



2021 MACPO LEGISLATIVE PRIORITIES

FUNDING

Goal: Increase CPO funding— reinstate unfunded mandates

Goal: Streamline funding in combining CPO funding— merging caseload workload funding and 50% reimbursement funding into one-line item.

Delineate funding for all three delivery systems (DOC, CPO, CCA) into separate line items for each delivery system in the Commissioner of Corrections budget. Use actual 50% reimbursement numbers in new delineated line items for CPO in Governor's budget. County-based probation systems need additional funding to support basic functions, with policy changes related to pre-trial assessments and supervision have increased caseloads. Increases the reimbursement to 50%. Reinstates Bail Evaluation Funding. MACPO supports reimbursement for bail evaluations at \$25 per evaluation as per MS 629.74 stating "local corrections department or designee shall conduct pretrial bail evaluation. The local corrections department shall be reimbursed \$25 by the Department of Corrections for each evaluation performed."

JUVENILE SENTENCING TO LIFE WITHOUT PAROLE

Goal to eliminate the sentence of life without the possibility of parole for juveniles; sentencing should be revised to life with possibility of parole after serving a minimum, align with adult sentencing guidelines.

Review of the life sentence should be performed by the Commissioner of Corrections and based on relevant factors including background and conduct during imprisonment.

MACPO fully supports JJAC proposal and further recommends that these statutory changes "shall be applied retroactively to all individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years".

In 2013 the MN Supreme Court decision, *Chambers v. Minnesota*, was decided based on the Supreme Court decisions *Miller v. Alabama* and *Jackson v. Hobbs* which had dictated adjustments to each state's procedure for imposing juvenile life without parole. At about the same time JJAC formed a subcommittee to research and arrived at a position that would take into consideration the US Supreme Court decisions. Six months later with the subcommittee working assiduously, JJAC developed its recommendation to the Governor and Legislature regarding the imposition of Life Without Parole sentences on juvenile offenders. Here is the recommendation:

1. Minnesota laws should be amended to eliminate the sentence of life without the possibility of parole for juveniles.
2. For the crimes that currently result in a sentence of life without the possibility of parole, juveniles should instead receive a sentence of life with the possibility of parole open to release authority after serving a minimum of 20 years.
3. To ensure meaningful review of a life with the possibility of parole sentence, Minnesota law should further provide that "The Commissioner of Corrections shall review the juvenile's conduct in prison, participation in programming, the juvenile's age at the time of the commission of the crime, the facts of the present offense, the juvenile's prior offenses,



educational and family background, the opinion of the victim(s) and any other factors relevant to rehabilitation and make the determination as to whether the juvenile should be paroled."

4. In the interests of fundamental fairness, JJAC further recommends that these statutory changes "shall be applied retroactively to all individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years.

DRIVERS LICENSE RESTRICTION REFORM FOR DWI OFFENDERS

Currently, persons charged with DWI offenders are required to participate in the Interlock Program. Minnesota Department of Public Safety (DPS) works to assist in reinstatement but there are still restrictions on the ability to persons to drive. With the restriction's participants are challenged to fit in work, treatment, and court ordered obligations.

MACPO supports legislation that person that are successfully participating in the Interlock Program be able to drive without restriction.

DPS supports this legislation.

Discussion has been had about the DWI statutes in addressing the difference in alcohol DWI vs drug DWI in that the mandatory requirement of the alcohol monitor or \$12,000 is not applicable to the drug DWI. As well as, DPS requirement for ignition interlock does not apply for drug DWI's. Creates public safety issues.

MENTAL HEALTH

MACPO supports legislation for the system to provide effective mental health services for juveniles and adults involved in the criminal justice system. Having timely access to community resources. Available services may reduce the warehousing person in jails and prisons. Increase state funding for implementation of full continuum of mental health services available at the local level.

Increase the number of crisis beds and other reforms that promote early intervention and stabilization, to reduced health care and jail costs for counties and provide better care. Creating forums to work with community partners and state agencies to address the growing population of mentally ill offenders.

HUMAN TRAFFICKING

MACPO supports legislation that addresses the enforcement, prosecution, awareness, education, and elimination of human trafficking. As well as, the funding for victim services to support and improve victim's lives.

OFFICER SAFETY

Support any legislation for field services and prison staff to increase safety and security of all staff.



RETIREMENT

MACPO supports a systematic change to give probation officers the opportunity to retire at age 60.

OPIOIDS

The increase in substance use disorders and overdose deaths has a devastating effect on county operated systems, including public safety and the courts. A statewide response to reduce the burden of substance abuse must be aimed to prevention, assessment, and treatment. Funding for initiatives to respond to addiction are necessary. In response to the increase fund resources necessary to improve public safety response to the opioid epidemic. Enact legislation that improves the accountability of doctors prescribing medications in that a central/statewide data collection system we be put in place.

SUPPORT FEDERAL AND STATE FINANCIAL AND PROGRAM ASSISTANCE TO COUNTIES TO RELIEVE COST FOR UNCOMPENSATED MEDICAL AND DENTAL CARE OF ADULTS AND YOUTH WHILE IN CORRECTIONAL FACILITIES

Retool the State and Federal rules/policy that removes children from Medicaid, MinnesotaCare, or health services when they are placed in detention/incarceration/facilities.

This includes funding for preventative and ongoing physical and mental health care services in jails and maintenance of Social Security Insurance, Veterans benefits, Medical Assistance, and MinnesotaCare. Example: when a child incarcerated because of Mental Health, Chemical Dependency/Opiate and or behavior issues for their own and public safety should not be denied access to their medication and or treatment because of this law, policy or rule. The child is experiencing behavior issues that requires the higher level of care/incarceration at that time to reframe the child's release back into the community and when medications have to be denied and treatment withheld because there is no funding can make it harder to get the child returned to the community.

SUPPORT OFFENDER REENTRY

Transition from incarceration and court sanctions to the community is key to offender success and therefore critical for improving public safety and saving taxpayer money. Policies that support offender education, housing, employment, and mental health services will reduce recidivism.

SUPPORT SMART SENTENCING AND SUPERVISION/PROBATION REFORM

Provide more mental health and chemical dependency treatment options, especially essential for veterans who need services to address issues related to their service in recent conflicts. Revise Minnesota's drug sentencing laws to remove disparities and ineffective minimums. Ensures adequate and safe supervision in the community. Consider revising Sentencing Guidelines to help reduce the prison commits, therefore, reducing prison beds and current overcrowding.

JUVENILE PREDATORY OFFENDER REGISTRATION

MACPO supports amending current predatory offender registration laws for juvenile in order to increase public safety while using interventions that decrease recidivism and increase rehabilitation. Reducing lifelong collateral consequences for juveniles.



Courts should be allowed to use legal criteria at any time in the supervision process to determine if a juvenile adjudicated delinquent for a predatory offense should be registered. Specific criteria should be established.

COURTHOUSE SECURITY GRANT PROGRAM

Support efforts to create a state funded grant program for courthouse enhancements to allow additional flexibility for counties to use other existing revenue sources for this purpose. With the goal of safety and security of those work within the judicial system and the public's safety.

SUPPORTING COMMUNITY SUPERVISION AS AN ALTERNATIVE TO PRISON EXPANSION

Work to support existing community supervision infrastructure and increase the funding that supports county efforts toward community supervision rather than have the state invest those limited corrections resources in new prison facilities.

SUPPORTING PROGRAM FOR EARLY RELEASE FROM PRISON IF JUDGED TO BE ABLE TO LIVE SUCCESSFULLY IN COMMUNITY WITHOUT PUBLIC DANGER

MACPO supports legislative action to create and fund a release program for inmates in the custody to Commissioner of Corrections to have the ability to release into the community if deemed to be able to live successfully and without public danger. The application for release would be submitted to the commissioner then would be forwarded to a panel of 3 Judges. The release would approved by majority vote. Inmates would be eligible for release application after 60% of sentence.

SUPPORTING COMMUNITY SUPERVISION AS AN ALTERNATIVE TO PRISON EXPANSION

Work to support existing community supervision infrastructure and increase the funding that supports county efforts toward community supervision rather than have the state invest those limited corrections resources in new prison facilities.

VOTING RIGHTS RESTORATION

Minnesotans convicted of a felony but live in the community should have the fundamental right to vote. It is a way to increase positive engagement in the community.

Public Safety Definitions

Goal: amended MN Statute 299A.41 to include Probation Officers to 299A.41 subd. 4

Subd. 3. Killed in the line of duty.

"Killed in the line of duty" does not include deaths from natural causes, except as provided in this subdivision. In the case of a public safety officer, killed in the line of duty includes the death of a public safety officer caused by accidental means while the public safety officer is acting in the course



and scope of duties as a public safety officer. Killed in the line of duty also means if a public safety officer dies as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if:

- (1) that officer, while on duty:
 - (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or
 - (ii) participated in a training exercise, and that participation involved nonroutine stressful or strenuous physical activity;
- (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:
 - (i) while engaging or participating under clause (1);
 - (ii) while still on duty after engaging or participating under clause (1); or
 - (iii) not later than 24 hours after engaging or participating under clause (1); and
- (3) the presumption is not overcome by competent medical evidence to the contrary.

Subd. 4. Public safety officer.

"I Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
 - (i) firefighting;
 - (ii) emergency motor vehicle operation;
 - (iii) investigation into the cause and origin of fires; (iv) the provision of emergency medical services; or
 - (iv) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- (5) a good Samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life-support transportation service who is engaged in providing emergency care;
- (8) a first responder who is certified by the emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and
- (9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the State Patrol, whose primary employment duty is either Capitol security or the enforcement of commercial motor vehicle laws and regulations.

DOC Contract Counties

Goal: DOC would like to amend 244.19, subd. 1 section 3 244.19

PROBATION OFFICERS.



Subdivision 1. Appointment; joint services; state services.

(a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanor and juvenile probation services to district courts in one of the following ways:

- (1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;
- (2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;
- (3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;
- (4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;
- (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving.

(b) The commissioner of management and budget shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management and budget is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

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