

MINNESOTA RULES 1983

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CHAPTER 2905 DEPARTMENT OF CORRECTIONS RULES GOVERNING THE COMMUNITY CORRECTIONS ACT

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2905.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these rules the following terms have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" shall mean the commissioner of corrections or his designee.

Subp. 3. **Comprehensive plan.** "Comprehensive plan" shall mean the working document developed by the local corrections advisory board for the implementation and operation of community based correctional programs pursuant to Minnesota Statutes, section 401.01, subdivision 1 and providing for the central administration of the services and programs outlined in the document.

Subp. 4. **Community corrections system.** "Community corrections system" shall mean the organizational structure or network which exists or is proposed to exist within the county which will enable the local criminal justice system and other elements of the community to utilize the correctional programs and services outlined in the comprehensive plan.

Subp. 5. **Planning county.** "Planning county" shall mean one or more contiguous counties subject to the provisions of Minnesota Statutes, sections 401.02, subdivision 1 and 401.02, subdivision 2, which has established a local corrections advisory board for the purpose of developing a comprehensive plan.

Subp. 6. **Participating county.** "Participating county" shall mean one or more contiguous counties subject to the provisions of Minnesota Statutes, section 401.01, subdivision 1 which has been designated by the commissioner to receive funds under Minnesota Statutes, sections 401.01 to 401.16 through the approval of the comprehensive plan.

Subp. 7. **Unit of service.** "Unit of service" shall mean each project, program, or activity outlined in the comprehensive plan including, but not limited to, probation/parole services, court service activities, jail programs, evaluation services, training, and residential programs.

Statutory Authority: *MS s 401.03*

2905.0200 INTRODUCTION.

Subpart 1. **Authority.** The Community Corrections Act of 1973, Minnesota Statutes, sections 401.01 to 401.16, provides that the commissioner of corrections promulgate rules and standards relative to the implementation and operation of the act. The rules which follow are intended to fulfill that requirement.

Subp. 2. **Purpose.** The purpose of these rules is to facilitate the implementation of the act and to provide a framework within which services will be delivered and coordinated in the various areas of the state where the act becomes operational.

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Subp. 3. **Responsibility at local level.** The Community Corrections Act places a great deal of responsibility for correctional planning and implementation at the local level. These rules are not intended to interfere with that process but rather to ensure that the various planning efforts are compatible with one another and with the basic requirements of all segments of the state's correctional system.

Statutory Authority: *MS s 401.03*

2905.0300 APPLICATION FOR PARTICIPATION.

Application for participation by a county or group of counties pursuant to Minnesota Statutes, section 401.02, subdivision 1 shall consist of a resolution expressing intent to participate under the provisions of the Community Corrections Act, hereafter called the act, provided subsidy funds are available.

Approval of the application by the commissioner shall designate the county as a planning county pursuant to Minnesota Statutes, section 401.02, subdivision 2 and shall establish that calendar year as the basis for determining the current level of spending referred to in Minnesota Statutes, section 401.12.

Statutory Authority: *MS s 401.03*

2905.0400 DEVELOPMENT OF A COMPREHENSIVE PLAN.

The commissioner shall ensure that the local corrections advisory board and administrative (correctional) staff of the county are provided with all necessary and available technical assistance and resources of the state Department of Corrections in the development of a comprehensive plan.

Statutory Authority: *MS s 401.03*

2905.0500 CHANGES IN THE COMPREHENSIVE PLAN AND BUDGET.

Subpart 1. **General.** When a county wishes to change the comprehensive plan during the calendar year, it may do so by either amendment or transfer.

Subp. 2. **Amendments.** Amendments shall be required when:

A. units of service are being added or deleted from a comprehensive plan; and

B. subsidy funds which exceed \$5,000 or five percent of the total annual subsidy, whichever is less, are being reallocated within or between units of service identified in the comprehensive plan.

Amendments to the comprehensive plan shall be processed and submitted in the same manner as the comprehensive plan, and shall be submitted at the end of any calendar quarter on forms provided by the commissioner.

Subp. 3. **Transfers.** Any reallocation of subsidy funds within or between units of service identified in the comprehensive plan, which will not exceed \$5,000 or five percent of the total annual subsidy, whichever is less, shall be accomplished by transfer on forms provided by the commissioner. The transfer process requires only the approval of the administrator or director of the local community corrections system. All transfers of subsidy funds must be attached to the quarterly financial report for the period in which the transfer was made.

Statutory Authority: *MS s 401.03*

2905.0600 INFORMATION SYSTEMS AND EVALUATION.

Subpart 1. **Information systems.** Each community corrections system shall develop and implement an information system which shall be in compliance with applicable security and privacy regulations; shall be an offender-based tracking system, including minimum data elements required for state and national reporting; and shall, on a quarterly basis, provide such data as may reasonably be requested by the Department of Corrections.

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Subp. 2. **Evaluation and research designs and processes.** Each community corrections system shall develop and implement evaluation/research designs and processes. All research and information systems designs must be approved by the commissioner prior to implementation.

Subp. 3. **Subsidy amount.** A sum of no less than the equivalent of five percent of the total subsidy amount made available according to the provision of the act shall be used to develop and implement the information system and evaluation/research.

Statutory Authority: *MS s 401.03*

2905.0700 TRAINING AND EDUCATION.

Each county or group of counties participating in the act shall implement training/education programs necessary to meet the appropriate needs of line staff, administrative staff, the local corrections advisory board, or major components of the local criminal justice system and the community at large.

A sum no less than the equivalent of five percent of the total subsidy amount made available through the provisions of the act shall be used to develop and implement this component of the comprehensive plan.

Statutory Authority: *MS s 401.03*

2905.0800 FISCAL MANAGEMENT.

A county shall designate one person responsible for the supervision of all fiscal matters related to the subsidy received under the provisions of Minnesota Statutes, sections 401.01 to 401.16. Said person shall comply with state and county rules governing the management of county funds and shall provide information to the corrections advisory board and the commissioner at least quarterly on forms provided by the commissioner.

Statutory Authority: *MS s 401.03*

2905.0900 COUNTY ASSUMPTION OF STATE PROBATION AND PAROLE CASES.

Each county participating under the act shall provide service to all interstate and intrastate probation and parole clients.

The commissioner will provide necessary orientation training for counties to assume probation and parole services previously provided by the state.

Statutory Authority: *MS s 401.03*

2905.1000 USE OF EXISTING COMMUNITY RESOURCES.

Subpart 1. **Utilization of existing resources; general.** Each community corrections system shall utilize whenever possible agencies and organizations established in the community to deliver medical and mental health care, education, counseling and rehabilitative services, employment services, and other similar social services. The local community corrections system shall, in planning its total range of correctional programs and projects, establish a presumption in favor of resources already existing in the community.

Subp. 2. **Duplication of resources.** If the community corrections system intends to initiate services or programs which duplicate those already existing in the community, clear evidence must be presented in the comprehensive plan to demonstrate that such existing services are either inappropriate or unavailable to meet identified correctional needs.

Subp. 3. **Access to system.** Each community corrections system shall take steps to ensure that all clients of programs or projects under its jurisdiction have access to the same services, activities, and opportunities available to citizens generally, provided that this access is consistent with the demonstrated needs of the program or project and the necessity to protect the public safety.

Statutory Authority: *MS s 401.03*

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2905.1100 PROGRAM RELEVANCE TO CORRECTIONAL OBJECTIVES.

Each program specified in the comprehensive plan or designated to receive Community Corrections Act funds shall have a clear relationship to correctional objectives. Programs for which no direct relationship can be demonstrated between its activities and the protection of public safety or the prevention or reduction of criminal or delinquent behavior shall not be eligible for funds under the Community Corrections Act.

Statutory Authority: *MS s 401.03*

2905.1200 LOCAL PROGRAMS AND SERVICES.

Subpart 1. Rules, policies, and procedures to be provided. Each community corrections system shall develop and make available to the directors of all programs utilized by the system, written rules, policies, and procedures which will provide for at least the following.

A. That all programs other than conventional probation and parole supervision shall develop and make available to appropriate referral sources a written policy establishing client eligibility criteria. The community corrections system shall regularly advise courts and sentencing judges of the extent and availability of services and programs within its system to permit proper sentencing decisions and realistic evaluation of alternatives.

B. That a single case record for each individual admitted to a program or served by an agency be maintained by the agency or program director so as to contain clear, concise, and accurate case information. Individual case records shall be maintained on a current basis and updated at least quarterly. Each client shall have access to all material in his/her file, with the exception of that information determined to be confidential by law.

C. That the rights of offenders placed in, or receiving service from, any program included in the comprehensive plan shall be adequately protected.

D. That all programs included in the comprehensive plan are in compliance with the applicable provisions of these rules as well as relevant local, state, and federal laws.

Subp. 2. Comprehensive plans. The above-mentioned rules, policies, and procedures shall be included in the first comprehensive plan submitted to the commissioner following the formal promulgation of these present rules. Modifications shall be noted in subsequent comprehensive plans.

Statutory Authority: *MS s 401.03*