



MICA 2010 Legislative Recommendations Public Safety and Corrections

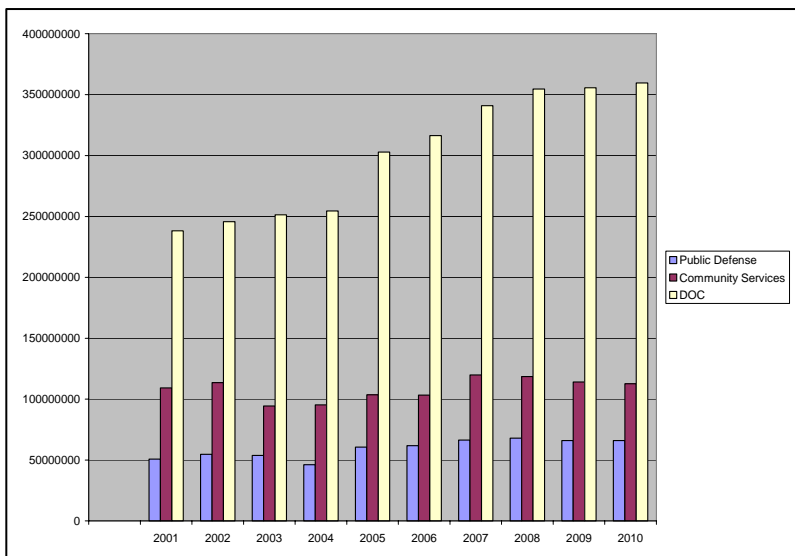
Re-establish the State/County Partnership to Provide Community-Based Corrections and Public Safety

The MICA Board of Directors urges the Legislature to restore funding levels for corrections and public safety programming within the community, which have lagged in the past decade despite significant increases in criminal penalties. The MICA Board of Directors requests that no new sanctions or mandates be created without an appropriation of sufficient state funding to meet the local costs.

Minnesota counties play a critical role in protecting public safety and ensuring the effective operation of Minnesota's criminal justice system. Counties, along with cities, are responsible for the apprehension of criminals and their prosecution. Counties are also responsible for the incarceration of all misdemeanants and a growing number of felons. At nearly \$900 million per year, public safety is a substantial cost for counties. County property taxpayers pay for a significant majority of all the public safety costs compared to the State and the share counties are carrying has been steadily increasing in the past decade.

Community supervision of criminals on probation is one of the most important roles counties play. Prior to the turn-of-the-century there was an equal partnership between counties and the State in delivering correctional services. This Minnesota model of providing intensive probation services in the community was recognized as one of the best in the nation. The foundation of Minnesota's public safety system is probation, parole and supervised release. Minnesota has more than 141,000 people under some sort of community supervision with less than 10,000 in prison. This partnership has successfully allowed Minnesota to maintain one of the lowest crime rates in the nation. As a result, Minnesota's state budget for correctional purposes ranks as the second lowest in the nation per capita. The Minnesota model for corrections fosters both safe communities and fiscal prudence.

Unfortunately, this successful partnership is in peril. Over the past decade, the State's financial commitment to this partnership has waned while property taxpayers have been picking up an ever increasing portion of the tab. Minnesota statutes require counties under the County Probation Officers (CPO) system to receive a



50% reimbursement. Unfortunately, the last time the counties were reimbursed 50% of their actual cost was in 1996 and at present the State's share is only 36%, with the county property taxpayers picking up the other 64%. Counties under the Community Corrections Act (CCA) have seen their portion of the costs increase by over \$20 million since 2003. The State's commitment to the CCA subsidy actually declined from 2003 to 2006 and it was again lowered in the present biennium.

Since 2001 State funding for prisons has increased by 50.1% and public defenders 30.1%. Counties understand these agencies have also taken operational cuts because of a significant increase in criminals over this period of time. During this same time period, "community services" including county aid for corrections, only increased 3%. Despite the lagging State funding, counties have taken on additional responsibilities for the increased civil commitment of sex offenders, new sex offender supervision standards, the meth epidemic, and expanded sanctions for sex, drug and DWI offenses.

Provide Clarity in the Law Regarding Representation in Child Protection Cases

The MICA Board of Directors urges the Legislature to clearly identify the Board of Public Defense as responsible for providing representation of custodial and non-custodial parents in TPR and CHIPS cases and to provide necessary funding for the Board to meet this responsibility.

In January of 1990, the State took over the public defender costs in the Eighth Judicial District. By January 1995, all judicial districts were included within the State program overseen by the State's Board of Public Defense. As a result of this takeover, the State reduced aid payments to counties on a dollar-for-dollar basis to reflect the cost of this takeover and increased funding to the Board of Public Defense. The Board of Public Defense continued to provide representation to adults in child protection cases without question when appointed by the court until July 7, 2008. On that date, public defenders began refusing to provide representation for either custodial or non-custodial parents in Termination of Parental Rights (TPR) cases and Child in Need of Protective Services (CHIPS) cases.

In order to preserve the integrity of the child protection process, most counties provide contingency funds to support representation of parents in TPR and CHIPS cases. Unfortunately, the State statute is not clear on whether counties are obligated to fund representation of parents in these cases, and without legislative action, the system will be bogged down in litigation for a number of years. If this issue is left unattended by the 2010 Legislature, it will jeopardize child placement and parental rights.

Forfeiture and Seizure

The MICA Board of Directors supports maintaining a strong forfeiture and seizure law so that criminals do not financially benefit from their criminal activity that have harmed our communities.

MICA is disappointed in the illegal activities arising out of the Metro Gang Strike Force and supports efforts to bring to justice those within the task force who violated the law. MICA recognizes the need of the Legislature to make sure that innocent citizens are protected from inappropriate seizures. Likewise, criminals should not be able to financially benefit from their criminal activities that have harmed our local communities. It is important that resources from legal forfeitures within a community continue to supplement those communities' law enforcement activities. Profits from these criminal enterprises have for a number of years rightly been directed back into the community for their local public

safety needs. Outside of this one misguided strike force, the resources obtained from forfeiture have been used effectively in local communities to address their unique and pressing public safety needs. Any change in the distribution formula that reduces resources for local law enforcement will have a direct negative affect on our communities. Counties and cities do not have the resources to backfill in any lost revenue if the State changes the distribution formula for forfeited assets.

Ensure that Drug Courts Are Truly a Collaborative Between Counties and the Court System

The MICA Board of Directors supports collaborative adult drug court models in Minnesota, to the extent that it does not negatively impact the ability of local communities to provide correctional supervision and there is ongoing base funding to insure that these programs are sustainable.

MICA welcomes creative and innovative ways of dealing with alcohol and other drug dependency problems. Drug courts and other problem-solving courts have shown some promise in this area, and it is appropriate for the Legislature to encourage their expansion through State grants.

Nonetheless, drug courts should be collaborative efforts developed at the local level. The Legislature must recognize that drug courts are not the only answer and any initiative needs to avoid duplication of other successful programs already established in the communities. Our current court, corrections, and human services systems are designed to operate at a local level, which allows the development of treatment and supervision programs that respond to individuals, families and communities; something a one-size-fits-all state program will never accomplish. While the judicial, legislative and executive branches of government are significant parties to the system, counties know their communities best. State and judicial participation should be a collaborative effort with counties leading.

The funding mechanism should ensure that treatment and supervision funding is sustainable and ongoing. Any appropriation for treatment and supervision in these specialty courts should be clearly identified and included in the base from a state agency. The present funding model for these initiatives that directs all the money through the Supreme Court as part of their base funding does not appear to guarantee their ongoing existence nor does it provide any assurance of ongoing local funding for treatment and supervision.

Health-Care Funding While in Jail

The MICA Board of Directors supports maintaining health-care coverage for individuals detained in county jails who qualify for state and federal health-care programs.

Many individuals entering our jail system have significant medical and mental illness diagnoses. Interruption in health-care services at the time of incarceration can significantly hamper public safety and the well-being of those detained in our facilities. Counties have been successful in expanding coverage and streamlining reapplication for several of our state and federal health-care programs for the indigent. Our present health-care system for the indigent is moving several of these individuals into the Minnesota Care program. Unlike other programs, Minnesota Care automatically denies coverage while an individual is incarcerated. This significantly increases the cost to county property taxpayers and severely disrupts needed treatment during a critical timeframe. MICA supports ensuring that coverage for all indigent health-care programs is maintained during stays in county jails and, if the services are suspended, that the application process would be streamlined.

Improved Reentry For Juvenile and Adult Offenders

The MICA Board of Directors supports the development and implementation of comprehensive state initiatives to assist juvenile and adult offenders' reintegration back into their communities which will help reduce recidivism and its public costs.

Because Minnesota's model for corrections has been community-based, it has been able to develop many positive reentry programs. MICA asks the Legislature to recognize the hard work of these local initiatives by supporting their continued development. As the State looks into developing comprehensive reentry programming, it should give room for local community initiatives and not seek to supplant them. Further, the State should be careful not to endorse federal programming which will not be compatible with Minnesota's successful model in supervising and tracking offenders.
