provide that party which subpoenas witness must pay for witness from party's budget
Strengthen probation early release system
Stay adjudication of driving without a license offenders
Strengthen early release program
Statutes and rules should be reviewed to determine whether the public defender representation each requires is constitutionally mandated, and where no constitutional mandate exists, determine whether it is just and appropriate to eliminate the provision in questions in light of budget constraints.

The Forum also considered specific statutory and court rule changes that might facilitate more effective and efficient case processing and better match workloads to available resources. It determined that 8 of the suggestions warranted possible action in 2009. They included:

- E-mail notices – provide e-mail notices to attorneys in lieu of paper notices.
- Expand Use of ITV.
- Change venue where judge can hear case so judges can hear cases in counties where defendant is in custody instead of transporting defendant to county where offense occurred.
- Give courts more options in handling juvenile sex offenders or narrow focus of Juvenile cases subject to registration.
- Make sequestration in criminal trials up to the discretion of the judge.
- Centralize and automate payables and strengthen court collection program.
- Clarify fees and fines distribution and application.
- Handle no proof of insurance cases through administrative process.

At the final meeting the group discussed the 8 practice and legislative change proposals in greater detail. The group ultimately went forward with all except the proposal pertaining to juvenile sex offenders.

2009-2010

The Criminal Justice Forum met in the fall of 2009 and identified the following priority proposals and next steps

- Develop and implement evidence based practices for misdemeanor and gross misdemeanor probation cases – Legislation was passed in 2009 mandating that the Department of Corrections study evidence based practices and report back to the Legislature in 2011. A copy of the legislation is found at Appendix A.

- Implement graduated sanctions for adults – Ramsey County is taking the lead on this initiative.
- Juvenile Detention Alternatives Initiative (JDAI) – permit counties to implement at their own pace. There should not be a mandate for statewide implementation of this concept.
- Extend length of time for juvenile stays of adjudication. This could result in long term cost savings to the justice system. This issue will be dealt with during 2010 Legislative Session. Criminal Justice Forum constituency groups are encouraged to support this initiative as it moves forward.
- Re-design use of Felony PSI – local jurisdictions should be encouraged to have judge and probation workgroup examine ways to streamline/modify the felony PSI form and process.
- Expand bandwidth across the state – There is recognition that this initiative will require a financial investment. The state and federal governments are already tackling this issue.
- Expand pre-charge diversion – This initiative will require buy-in from local governments, many of which will be unable to financially support new initiatives.
- Continue to implement technology improvements such as e-charging and e-citation – The Judicial Branch and Department of Public Safety are already taking the lead on this issue.
- Promote citation uniformity – the Judicial Branch and the Department of Public Safety are working on this initiative.
- Continue efforts toward the justice system becoming “paperless”.
- Continue CJF 2008 initiatives on ITV and venue.
- Decrease level of monitoring of probationers – already being done.
- Establish single probation system – This issue has been discussed by many groups over the past several years. Initiative should not go forward until a cost benefit analysis is performed.
- Ask Judicial Branch to convene a workgroup to consider long-term restructuring of the justice system, “Justice 2020.” A copy of the proposal is found at Appendix B.

CRIMINAL JUSTICE FORUM ROSTER

Affiliation	Members
Judicial Branch	Chief Justice Eric J. Magnuson
	Judge Kathleen Gearin
	Judge Michael Kirk
	Judge Charles Porter
	Rhonda Bot
	Douglas/Morrison County Court Administrator
	Chuck Kjos
	Olmsted County Court Administrator
	Mike Moriarity Tenth Judicial District Administrator
	Sue Dosal State Court Administrator
Association of MN Counties (AMC)	Richard Larson Commissioner, Kandiyohi County
	Nancy Schouweiler Commissioner, Dakota County
	James Mulder AMC Executive Director
Corrections	Joan Fabian, Commissioner
	Lynn Dingle, Deputy Commissioner
	Lisa Cornelius, Assistant Commissioner
County Attorneys	Jim Backstrom, Dakota County Attorney
	Janelle Kendall, Stearns County Attorney
	Charlie Glasrud, Stevens County Attorney
Governor's Office	Rima Kawas
Law Enforcement	Jim Franklin Executive Director, Sheriffs' Assn.
	Harlan Johnson Executive Director, MN Chiefs of Police Assn.
	Sandra Westerman, Hennepin County Sheriff's Office
MN Association of Community Corrections Act Counties (MACCAC)	Don Ilse, Anoka County
	Mark Sizer, Stearns County
	Andy Erickson, Ramsey County

Affiliation	Members
Metropolitan Inter-County Association (MICA)	John Tuma
	Jim Schug Washington County Administrator
	Paul Beaumaster Rice County Attorney
MSBA Criminal Section	Rich Ohlenberg, Otten and Seymour
	John Fossum, Fossum Law Office, LLC
	Blair Buccicone, Buccicone Law Office
Public Defenders	Karen Duncan
	Chief Public Defender, Third Judicial District
	John Stuart, Chief Public Defender
Public Safety	Michael Campion, Commissioner of Public Safety
	Mary Ellison, Deputy Commissioner
City Attorneys	Kori Land City Attorneys Association
	Susan Segal Minneapolis City Attorney
	Sandy Johnson Asst. Bloomington City Attorney
Sentencing Guidelines Commission	Sue Alliegro, Director

Staff: Janet Marshall, State Court Administration
Suite 130, Minnesota Judicial Center
25 Rev. Dr. MLK Jr. Blvd.
Saint Paul, MN 55155
(651) 297-7579
Janet.marshall@courts.state.mn.us.

EXCERPTED FROM 2009 Minn. Laws Chap. 59, Art. 4, sec. 8

Sec. 8. STUDY OF EVIDENCE-BASED PRACTICES IN MINNESOTA; REPORT TO THE LEGISLATURE.

Subdivision 1. **Direction.** The Department of Correction's Minnesota Information and Supervision Services Committee's Evidence-Based Practices Policy Team shall undertake an assessment of the use of evidence-based practices for community supervision in Minnesota and opportunities for greater implementation of evidence-based practices.

Subd. 2. **Subject matter.** (a) The policy team must review, assess, and make specific recommendations with regard to the following areas:

- (1) implementation of evidence-based practices intended to reduce recidivism;
- (2) improvement of policies and practices for crime victims;
- (3) establishment of an earned compliance credit program;
- (4) performance measures for community supervision agencies;
- (5) potential performance incentives for community supervision agencies; and
- (6) any other topic related to evidence-based practices that the committee deems appropriate for inclusion.

(b) In assessing the topics listed in paragraph (a), the policy team must address the following:

- (1) the extent to which evidence-based practices are currently used in Minnesota;
- (2) fiscal barriers to further implementation of evidence-based practices;
- (3) structural barriers to further implementation of evidence-based practices;
- (4) statutory barriers to further implementation of evidence-based practices;
- (5) potential solutions that address the identified barriers; and
- (6) any other factor that the committee deems necessary to fully assess the state of evidence-based practices in Minnesota.

Subd. 3. **Report to legislature.** The policy team shall report its findings and recommendations to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding by January 15, 2011.

EFFECTIVE DATE. This section is effective July 1, 2009.

JUSTICE – VISION 2020

Currently the court system is organized around counties, most of which have their own courthouse, county attorney, court services division, sheriff, community prosecutors and law enforcement agencies. This system developed, literally, in the horse and buggy era. The 'long-term' group of the Criminal Justice Forum concluded that this method of service delivery is not sustainable indefinitely. The group went on to conclude that while there may be a perception that access to justice, attention to individual community needs and quality of justice would suffer by consolidation, over the long haul it is likely that the both the benefits of consolidation would become obvious and that the system could overcome these perceived shortcomings.

One of the first steps towards Vision 2020 is to identify logistically sensible trial centers around which would be located the other justice delivery components, such as law enforcement, court services, public defender and district attorney. The transition must be politically sensitive and would require the use of gradually increasing financial and business incentives.

One such incentive might be to structure the fine distribution system so that it supports the trial center. This must be done by the legislature. In order for it to be politically palatable, there must be offsets to the traditional recipients of fine revenue.

Another incentive would be to invite the local political jurisdictions to participate in the advanced technology provided through the state trial centers, such as access to a standardized case management system that feeds into the center. Another incentive would be to provide enhanced access to ITV at center sub-stations to avoid transportation issues. (This is only the start of a long list of centralized advantages).

Before any transfer of court functions to the trial centers, the court system through its rules could gradually mandate consistent business practices. This would work to reveal the actual costs of the currently localized system. Much like the health insurance companies allow their insureds to conduct a cost/ benefit analysis of the various levels of service the system could facilitate a cost benefit analysis amongst its justice partners. It may also gradually force consolidation of services.

A second step towards Vision 2020 is to standardize a number of justice delivery elements, such as sentencing, diversion, probation/ incarceration, law enforcement access to technology and specialized skills – to name a few.