

PROBATION

BREAKING GROUND:

Community Supervision Reforms in Minnesota and Nationwide

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Executive Summary

In Minnesota, the landscape of community supervision is both vast and shifting. Because community supervision is the primary form of correctional control in this state, change efforts have the potential to transform our criminal legal system.

In the analysis that follows, we spotlight current and potential future reform efforts in Minnesota. In our first report in this series—an in-depth literature review describing key research findings on the causes and consequences of the historic rise in community supervision—we laid the groundwork. In this report, we break ground, outlining three key targets for change in community supervision policies nationwide and in Minnesota.

First, we explore efforts that focus on changing **the structure or form of probation and supervised release**. We highlight and analyze examples of efforts that shift lengths of supervision, address intensity and conditions of supervision, and seek to reduce violations and supervision revocations. These include the Minnesota Rehabilitation and Reinvestment Act, New York’s “Less is More” campaign, and Arnold Ventures’ and the Institute for State and Local Governance’s “Reducing Revocations Challenge.” A look at the policy and organizing landscape shows us the critical nature of sustainable implementation and how change efforts unfold differently across jurisdictions.

Next, we examine change efforts focused on shifting **funding and resources for community supervision offices**. Specifically, we dig into the Justice Reinvestment Initiative and changes to funding formulas for community supervision. We also examine local community reinvestment and social alternative approaches, including “Less is More.” Here we see that true reinvestment requires resources, many multidisciplinary partners, and sustained energy—these efforts require the long-term participation of all involved.



In this report, we break ground, outlining three key targets for change in community supervision policies nationwide and in Minnesota.

Finally, we highlight efforts to **reshape office culture and daily decision-making** within community supervision offices. We consider the role and cultural shifts associated with evidence-based practices, change efforts led by leadership and administration in community supervision, and the ways community organizations and system-impacted individuals and groups are holding the system accountable and building for change.

Each target for change offers potentially useful pathways to guide ongoing efforts in Minnesota to overhaul community supervision, as well as potential pitfalls for implementation. Overall, we recommend increased attention to the values and empirical evidence underlying such changes and planning for action by accounting for the multi-dimensional and contradictory nature of mass supervision in our state and across the nation.

Introduction

Community supervision plays an outsized role in Minnesota’s criminal justice system. The state prides itself on maintaining a lower incarceration rate; this generally means leaning more heavily on probation and supervised release than confinement. In 2023, more than 95,000 Minnesotans were under some form of community supervision.

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The Minnesota Justice Research Center (MNJRC) is an independent, nonpartisan, nonprofit organization dedicated to driving meaningful change in Minnesota’s criminal legal system through rigorous and community-centered research, education, and policy development. At MNJRC, we aim to cultivate public conversations, conduct research, and craft policy and organizing solutions that will drastically scale back community supervision in our state.

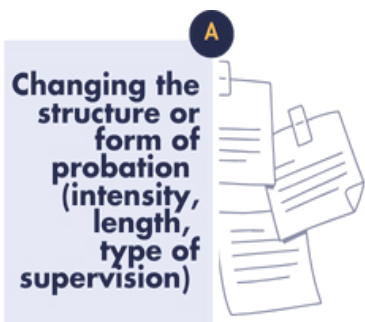
As a nonpartisan 501(c)(3) organization with strong ties to community partners, relationships with national policy and reform organizations like the Justice Action Network, research expertise, and credibility among our state’s policymakers and stakeholders, we are well positioned to continue advancing progress on the issue of community supervision in Minnesota - a state that has quickly emerged as a key place in the field due to its outsized supervised population and the reforms that passed in the 2023 omnibus bill.

With support from Arnold Ventures (AV), the MNJRC initiated the Transforming Community Supervision project to improve public safety, promote better wellbeing for people on probation and supervised release, and break revocation cycles, in which people are sent back to jail or prison for violating the conditions of a community supervision sentence.

Previously, our team conducted a comprehensive review of the research related to community supervision in Minnesota and across the United States. In our report, “Setting the Groundwork for Change: A Literature Review of Community Supervision in Minnesota and Nationwide,” we highlighted key research findings on the causes and consequences of the historic rise in community supervision, now commonly referred to as mass supervision. We also connected the research literature to our conversations with Minnesotans living and working under supervision, contextualizing what we learn as researchers with the experiences of directly affected individuals.

To address some of the shortcomings of the state’s supervision systems, the 2023 Minnesota Legislature made significant changes to laws, policies, and practices with the objective of stronger and more effective support for behavior change in the community. Advocates and policymakers will have to closely monitor implementation and committee recommendations to ensure that Minnesota is improving supervision, achieving better outcomes for people on probation and supervised release, and enhancing public safety.

The present report builds on the prior report’s groundwork, spotlighting current and potential future reform efforts in Minnesota and advocating for increased attention to the values and empirical evidence underlying such changes. In this policy landscape analysis, we consider **three key targets** for further change in community supervision policies nationwide and in Minnesota:



As we consider each target for change, we highlight the implementation challenges as well as potentially useful examples to guide ongoing efforts to overhaul community supervision in Minnesota. These two reports are our first steps at MNJRC to bring about these significant changes to community supervision in Minnesota. However, we can also play an important role in identifying and connecting researchers with necessary stakeholders like policymakers and organizers, ensuring that these recent reforms undergo rigorous evaluation and facilitate bold innovations that can be adapted in other states.

At the MNJRC, we recognize that our state has had a too many, for too long approach to community supervision. **Minnesota needs to substantially reduce the number of people on community supervision and the amount of time a person spends serving time in the community.** We must also reduce revocations back to jail or prison to promote a more fair and equitable criminal justice system. We believe this report will assist a variety of stakeholders as they take action in ways that account for the multi-dimensional and contradictory nature of mass supervision in our state and across the nation.

Changing What **Community Supervision** Looks Like

When it comes to tackling the structure of supervision, there are a number of examples locally here in Minnesota and across the country in which jurisdictions have 1) reduced supervision lengths through the use of sentence caps and early release policies; 2) reduced supervision intensity through the use of technology and shifting probation culture; 3) discontinued fines and fees; and 4) reduced revocations and technical violations.



SUPERVISION LENGTH

Several states have begun to reduce the length of community supervision through legislation. These changes respond to research that has continually demonstrated that increased time on supervision and intensity of supervision requirements do little to reduce recidivism or provide other public safety benefits (Jacobson et al. 2017; Lopoo, Schiraldi, and Ittner 2023; Phelps 2020). The relationship between time on community supervision and violations is complicated and varies across jurisdictions. Research across 10 different jurisdictions finds that in over half of these sites, longer probation terms were associated with an increased likelihood of negative outcomes, including more violations and revocations (CUNY Institute for State and Local Governance 2021). While more rigorous evaluations are necessary to determine a causal link between term length and poor outcomes on probation, the research to date suggests that further piloting of term-reduction policy reforms may be a fruitful, high-impact strategy that all states can adopt.

Recently, states like Louisiana and California have implemented drastic reductions to community supervision length through legislative action. In 2017, Louisiana eliminated a one-year minimum for probation sentences and reduced the maximum sentence for felony probation¹ from five to three years. Research evaluating the impacts of these reforms has found that, following this reform, probation sentences fell from an average of 3.4 to 2.6 years and revocations decreased from 21 to 15 percent among eligible people on probation (Olsen, Meade, and Eakins 2022). In 2020, after successful advocacy by local and national organizations, California governor Gavin Newsom signed a law that reduced the maximum sentence for misdemeanor and felony probation to one and two years, respectively. Post-release supervision was also maxed out at two years (Lopoo et al. 2023).



1. This sentence reduction applies only for a first, second, or third conviction and for a non-violent, non-capital felony offense.

Here in Minnesota, the 2023 legislature capped probation sentences at five years for most offenses and applied this change retroactively. The bill codified a five-year cap on probation enacted in 2020 by the Minnesota Sentencing Guidelines Commission, and Minnesotans serving probation sentences longer than five years became eligible for resentencing. Originally, Minnesota’s high maximum sentences for probation drove large sentencing disparities in different jurisdictions, with pronounced probation lengths ranging from 4 to as many as 40 years, depending on the jurisdiction. This cap on probation lengths is one of several changes to reduce the length of time spent under community supervision while also cultivating more uniformity in probation sentencing across the state. However, comparing this sentence-length cap to Louisiana and California shows continued room for change.

The MN DOC aims to “shift focus from how much time people spend in prison, to how people spend their time”

Minnesota also joins a growing number of states using early release in community supervision. Early release policies—rules that allow those on supervision to meet certain goals and earn early release from their supervision terms—are another approach states have taken to reduce the length of supervision. A group of MN Department of Corrections (DOC) and Justice Reinvestment Initiative-supported organizations (JRI) endorsed and advocated for legislation called the “Minnesota Rehabilitation and Reinvestment Act (MRR),” which also became law in 2023. The MN DOC aims to “shift focus from how much time people spend in prison, to how people spend their time,” and includes an overhaul of prison and supervised release conditions and requirements.

Under the MRR, each person will receive an individualized rehabilitation plan (IRP) that will guide concrete rehabilitation goals like substance use treatment, mental health counseling, vocational training, and education. People who complete these rehabilitative goals have the opportunity to earn early release both while in prison and on community supervision. Importantly, the MRR will only apply to people under DOC jurisdiction² and to those serving time in a DOC prison or on supervised release. It will not apply to those serving probation sentences. Furthermore, in no cases will credits reduce the term of imprisonment to less than half of the incarcerated person’s sentence (Minnesota Department of Corrections 2023).

The DOC will likely face some substantial implementation barriers, including the costs associated with implementing the early release policies embedded in the MRR. For example, other states’ attempts at early release have largely fallen short, noting issues such a lack of robust case management systems to assist probation officers with tracking early release milestones. To date, the MRR is still in its infancy; already activists and organizers have begun to challenge DOC leadership regarding its slow implementation since the MRR officially became law in August 2023 (e.g., “Home for Good”, (Winter 2023).

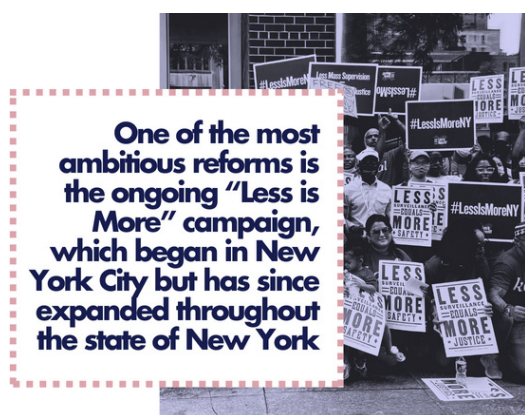
For example, other states’ attempts at early release have largely fallen short, noting issues such a lack of robust case management systems to assist probation officers with tracking early release milestones.

Regardless of the timeline, the MRR’s engagement with early release credits and sentence length caps for probation represent a large overhaul of community supervision in Minnesota.

SUPERVISION INTENSITY AND CONDITIONS

Several states have begun to reduce the intensity of community supervision through legislation. As noted above, research shows little benefit in increasing intensity of supervision (Jacobson et al. 2017; Lopoo et al. 2023; Phelps 2020). In fact, in some cases increased intensity increases the risk of violations, including technical violations (Doleac 2018, 2019; Petersilia and Turner 1993; Reitz and Rhine 2020).

One of the most ambitious reforms is the ongoing “Less is More” campaign, which began in New York City but has since expanded throughout the state of New York. While NYC experienced extremely high crime rates and bloated criminal justice populations



2. Minnesota houses three different delivery systems for probation and supervised release, each representing a different arrangement between the DOC and county probation offices. For a full overview, please visit [insert link to lit review]

in the 1980s and early 1990s, it is now an urban area with one of the most rapidly declining prison and jail populations in the United States. The Less is More campaign came to fruition with the explicit goals of drastically reducing the number of people and intensity of conditions in community supervision.

A core component of Less is More is reducing the number of people on supervision so that probation and parole departments can reinvest those savings into the delivery of services for those who are assessed high-risk in community supervision populations (Jacobson et al. 2017). The New York City (NYC) Department of Probation leadership assisted with the development and implementation of Less is More practices in their offices and communities. For example, office leaders changed or lowered the requirements for supervision, typically switching to requiring reporting only via kiosks, phones, and computers (as opposed to more cumbersome in-person reporting).

Under probation commissioner Vincent Schiriladi, from 2010 to 2014, more than two-thirds of the NYC probation population was placed on kiosk³ or other distance release. This use of distanced supervision only increased during the pandemic, including phone and computer check-ins. Probation leadership further encouraged early release for people on probation who were successful on kiosk or other distanced supervision; in response, probation officers began submitting more such requests.

This shift in leadership priorities, alongside engagement and accountability with community activist groups, led to drastic reductions in the community supervision population as well as violations. For example, only about 3 percent of people on probation in NYC were violated in 2012, a 45 percent decrease since 2009.

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The success of the Less is More campaign in NYC encouraged the program's expansion across the state, and a legislative campaign was mounted to apply Less is More principles to the state's parole system. In June 2021, the New York Legislature put the Less is More Act into law, and by September 2022, all aspects of Less is More took effect state-wide. The law required technical violations of probation or parole be responded to with noncriminal, community-based interventions, and for an increased use of early release for people on parole. The impact has been significant. For example, since December 2022, nearly 13,000 people have been discharged early from parole and there has been a nearly 90 percent reduction in the number of technical violators being sent back to jail or prison. Five New York state prisons have also closed, a change that has been partially attributed to the successful implementation of the Less is More legislation.

However, unlike Less is More in NYC, the MRRA and other legislative advocacy in Minnesota continues to endorse intensive community supervision (ISR) programs

Minnesota's MRRA law overlaps with some of the goals of the Less is More campaign, including the use of early release credits for supervised release from prison. However, unlike Less is More in NYC, the MRRA and other legislative advocacy in Minnesota continues to endorse intensive community supervision (ISR) programs (Minnesota Department of Corrections 2020, 2023). In Minnesota, ISR⁴ includes strict, round-the-clock supervision, and it can include different forms of house arrest, electronic monitoring, unannounced drug testing and officer visits, and 40 hours per week of work, education, training and/or treatment requirements.

A frequently DOC-endorsed form of intensive supervision is the Challenge Incarceration Program (CIP), which includes a selective, voluntary boot-camp during incarceration and then intensive supervised release (ISR) including the potential for revocation back to jail or prison if people fail to meet strict conditions (Minnesota Department of Corrections 2023). In 2007, a DOC evaluation of CIP found that it decreased costs and recidivism, including both reincarceration for new crimes and technical violations. Yet, very little research has continued to monitor the effectiveness of this intensive programming since its initial study (Duwe and Kerschner 2008; Minnesota Department of Corrections 2022).

3. Automated kiosk reporting is typically a computer similar to an automated teller machine (ATM) that individuals under community supervision can use for all or part of their regularly scheduled reporting instead of reporting in-person to a parole or probation officer (Bauer et al. 2015).

4. For a short primer on ISR in Minnesota, see our one-pager.

In some ways, Minnesota's MRRRA aims to garner similar success to Less is More by using early release for people leaving prison. However, without similar pivots from the intensity of supervision for both supervised release and probation, the intended effects of these 2023 policy changes on supervision length and revocations will likely be muted. As a result, researchers have the opportunity to examine the effects of early release in comparison to New York's efforts to pivot to less supervision overall. For example, early release efforts may have a greater impact in the Twin Cities and more urban areas, whereas shifts in intensity like distanced supervision may have more powerful effects in rural Minnesota.

Despite the fact that MRRRA did not address supervision intensity, one critical piece of the 2023 legislation for people under community supervision is the sunset of all fines and fees by 2027. Agencies are banned from increasing fines or fees during this time. People under supervision in Minnesota face a variety of different fines and fees for their conviction and supervision period. For example, many people under supervision must currently foot the cost for electronic home monitoring equipment or other technology required as part of their supervision.

Additional legislation requires the Minnesota DOC to submit annual reports monitoring the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected. Combined, these changes will not only limit the type of financial conditions that people on community supervision must face, but also the ways in which local criminal justice agencies and court personnel are funded.

Similar to Less is More, MRRRA may also require buy-in from not only DOC leadership but other agencies that operate and oversee community supervision in Minnesota such as Community Corrections Act (CCA) agencies, county commissions, and sheriffs' offices. Abolishing fines and fees will also differentially impact counties, especially smaller jurisdictions that are typically more reliant on punitive fines and fees (Maciag 2019).

One hurdle is that assessing the impact of these shifts will require consistent and streamlined data collection practices.

Taken together, these changes to the structure of community supervision represent a drastic shift in the delivery of community-based punishments in Minnesota. These policy changes will likely have differential impact and may look quite different in practice, depending on the jurisdiction. One hurdle is that assessing the impact of these shifts will require consistent and streamlined data collection practices. For example, county staff explained to our research team that often what constitutes "fines and fees" is not clear among legal system leadership. Thus, while the legislative changes represent a major shift for the DOC and other agencies, it remains unknown how Minnesota officials will respond to and enact these changes and whether and how researchers will be able to assess the impact.

SUPERVISION VIOLATIONS AND REVOCATIONS

Across the United States, many jurisdictions have also struggled with reducing the number of people being sent back to incarceration while serving time in the community. In 2016, nearly 30 percent of exits from probation nationwide were classified as unsuccessful exits, as either the result of a new crime or technical violations. Community supervision revocations have also been a significant driver of prison admissions over the past few decades, with recent estimates indicating roughly 350,000 people across the United States are revoked back to prison or jail each year (Pew Research Center 2020).

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Given these staggering numbers, many states have started to adopt policies to limit the use and frequency of revocations, instead implementing less harsh, incremental responses to technical violations - violations that do not constitute a new crime - such as the imposition of curfews and increased reporting requirements or the removal of certain privileges. Since 2020, at least 22 states have passed laws that require probation and parole agencies to adopt more graduated, less punitive responses to technical violations. An additional 16 states have enacted caps on revocation terms for probation or parole violators. For example, in 2007, Louisiana adopted a revocation cap of 90 days in jail as a response to a first-time technical violation of probation or parole. On average, this cap not only cut time spent in jail by 281 days (from 355 to 74 days), it resulted in more than 2,000 people diverted from incarceration each year and yielded a net savings to Louisiana taxpayers of over \$17 million annually.

Due to the high number of people cycling in and out of jail and prisons from community supervision, a core focus in shifting the structure of Minnesota supervision has been to reduce violations and revocations across the state. For example, part of the 2020-2022 strategic plan for the Minnesota DOC included a policy priority to reduce technical violation admissions to prison by 70 percent and to reduce racial disparities in technical violation prison admissions (Minnesota Department of Corrections 2020). To date, the DOC has not provided an update on these specific goals, but language in the 2023 legislation includes specific prescriptions for probation and supervised release officers to, for example, reduce revocations for people with substance use issues. The legislation posits that supervision agents must restructure conditions to include treatment options, but this requirement only applies if a probation or parole agent determines the community options are appropriate and available in the state.

Different counties in the state are also developing new approaches to community supervision violations and revocations. For example, Hennepin County (which includes Minneapolis) announced in August 2021 that it would re-evaluate the use of urine analysis drug testing (UAs) as a condition of community supervision, emphasizing the need to keep “an eye towards policies and procedures that support sobriety and treatment, and reduce testing for compliance alone” (Gokey 2021). A 2022 study showed that the previous system of routine drug testing, known as the “color wheel,” was often described by participants as an arduous and intrusive burden, but for those who identified as addicts, it was often described as a coercive motivation to maintain sobriety. Roughly one-third of participants in the study renounced labels of addiction and criminality, resisting any coercive surveillance as a meaningful way to promote greater wellbeing and sustainable sobriety.⁵

Since the beginning of our research efforts, the Hennepin County community corrections office has eliminated drug testing for multiple substances at once and asked staff to test only for any known substances that a client uses and that the officer determines is a “driver of criminal behavior.” The office also redesigned its random drug testing process, establishing new criteria for identifying “high-risk and high-need” clients. People on probation are no longer tested for substances such as cannabis, alcohol, and fentanyl (Hennepin County Department of Corrections and Rehabilitation, 2021). Researching these shifts may help us to understand their effects on revocation rates and individual wellbeing. An analysis of similarly situated counties in Minnesota and across the country may show differences based on drug testing policies.

Ramsey County (the county containing Saint Paul) is currently part of the Reducing Revocations Challenge, a national partnership between Arnold Ventures (AV) and City University of New York’s Institute for State and Local Governance (ISLG). The Reducing Revocations Challenge (RRC) includes 10 partnership sites in states like Arizona, Arkansas, Colorado, Indiana, Texas, and Washington. These sites represent a wide range of probation jurisdictions with different community supervision population sizes and challenges.

Starting in 2019, RRC conducted research in each jurisdiction to identify, pilot, and test strategies to reduce probation revocations. By 2021, each site had created new initiatives based on these findings. The final report (also published in 2021) highlighted a variety of issues related to revocation by office. Many sites struggled with similar issues such as heightened racial and ethnic disparities, conflict in relationships, and a lack of holistic and supportive services to address the complicated needs of people on probation (CUNY Institute for State and Local Governance 2021).

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In Ramsey County, the RRC initiative is spearheaded by Ramsey County Community Corrections (RCCC) and the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota (CUNY Institute for State and Local Governance 2021). Initially, Robina conducted a study to identify the main drivers and pathways to revocation for people on Ramsey County probation. Robina released their findings in a series of reports and policy briefs published starting 2020 (Mitchell, Hanrath, and Harbinson 2021).

5. For a deeper dive into the research on violations and revocations, see our literature review [insert link].

A key report finding was that 60 percent of people who started probation in 2016 had gone two years without a violation. Still, revocations were commonplace, with 53 percent of revocations ending in incarceration. Black and Native American adults were more likely to be revoked (and to be assessed as high- or medium-risk). These inequities were quite drastic in some cases. For example, Black and Native American people on felony probation were 40 percent and 103 percent more likely, respectively, to have their probation revoked than white individuals on felony probation. Robina's interviews showed a strong perception among criminal justice professionals that revocations were the result of new crimes rather than technical violations, yet, new crimes accounted for only 28 percent of violations and 41 percent of revocations, with technical offenses making up a larger proportion of violations overall.

The report found that several interviewees were actively trying to engage in treatment, but fearing their PO's response, dropped out of contact with a PO after failing a drug test

Failure to maintain contact with a probation officer was one of the most frequent technical violations in Ramsey County (Mitchell et al. 2021). Similar to the Hennepin County population, many people on probation with RCCC struggle with substance abuse. In a follow-up report, Robina interviewed 20 people on probation with RCCC to understand the underlying causes of failure to maintain contact violations. The report found that several interviewees were actively trying to engage in treatment, but fearing their PO's response, dropped out of contact with a PO after failing a drug test. Others struggled with basic needs like housing and food access. People who lacked reliable transportation or a cell phone further reported frequent difficulties maintaining contact with their probation officers. Multiple people on probation reported dealing with uncommunicative or uncaring officers, and a few reported potential racial, cultural, and gender discrimination in their dealings with RCCC officials (Mitchell and Ruhland 2023).

In response, Robina advised the RCCC to begin using more alternative responses to violations. This shift away from jail and prison time as de facto responses will require not only a reconsideration of the purpose of the Ramsey County jail, but also working directly with the county administration to address bed space issues at treatment centers and integration with social service providers. For example, instead of referrals, POs could do direct handoffs of people on probation to drug treatment or other services. Likewise, POs could develop and implement a basic needs assessment for people on probation at the start of the intake process for the RCCC, allowing them to anticipate difficulties with compliance (Mitchell et al. 2021).

Robina also recommended the RCCC change its relationship with the local criminal courts to create feedback loops between probation officers and other criminal legal practitioners such as judges and prosecutors. Such changes must also include changing the dynamics of relationships between people on probation and officers. Expressions of care, support, and encouragement by POs were all noted as ways to build rapport and relationships among the 25 people on probation for the 2023 report (Mitchell and Ruhland, 2023).

Other suggestions are fairly straightforward, such as implementing text or email reminders about probation appointments to reduce failure to maintain contact violations. Pilots in other RRC sites like Santa Cruz, California have experimented with bus tokens and gift cards, small shifts that have proven successful in reducing failure to contact violations (Santa Cruz Probation Department and RDA Consulting, 2023).

To date, the RCCC and Robina have formed a multidisciplinary committee tasked with addressing many of the issues identified in the research phase of the Reducing Revocations Challenge. New positions, such as a project manager to oversee the RRC initiatives and a Racial and Health Equity Planning specialist, were created to help promote community engagement and ensure that "racial equity remained at the forefront of the work" (Ramsey County Community Corrections, 2023, p. 3). The joint committee recently produced a policy brief outlining the three lanes of change for the RCCC. Each lane comprises workgroups associated with specific goals related to Robina's recommendations.

For example, Lane 1 focuses on equitably decreasing the number of people who are sentenced to probation, focusing mainly on people convicted of lower-level offenses. This workgroup developed three recommendations for the RCCC to prioritize and expand diversion. It recommended supervised probation for cases that are not ordered by any special conditions, advised that alternatives be used once a person on probation completes all special conditions, like mandated drug treatment, associated with their sentence, and set a goal to eliminate probation for non-DWI, misdemeanor traffic offenses. These recommendations were presented to and approved by the advisory committee

in June 2023, and affected stakeholders including probation, the St. Paul City Attorney’s Office, judges, and court administration “are in conversation on how to implement the endorsed recommendations” (Ramsey County Community Corrections, 2023, p. 7).

At the time of this policy landscape analysis, the other two workgroups are developing recommendations for the RCCC. Moving forward, the RCCC advisory committee will continue to implement and monitor recommendations about how to address these different lanes of change through policy, practice, and even shifts in the underlying philosophy and values that drive the Ramsey County criminal legal system.

SUSTAINING CHANGES TO PROBATION STRUCTURE AND REVOCATIONS

Taken together, efforts to shift what community supervision looks like have already happened across the country and here in Minnesota. States have used legislative changes and shifts in administrative practices to institute many of these changes, and grassroots campaign movements continue to pressure local officials and community supervision administrators to make good on their promises. An array of major philanthropic foundations and research institutes are influencing and shaping this work, often working behind the scenes to support policy priorities and help pilot organizational initiatives.

It is clear that sustainable implementation is key to change efforts, which unfold differently across jurisdictions. Even jurisdictions that have instituted major rollbacks of probation and parole are experiencing pushback by new supervision administrations and other criminal justice officials. Like several other states, Minnesota is only beginning to scratch the surface in changing what community supervision looks like, and changing the structure of supervision must be partnered with shifts in the funding priorities and resources allocated to community supervision agencies.

Shifting Funding and Resources in Community Supervision

Another key target for change in community supervision has been to recalibrate the funding of criminal justice agencies, redistributing resources used toward mass incarceration to instead support local community programs and organizations. Early efforts resulted in increased support for probation and parole agencies, which, in the early 2000s especially, were lauded by policymakers as a potentially useful alternative to growing incarceration rates in many U.S. states.



The federally endorsed Justice Reinvestment Initiative (JRI) is among the most popular of these early efforts. Since its inception in 2002, JRI has distributed funding for more than half of U.S. states to engage in a variety of legislative initiatives. To this day, JRI remains an influential national player in criminal justice reform, with JRI-endorsed groups pushing through many of the key legislative changes in Minnesota’s 2023 session.



More recently, states and localities have reconsidered how to further redirect resources out of the criminal legal system and into the hands of community services and organizations. There is significant emphasis on community reinvestments into organizations endorsed by the community members in their local neighborhoods. Such investments in social support and pathways to true alternatives to the criminal legal system have become defining aspects of the Less is More campaign in New York, while states like Louisiana, Massachusetts, and Pennsylvania have seen a combination of JRI and locally supported efforts.

FUNDING FOR JUSTICE AGENCIES

One of the first major funding reforms to sweep across the United States was the Justice Reinvestment Initiative (JRI). The JRI is a collaboration funded and supported by several organizations (including the federal government), and it is currently led by the Council of State Governments (CSG) Justice Center. Among the predominant frameworks for

national criminal justice reform in the 2000s, JRI-funded initiatives have, however, waned in recent years. Still, the initiative remains an important influence in the reform infrastructure of many states, including Minnesota.

JRI was developed from the concept of justice reinvestment, itself born out of research on the community-level impacts of mass incarceration. Several studies demonstrated how mass incarceration was concentrated in a relatively small number of neighborhoods in low-income communities of color (Clear 2009; Lynch and Sabol 2004; Sampson and Loeffler, 2010). These “million-dollar blocks” often continued to struggle with high crime, despite the enormous sums spent incarcerating their residents (Tucker and Cadora, 2003). In fact, heightened crime in overpoliced neighborhoods was partially attributable to the frequent churning of people—mostly young black men—out of their local communities and into local jails (Austin et al. 2013; Lynch and Sabol 2004).

Justice reinvestment was originally conceived as a way to reduce these harms and redirect expenditures meant for incarceration toward local organizations. The theory was that increasing funding for supportive community groups would help bolster community cohesion and revitalize neighborhoods (Austin et al. 2013; Clear and Frost 2015). The model further emphasized local community control and accountability for people who commit crime, including locally tailored solutions such as allocating parole officers to neighborhoods rather than dispersing their workloads across a county or multiple counties (Tucker and Cadora 2003).

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When implemented, though, justice reinvestment became less about local control and support and more about supporting a series of varied legislative reforms across different states

When implemented, though, justice reinvestment became less about local control and support and more about supporting a series of varied legislative reforms across different states. Between 2007 and 2017, 35 states launched justice reinvestment efforts, with most leading to a variety of policy reforms. Efforts specific to community supervision ranged from policies to target administrative practices in community supervision, such as reducing revocations for technical violations and setting earlier dates for parole hearings, to using JRI’s investments to develop new programs and initiatives for community supervision agencies to implement (Sabol and Baumann 2020).

Many politicians and criminal legal system administrators endorsed JRI-supported reforms because they promised to save states and localities a lot of money—something sorely needed in the lean years following the 2008 recession (Aviram 2015). By 2014 and with eight states involved, the total projected state savings from JRI was estimated to be roughly \$4.6 billion dollars from the reduced operating, construction, and other costs associated with reduced incarceration rates. However, most of this early JRI support went to support parole and probation agencies, including investments that shifted the daily operations of offices to develop risk and need assessment tools, data reporting and research infrastructures, and expanded early release for options people on probation and parole (Klinge 2015).

So far, the evidence indicates early JRI reforms did not have a substantial impact on incarceration rates, with one 2013 study finding that JRI states have similar incarceration rates to states without JRI support (Austin et al. 2013). Researchers and advocates who initially supported JRI have since become critical of the policymakers who translated JRI into streamlining corrections instead of making substantial investments in neighborhoods and decarceration (Austin et al. 2013).

More recently, JRI-supported reforms have been able to meaningfully divert the funding saved from incarceration or community supervision and into community-based infrastructures. So far, 10 states have been able to strengthen community initiatives via JRI-funded partnerships, and their experiences offer lessons for future efforts in capacity-building for community programs that enhance public safety and wellbeing without involving criminal legal agencies. Some of these newer JRI reforms have been targeted directly at community supervision. In Louisiana, over \$13 million dollars saved from JRI reforms have been reinvested

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into community-based alternatives to institutional supervision, including peer support, emergency housing, legal services, job training, and wraparound services. From 2020 to 2021, roughly 322 people received emergency transitional housing upon release from prison, the equivalent of over 27,000 bed days in carceral facilities. This strategy aimed JRI money toward the most under-resourced but over-incarcerated communities in Louisiana (Sakala et al. 2022).

Recent JRI reforms in Massachusetts are also instructive. In 2018, the state invested over \$600,000 into pilot programs aimed to reduce recidivism rates among 18- to 24-year-olds released from carceral facilities. This funding included a collaboration between the state's probation agency and local courts to test which programs worked most effectively to reduce recidivism and promote wellbeing for young people on probation. Part of this pilot included funding for a community-based provider in Lowell, MA, known as UTEC, which provides mental health and substance abuse counseling, education and employment skills, job opportunities, and free childcare for participants (Sakala et al. 2022). Participation in UTEC has translated into positive outcomes for many youth on probation. In 2018, 97 percent of youth participants had no new convictions and 88 percent had no new arrests while enrolled in UTEC programming. Compared to the 52 percent of MA youth who were sent back to court within their first year of release, only 12 percent of UTEC participants were re-arrested during this same period (Creem and Tucker, 2020).

A recent Urban Institute analysis of JRI reforms geared toward community organizations offers a few lessons for moving forward. The authors highlight the importance of creating strong and ongoing collaboration across different partners early on; building trust and establishing clear roles and responsibilities between government agencies and local organizations; and maintaining transparency throughout the development and implementation process via forums, surveys, interviews, and focus groups with community members, criminal justice professionals, and other stakeholders (Sakala et al. 2022). Despite these shifts, federal support for JRI initiatives is waning: the Bureau of Justice Assistance funding supporting the program lapsed in 2019 and 2020 (Sabol and Baumann 2020).

JRI is alive and well in Minnesota, where an ongoing JRI initiative led by the Council of State Governments (CSG) Justice Center has been underway since spring 2021. At that time, Governor Tim Walz and other Minnesota leaders requested support to utilize a JRI approach to address community supervision challenges. A "Delivery System Standards and Funding Policy Working Group," including a wide range of stakeholders, was established by the Governor's Executive Order to oversee and provide guidance to CSG staff as they conducted their research.

CSG's research included an analysis of MN Sentencing Guidelines probation, supervised release, incarceration, and recidivism data; focus groups and interviews with stakeholders; and policy recommendations to improve community supervision funding and practices (Council of State Governments 2022). Their work highlighted a lack of consistency and equity in the funding, structure, and implementation of community supervision in different counties in the state. Their report also noted frequent revocations and deeply embedded racial inequalities in supervision outcomes (Justice Reinvestment Initiative Minnesota 2022).

Based on the CSG analysis and stakeholder discussions, the JRI council developed three key legislative priorities: 1) to create a single equitable and transparent funding formula for community supervision in each county and tribal nation, 2) to establish a statewide committee of stakeholders to continue to develop and implement supervision policy and practice reforms, and 3) to reduce revocations by establishing mechanisms to divert people struggling on community supervision from jail or prison (Justice Reinvestment Initiative Minnesota 2022).

These JRI provisions passed in 2023 with support from many local stakeholders included in the JRI council and working group: the Association of Minnesota Counties (AMC), the Minnesota Association of Community Corrections Act Counties (MACCAC), the Minnesota Association of County Probations Officers (MACPO), and the DOC were all involved.

To date, the biggest JRI success has been the creation of a single funding formula for community supervision in all Minnesota counties. The goal is to apply one method of funding for all counties, regardless of their specific community supervision delivery systems (DOC, CCA, etc.). This formula determines county funding by how many community supervision cases they have, the types of cases and risk levels, and geographic calculations (Association of Minnesota Counties 2022). The funding legislation also incorporates tribal nations and includes the creation of a supervision standards committee to study community supervision standards and provide recommendations on how to implement the formula and develop consistent standards across the state. Although the recent bill does not fully fund the original JRI

request, it allocates over \$140 million each year to community supervision agencies across the state.

Similar to recent developments in Louisiana, the 2023 MN omnibus bill created a targeted innovation grant program for community supervision, including increased access to community treatment options, reentry services, family-centered approaches to supervision, and alternatives to incarceration programs. However, to the date of this report, no money has been appropriated for this fund and its future is uncertain. How counties will be held to compliance with new community supervision standards is also unclear. As currently written, counties are only required to meet minimum standards, and the funding structure for each jurisdiction is based on supervision caseloads. This may create an incentive to increase the number of people on supervision or deny early release.

As we have learned from previous JRI efforts, reforms geared toward streamlining funding in correctional agencies may fall short without deep consideration of the values driving such funding changes

As we have learned from previous JRI efforts, reforms geared toward streamlining funding in correctional agencies may fall short without deep consideration of the values driving such funding changes (Klinge 2015; Sabol and Baumann 2020). Moving forward, policymakers must work alongside local officials and community members to ensure that supervision agencies are using this funding to promote drastic and sustained reductions in correctional populations. Minnesota should also capitalize on the success of recent JRI reforms that prioritize increasing and improving community-based alternatives for people under supervision. Outside of the JRI, such transformative efforts are already underway in some jurisdictions, offering potentially useful blueprints for Minnesota legislators, criminal legal practitioners, and social justice organizations aiming to prioritize community reinvestment and social alternatives in implementation of this new legislation.

COMMUNITY REINVESTMENT AND SOCIAL ALTERNATIVES

In recent years, state and local campaigns have been able to more fully realize some of the original community reinvestment goals of justice reinvestment. Savings from decreased criminal justice spending (including on probation and parole) is being funneled into the development of drug treatment, behavioral health, job training, and other services without involving probation, parole, and other criminal justice agencies. Again, one of the most ambitious attempts in this vein is New York's Less is More campaign, but similar community reinvestment campaigns are underway in Minnesota as well.

Major philanthropic groups like the Ford Foundation continue to be major supporters of Less is More coalition groups. Across the United States, Arnold Ventures (AV) has been a key supporter of ongoing community reinvestment strategies in other states, including Minnesota. While receiving funding from a variety of national and local funders, these campaigns largely consist of local research and social advocacy groups working together to advocate for a redistribution of the money originally used to fund incarceration and community supervision. Such policy and organizing efforts are ongoing, and they aim to create community-driven models of public safety and build up social welfare infrastructures while drastically reducing spending on the criminal legal system.

A critical policy need moving forward is to ensure that these high-impact dollars are not simply funneled through legal system agencies, and instead are invested in community-endorsed, well-researched social programs and services. As we demonstrate above, local funding to increase community control over the criminal legal system has been funneled into further institutionalization and punitive probation. A recent close evaluation of juvenile justice reforms highlights that county institutions that have expanded under the name of community-based change are plagued by many of the same abusive conditions as prisons, simultaneously exacerbating inequality between counties in terms of resource allocation and placements in juvenile facilities (Cate 2023). Community-based reforms in juvenile justice offer another warning, that without significant investments across localities in building up an effective and equitable social safety net and services, reforms can easily become a "wrong-pockets" problem that expands punishment and undermines faith in community solutions.

A critical policy need moving forward is to ensure that these high-impact dollars are not simply funneled through legal system agencies, and instead are invested in community-endorsed, well-researched social programs and services.

Less is More offers a hopeful example of how savings from cuts to probation and parole can be meaningfully reinvested back into communities. Less is More is predicated on the notion that by substantially downsizing the number of people under criminal justice supervision, local governments can use the savings to invest in community resources that promote public safety and enhance wellbeing for people with criminal records, their families, and local neighborhoods. Likewise, Less is More reformers tout that by reducing caseloads for community supervision offices, resources within probation, parole, and other criminal justice agencies can be more effectively and humanely applied, geared toward individuals who tend to be assessed at higher risk levels and come from underserved communities (Jacobson et al. 2017; Lopoo et al. 2023).

In New York City, the number of cases sent through the criminal justice process substantially decreased as the Less Is More program took hold. A new department of Alternatives to Incarceration (ATI) was created to perform some of the functions that originated in probation, but with the explicit goal of diverting people away from incarceration and into rehabilitative programs. This case diversion took the form of court-mandated and/or voluntary assistance from a robust network of community organizations to provide social services like job training and placement, housing, financial or educational support, peer mentorship, and behavioral or mental health services (Lopoo et al. 2023). Government funding for the ATI programs were predicated on outcome evaluations proving they served as true alternatives rather than expanding criminal justice control.

Since their inception over 20 years ago, New York City has since evaluated eight different ATI programs, finding all but one program achieved a net jail population decrease. In a 2012 study, researchers conducted a three-year follow up with participants in an ATI program geared towards employment readiness (Redcross et al. 2012). Participation was associated with higher likelihood of securing employment and reduced recidivism, but the impacts of employment for participants diminished over time (Lopoo et al. 2023).

From 2010 to 2014, the NYC probation department increased its number of contracts with social service programs from two to 54 while reducing staffing, caseloads, and other costs to help fund these types of programs

This social reinvestment spilled over into the operations of NYC probation as well. From 2010 to 2014, the NYC probation department increased its number of contracts with social service programs from two to 54 while reducing staffing, caseloads, and other costs to help fund these types of programs (Jacobson et al. 2017; Lopoo et al. 2023). As a result, the per capita budget for those remaining on probation increased dramatically, despite the drastic decreases in the departmental budget resulting from the declining number of people on probation. Less is More has allowed probation agencies to better direct their resources to those people who remain on their caseloads while simultaneously developing community-based investments that have the potential to disrupt pathways into—or back into—the criminal legal system (Lopoo et al. 2023).

Community engagement has become a critical part of the work of Less is More coalition groups across New York state. From May 2022 to April 2023, the Less is More coalition and its local partner organizations held a series of five town hall meetings in communities across New York. Each had among the highest rates of incarceration for technical parole violations prior to the passage of Less is More. The goal of the town halls was to enlist community members into conversations about how to use savings from the Less is More act, and they included a wide range of attendees including advocates, attorneys, people with lived experience of parole and their family members, family members of those incarcerated, service providers, researchers, interested community members, and legislative staff. Across all locations, approximately 231 people attended the town hall meetings (Hunter and Bradner 2023).

Participants in the town hall meetings called for Less is More savings to be used for community-based investments in housing, behavioral healthcare, employment opportunities and workplace training, reentry programs, and community resources. Unchained and The Katal Center, two of the Less is More coalition members and the authors of the report, also outline specific pending legislation that could help address the funding priorities of town hall attendees, including current bills around increasing housing access voucher programs, establishing a universal basic income program, creating of an infrastructure for crisis response services, establishing overdose response centers, and developing unemployment bridge programs (Hunter and Bradner 2023).

“Impacted communities have deep and nuanced understanding of the resources that can build safety in their local community, and future funding efforts should tap into these insights and continue to build pathways for community-directed investments”

This recent work offers a glimpse into the possibilities of community engagement in future policy and organizing related to the criminal legal system. Participants in the Less Is More town halls recognized that legislation was a critical component of increasing funding to community-based supports, but also a way to remove structural barriers and increase access for Black, Brown, and economically disadvantaged community members. Policies and practices must be continually monitored and tailored to the needs of those communities that have borne the brunt of the harms of mass incarceration and mass supervision. As this Less is More report demonstrates, “impacted communities have deep and nuanced understanding of the resources that can build safety in their local community, and future funding efforts should tap into these insights and continue to build pathways for community-directed investments” (Hunter and Bradner 2023).

Laying the groundwork for sustained community investments is extremely difficult and requires buy-in from stakeholders including policymakers and funders, service providers, and the grassroots organizers and activists who will help implement these strategies on the ground. Across New York, many implementation challenges remain. For example, less affluent jurisdictions struggle to accommodate the fiscal and political challenges that come along with the community supervision overhaul, and community leaders may break under the pressure of attempting to replicate NYC’s success in their jurisdictions (Lopoo et al. 2023). Coalition members have also called for additional administrative and legal changes to community supervision, including developing more appropriate courtroom locations for parole violation hearings and increasing eligibility for early release from parole (Singletary and Sayegh 2022).

Several grassroots organizations in the Twin Cities have facilitated similar campaigns for policy and transformative shifts in community supervision. For example, impacted people and their families emerged with the “no new crime, no new time” campaign in 2019. They pointed out that incarcerating individuals for rules violations undermined safety by uprooting people from their communities, worsening the criminal legal system’s existing racial disparities, and increasing recidivism (Decarcerate MN 2019). More recently, a broad coalition of legal and public safety organizations, faith-based and advocacy groups, labor unions, and direct service providers led the Restore the Vote campaign, giving the right to vote back to more than 60,000 people in our state. Minnesotans who are not currently incarcerated for a felony conviction are now eligible to vote.

Yet, despite this rich history of progressive organizations that might push for more transformative change in our criminal legal system (Simonson 2016), the 2023 omnibus bill includes minimal funding geared toward investing in community groups and alternatives outside of mass supervision. Allocations like the over \$1 million geared toward reentry initiatives, including a culturally responsive program for Native Americans, and over \$2 million allocated for stable housing for people on supervised release are good places to start, but more is needed.

Today, the Targeted Innovation Grant remains unfunded, and it is unclear how state and local governments will ensure resources are being distributed equitably across communities and not simply funneled back into criminal justice agencies. The omnibus includes funding for justice agencies, but will we see any similar large-scale changes that shift focus and dollars toward developing and bolstering social welfare, treatment, and other resources not tied to community supervision agencies?

If Minnesota can cut back drastically on mass supervision, local governments can use these savings to invest in community resources that promote public safety and enhance wellbeing for underserved and historically oppressed communities, including Black Minnesotans and our tribal nations. In other words, divestment and decarceration are critical to justice, but such efforts will require coinciding long-term investments in affordable housing, social welfare and family support programs, and meaningful employment opportunities.

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SUSTAINING CHANGES TO FUNDING AND RESOURCES

Shifting funding and prioritizing community reinvestment is an important and challenging pathway for change in community supervision. National reform efforts like the JRI have shaped the current terrain of community supervision reform, and many of the same stakeholders (e.g., funders, researchers) involved in these early efforts are still guiding policy shifts in Minnesota and several other states. Influenced heavily by JRI, Minnesota's 2023 omnibus bill includes several priorities related to changing how community supervision agencies are funded. Our state could also potentially use the savings from JRI policy changes to build-up social services and community organizations that divert people out of the criminal legal system.

Sustaining changes to funding priorities in criminal justice requires frequent engagement and buy-in from a wide range of stakeholders including correctional administrators, politicians, and community groups. Creating safe and effective reentry pathways into communities requires significant investments and resources, without which the legislative and administrative changes lack teeth. Yet funding is tricky, and our review of the policy landscape teaches us that true reinvestment requires many multidisciplinary partners, sustained energy, and the long-term participation of all involved. And none of it is possible without a consideration of the values and cultures of the systems at play.

Reshaping culture and daily decision-making within community supervision offices

In this final section, we discuss a series of recommendations and policy changes related to changing the cultures of and daily decision-making within probation and parole offices. First, we track the historic rise of evidence-based rehabilitation programs in community supervision offices, highlighting both the benefits and drawbacks of using research to inform correctional programming. Next, we look at the ways community supervision leadership has been critical for ensuring community supervision reforms are understood and implemented by their front-line staff. Finally, we consider how many offices are increasingly engaging and collaborating with community groups in establishing new office goals and priorities.



EVIDENCE-BASED PRACTICES IN COMMUNITY SUPERVISION

Across many fields, the use of “evidence-based practices” has grown both in importance and scope. Likewise, they have become a predominant aspect of many probation and parole offices. But what constitutes evidence-based can vary widely. In many of our interviews and conversations with key system actors,⁶ we learned that in community corrections, evidence-based practices can represent any of a spectrum of activities that may or may not be supported by empirical evidence.

In addition to a varied fidelity to the term and approach, the use of evidence-based practices also represents a culture shift in many offices. While cultural shifts are often intended to improve outcomes for people under supervision, the tilt toward evidence-based practices has led, instead, to the criminal legal system acting as a default solution for mental health and substance abuse issues better handled in non-punitive settings.

In addition to shifting the funding formulas in community supervision, the Justice Reinvestment Initiative (JRI) described above included increased federal funding for states to create, disseminate, and fund what are commonly referred to as evidence-based practices and programs in jails, prisons, and community supervision programs (Klingele 2015). Across the different probation and parole agencies in the United States, evidence-based practices can include everything from a specific form of supervision like electronic home monitoring rather than

While cultural shifts are often intended to improve outcomes for people under supervision, the tilt toward evidence-based practices has led, instead, to the criminal legal system acting as a default solution for mental health and substance abuse issues better handled in non-punitive settings.

⁶. These interviews and conversations are part of our literature review report, see here:

in-person meetings with a supervising officer, to risk assessment tools that claim to predict the likelihood of reoffending, to behavioral health initiatives that offer cognitive behavioral therapy and other services geared at changing behavior.

Further, the quality, consistency, and cultural competency of evidence-based programming and what that actually looks like in practice varies greatly by locale. While the federal funding from the JRI assisted with the implementation of new initiatives, without similar cultural change in probation offices and other criminal legal agencies, such policies may not be implemented “instrumentally or in a humanistic manner, as their creators envisioned” (Sabol and Baumann 2020). For example, recent research warns that evidence-based practices, like electronic home monitoring and risk assessment tools in particular, can also be coercive and consistently abused (Klinge 2015).

For probation and parole, the rise in evidence-based practices spurred the use of the influential Risk, Needs, and Responsivity (RNR) model. In the RNR model, POs use assessment tools to identify an individual’s “criminogenic needs,” or the individual characteristics that are strongly correlated with recidivism. This assessment is used to identify the “dosage” or the frequency and types of treatment and other forms of supervision (Carter and Sankovitz 2014; Reitz and Rhine 2020). There is some evidence to indicate risk assessments have disparate racial impacts (Mayson 2018; Starr 2014) and electronic monitoring can increase the scope of the criminal legal system by increasing surveillance and revocations (Eife and Kirk 2021; Klinge 2015). Aside from these moral problems, criminal justice agencies lack the ability to track and conduct sophisticated statistical analysis to accurately measure the impacts of their varied evidence-based programs, so the extent to which they are supported by strong scholarly evidence and participant input is tentative at best (Klinge 2015).

As sociologists Goodman, Page, and Phelps (2017, p.107) contend, community supervision actors have been particularly skilled in redefining rehabilitation “as politically neutral and grounded in sound, methodologically rigorous science,” drawing on ideas of the past but also offering new predictive formulas, technologies, and tools of surveillance and control that likely increase the reach of mass supervision and exacerbate inequality. Thus, while “evidence-based practices” now dominate the everyday of community supervision work, stakeholders also have good reason to be wary of their potential to bring about long-lasting changes to the criminal legal system.

In Minnesota, the 2023 omnibus allocations largely reflect this focus on evidence-based practices and furthering developing networks of coercive care already entrenched in community supervision (Phelps and Ruhland 2021). As a state, we still largely rely on connecting people to treatment and other services through criminal justice agencies, in particular probation and parole agencies. While specific changes established by the MRRA include “robust involvement” of “many stakeholder groups” (Minnesota Department of Corrections 2023), more extensive and rigorous research (including randomized control trials) would be necessary to endorse any promising practices that can reduce the number of the people under supervision and keep people out of the criminal legal system (Doleac et al. 2020). It remains unclear what reforms will look like when implemented by practitioners and whether the legislation will lead to changes in the culture of the supervision offices charged with putting them into practice.

LEADERSHIP AND ADMINISTRATION

Another critical site for change is leadership and administration in probation and parole. In an attempt to address supervision culture through leadership, in 2019 the Columbia Justice Lab launched a change effort they called “EXiT” (Executives Transforming Probation and Parole), which included more than 100 current and former supervision practitioners. EXiT, which includes three signatories from probation leadership in Hennepin County and the Minnesota DOC, is funded through philanthropic groups like Arnold Ventures, The Ford Foundation, Galaxy Gives, and Insita Group. The EXiT statement (2020) includes a call to transform community supervision, stating that community supervision needs “to be substantially downsized, less punitive, and more hopeful, equitable, and restorative.” EXiT offers a series of solutions to “reduce the footprint and punitiveness of supervision” (see Table X). Many of these solutions echo the approaches described above, including shifts in what supervision looks like regarding length, intensity, and conditions, and addressing fines, fees, and violations.



**EXiT: EXECUTIVES
TRANSFORMING
PROBATION & PAROLE**

Table 1.

1	Divert people from probation and parole if the purposes of sentencing for individuals can be achieved without supervision, prioritize services and community care supports above surveillance and supervision
2	Eliminate any supervision fines and fees
3	Eliminate any supervision conditions unrelated to the person’s criminal charge
4	Shorten supervision terms to no more than 18 months
5	Allow earned-time credits to shorten supervision through completion of milestones like program completion, job retention, high school diploma or GED completion, and enrollment in college or other educational programs
6	Eliminate incarceration for technical violations and reduce reincarceration for new minor offenses by people on community supervision

Overall, ExiT and similar publications by the Pew Research Center (2020), the Columbia Justice Lab (2018), and the Executive Session on Community Corrections (2017) endorse these practical but significant shifts in the way that supervision currently functions in the United States—shifts that their authors recognize will require culture change. Substantial social and community investments alongside organized campaigns for cultural shifts in the way probation and parole operates are critical to meaningful reductions in incarceration and supervision. This is to say, policy changes must coincide with cultural shifts away from surveillance, incarceration, and control.

Such shifts must occur throughout the criminal legal system—from police to courts to corrections—for supervision to truly change. For example, previous studies on early release in states like Missouri, Arkansas, and Maryland have found that local prosecutors and judges will routinely object to and circumvent early release procedures in their jurisdictions in order to appear tough on crime in their communities (Minnesota Department of Corrections 2017). Similar types of resistance and circumvention of new reforms have been documented by community supervision actors as well. For example, a study in the 1990s highlighted how parole officers in one California jurisdiction were actually resistant to pressures to be tougher and more punitive (Lynch 1998). Thus, without sufficient buy-in from local court officials, probation heads and line officers, and even local politicians, current policy changes may fall short of their intended effects.

Such shifts must occur throughout the criminal legal system—from police to courts to corrections—for supervision to truly change.

ACCOUNTABILITY TO COMMUNITY ORGANIZATIONS AND IMPACTED GROUPS

This includes directing support from philanthropic organizations to advocacy or service organizations founded by formerly incarcerated individuals

The success of Less is More in New York City and throughout New York state could not have happened without a flourishing community of local and national community organizations, activists, legal groups, and organizers. These stakeholders helped raise public awareness and hold the system accountable in order to shift culture change and influence decision-making. The Columbia Justice Lab advocates for a “climate of power sharing among civilians and government actors” (p.35). This includes directing support from philanthropic organizations to advocacy or service organizations founded by formerly incarcerated individuals (Lopoo et al. 2023). The authors also note the importance of placing local activists and organizers in positions of power in the mayor’s office and local government to support policy changes from within.

This significant investment by the Columbia Justice Lab is part of a growing movement to address the unique impacts of mass supervision. As with justice reinvestment, this new focus on mass supervision has led grassroots organizers, major philanthropic groups like Arnold Ventures and The Pew Charitable Trusts, and political partnerships forged between Democrats and Republicans to focus on minimizing and reducing the harms of community supervision (Executive Session on Community Corrections 2017; Phelps 2020).

The increased attention to mass supervision even includes celebrities like Meek Mill and Jay-Z, who founded the advocacy group REFORM Alliance in 2019. REFORM Alliance is supported by major philanthropists and billionaires including Laura Arnold of Arnold Ventures, Robert Kraft of Kraft Group, and Priscilla Chan of the Chan-Zuckerberg Initiative. In 2020, REFORM joined a collaborative effort to pass three bills related to community supervision in California, including the one that Governor Gavin Newsom signed to reduce supervision lengths. Advocacy by REFORM and other groups like Californians for Safety and Justice, Cut50, and American Conservative Union led to the success of this 2020 campaign in California (Anon 2023). REFORM also played a critical role in comprehensive probation reform legislation in Pennsylvania which set limits on supervision revocations for technical violations and probation terms and instituted individualized plans for each person on probation (REFORM 2024).

In their recent article, Lopoo, Schiraldi, and Ittner (2023) encourage advocates, policymakers, and impacted communities to frame future questions related to community supervision in the language of abolition. That is, they contend that many states could and should carefully attempt, implement, and research the New York City model to bring a gradual end to community supervision altogether. To support their argument, Lopoo and colleagues (2023) point to the near total abolition of another 19th-century correctional creation, juvenile holding facilities. Between 2000 and 2012, all but two states—Arkansas and West Virginia—experienced a decline in the number of youth held in residential placement facilities (Hockenberry, Sickmund, and Sladky 2015).

That is, they contend that many states could and should carefully attempt, implement, and research the New York City model to bring a gradual end to community supervision altogether.

There are potential drawbacks to devolution of community supervision responsibilities without similar investments in under-resourced communities. While many states have experienced declines in state-run facilities, recent research in Texas highlights how these decarceration efforts may have simply displaced juvenile populations into local jails and community supervision (Cate 2016). Still, New York City and California potentially offer useful models here as well. For example, the final closure of California’s Division of Juvenile Justice occurred in June 2023 (Washburn 2021; Weissman and Vidhya Ananthakrishnana 2019), and NYC ended the practice of sending children adjudicated through its family court to state prisons in 2017 (Washburn 2021; Weissman and Ananthakrishnana 2019). Thus, while juvenile justice reforms offer insights into the possibilities of diverting people out, they also offer lessons in the importance of the local culture and politics in shaping criminal justice policies and their consequences (Cate 2016).

SUSTAINING CULTURAL AND OFFICE CHANGE

In the future, policymakers, organizers, and scholars alike must continually monitor the local impacts of decarceration and abolitionist efforts in criminal legal systems across the United States. Though scholars question whether the recent

uptick in violent crime in major cities may set back current reforms, research findings suggest that even significant shifts away from incarceration and community supervision can result in little to no impacts on crime (Lopoo et al. 2023; Phelps 2020).

Policy changes spanning multiple systems can result in increased public safety only when coinciding with significant social investments and more transformative shifts in beliefs and values in our society about crime, public safety, and the purpose of criminal justice. Changes within the DOC and other criminal justice agencies must also increase incentives for criminal legal personnel and county officials to curb their reliance on incarceration and community supervision. Research partnerships require accountability and engagement with the people most affected by mass supervision, including transparency through frequent data collection, evaluation, and community-led research agendas.

Creating oversight and research advisory committees in 2023 could help to support Minnesota’s implementation goals, as 2024 and 2025 offer the opportunity for researchers to empirically test the impacts of the 2023 overhaul. The coming years also offer countless opportunities for advocates and organizers to build resources and political power that will sustain and improve this broad set of reforms.

Moving forward, Minnesota criminal legal practitioners and justice-focused policymakers must be clear about which communities they are engaging in their research and in what capacities. Community is an “oft-invoked” but poorly defined concept in criminal justice agency engagement and policy reforms (Bell 2019, p. 197). The general public is often misinformed and misunderstands crime statistics and why people commit crimes (Rappaport 2020). As such, calls to democratize criminal justice can also be flawed, as a growing body of research points to the potential for grassroots organizing and increased public participation in law enforcement to facilitate rather than disrupt mass incarceration and mass supervision (Bell 2019; Forman and Jr. 2017; Fortner 2015).

Research and evaluation teams must be cognizant of the potential for abuse or exploitation of people impacted by supervision. At the very least, any research project or evaluation geared toward engagement with impacted communities must include financial compensation. At the MNJRC, we suggest more intentional, community-driven research agendas be put in place to assess the impact (and lived experience) of these shifts in community supervision.

A Path Forward for Minnesota

The most recent legislative session in Minnesota included some of the most groundbreaking shifts to community supervision in decades. The retroactive 5-year maximum sentences, the sunseting of probation fines and fees by 2025, and the creation of a more equitable funding formula for all Minnesota counties all hold promise. However, there remains significant work ahead when it comes to reducing the extensive, harmful footprint of mass supervision in the state. This on-the-ground work must occur not only through a series of policy reforms but in an entire reimagining of what community supervision and criminal legal systems look like in Minnesota and across the country.

Minnesota community supervision and court agencies currently lack the proper data tools and policy feedback mechanisms to support the tracking and understanding of reforms’ effects. To our knowledge, current probation and court databases like the CSTS⁷ lack standardization in basic descriptive and outcome reporting. While counties (through MACCAC and similar agencies) have been working to promote standardized data practices for community supervision outcomes, particularly revocations, such work is limited. There is no doubt that the impact of increased standards and resources for data responsibilities and reporting are essential to increase transparency and accountability within community supervision. However, the current absence of such a basic infrastructure now leads to even bigger questions related to data reporting and evaluating the impacts of different Minnesota programming and initiatives.

This on-the-ground work must occur not only through a series of policy reforms but in an entire reimagining of what community supervision and criminal legal systems look like in Minnesota and across the country.

7. Originally referred to as the Court Services Tracking System, this database is owned by the county and states through the Minnesota County Computer Cooperative (MnCCC). It integrates court database information and is currently used by all state and county supervision agencies.

As we shift into Minnesota’s 2024 legislative session, a variety of stakeholders will need to work together to ensure that reforms are implemented effectively and equitably to reduce the harms of community supervision. Significant and long-term investment in substance abuse and mental health treatment, housing, and poverty-reduction strategies are all valuable ways to funnel resources away from the criminal legal system and reduce recidivism. Future advocacy and organizing efforts must make certain the DOC, CCA, and county agencies remain accountable in circulating resources effectively and equitably into their jurisdictions.

Despite the massive increase in funding under the new JRI formula, the money allocated under the 2023 omnibus bill still remains lower than the original budget mandate, which could potentially result in budget shortfalls in some counties. County deficits may be especially pronounced in jurisdictions that are overly reliant on punitive fines and fees (Ruhland et al. 2021), which could incentivize local courts and supervision agencies to invest in incarceration and probation instead.

As many previous reforms suggest, the research and evaluation of current initiatives must consider the regional, cultural, and historical contexts in which they exist. Meaningful decreases in criminal legal control will require cultural change just as much as policy reform. As the previous JRI and early sentencing reforms demonstrate, efforts to divert and decarcerate rarely pan out because they leave core issues at the center of mass incarceration and supervision unaddressed. Reckoning with violent crime, the disparate and harmful impacts of carceral citizenship, and shifting away from supervision and control will all require intensive community organizing to shift cultural norms around public safety and accountability inside criminal legal agencies and in the broader community as well.

The goal of this report is to spotlight current and potential future reform efforts in Minnesota, to advocate for increased attention to the values underlying such changes, and to consider how to put such plans into action in ways that account for the multi-dimensional and contradictory nature of mass supervision in our state and across the nation. The past several years of community supervision organizing and reform suggests that there are not only policy changes but community-led and care-oriented solutions that will not only reduce the number of people on supervision but build hope toward a more just and liberatory future. Our communities must grapple with difficult but necessary questions related to who we punish and why. In the meantime, we must also ensure that reforms to reduce mass supervision are being equitably and effectively implemented.

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Where Minnesota will land on the spectrum of change remains to be seen, but at MNJRC our vision includes understanding what supervision could look like were it based in engaging with and understanding the experiences of those impacted by the system. As a community-centered research organization, we pledge to work collectively with others to hold state and county agencies accountable to promises of transformative, lasting change to Minnesota probation and supervised release.

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