

CHAPTER 2905

DEPARTMENT OF CORRECTIONS

COMMUNITY CORRECTIONS ACT

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2905.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter the following terms have the meanings given them.

Subp. 2. **Act.** "Act" means the Community Corrections Act, Minnesota Statutes, chapter 401.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of corrections or a designee.

Subp. 4. **Community corrections system.** "Community corrections system" means 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. **Comprehensive plan.** "Comprehensive plan" means the working document developed by the local corrections advisory board and approved by the county board or boards or joint board for the implementation and operation of community based correctional programs pursuant to Minnesota Statutes, section 401.01, subdivision 1.

Subp. 6. **Participating county.** "Participating county" means 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. **Planning county.** "Planning county" means one or more contiguous counties subject to the provisions of Minnesota Statutes, section 401.02, subdivisions 1 and 2, which has established a local corrections advisory board for the purpose of developing a comprehensive plan.

Subp. 8. **Unit of service.** "Unit of service" means each project, program, or activity outlined in the comprehensive plan including, but not limited to, probation services, parole services, supervised release services, court service activities, jail programs, evaluation services, training programs, and residential programs.

Statutory Authority: *MS s 401.03*

History: 8 SR 601; 17 SR 1279

2905.0200 INTRODUCTION.

Subpart 1. **Authority.** Minnesota Statutes, section 401.03 provides that the commissioner of corrections promulgate rules for the implementation of Minnesota Statutes, sections 401.01 to 401.16. This chapter is intended to meet that requirement.

Subp. 2. **Purpose.** The purpose of this chapter is to provide a framework within which services will be delivered and coordinated in the various areas of the state where the Community Corrections Act is operational.

Subp. 3. **Responsibility for planning.** The Community Corrections Act places responsibility for correctional planning and implementation at the local level of government. This chapter is intended to ensure that the various planning efforts are compatible with one another and with the basic requirements of the state's correctional system.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.0300 APPLICATION FOR PARTICIPATION.

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

Subp. 2. **Approval.** 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*

History: 8 SR 601

2905.0400 DEVELOPMENT OF COMPREHENSIVE PLAN.

Subpart 1. **Technical assistance.** The commissioner shall ensure that the local units of government are provided with technical assistance from the Minnesota Department of Corrections in the development of a comprehensive plan.

Subp. 2. **Submittal of plan.** The comprehensive plan must be submitted to the commissioner:

A. 30 days prior to initial participation under the provisions of the Community Corrections Act; and

B. 30 days prior to the beginning of each subsequent calendar year in a format designated by the commissioner.

Subp. 3. **Long format.** At the time of initial participation under the provisions of the Community Corrections Act and every fourth year after that, the comprehensive plan must be in a long format.

Subp. 4. **Short format.** For each year not requiring the long format, the comprehensive plan must be in a short format.

Subp. 5. **Format forms.** Both short and long forms shall be provided by the commissioner.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.0500 CHANGES IN COMPREHENSIVE PLAN AND BUDGET.

Subpart 1. **General requirement.** When participating counties wish to change the comprehensive plan during the calendar year, it shall be done by amendment, reallocation, or transfer.

Subp. 2. **Amendment.** Amendments will be required when new units of service are added to or existing units are deleted from a comprehensive plan during a calendar year. Amendments will be processed in the same manner, and will require the same approvals as the comprehensive plan submitted for each calendar year.

Subp. 3. **Reallocation.** Reallocation will be required when a community corrections system shifts funds between identified units of service, and the funds exceed ten percent of the approved budget for either unit of service, and also exceed \$5,000. The ten percent will apply to individual reallocations and to cumulative shifts during a calendar year. Reallocation will require the advance approval of the administrator of the community corrections system, the corrections advisory board, and the commissioner.

Subp. 4. **Transfer.** Transfer of funds not constituting reallocation as specified in subpart 3, require the advance approval of the administrator of the community corrections system, and are to be reported to the commissioner at the end of the calendar quarter on forms provided by the commissioner.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.0600 INFORMATION SYSTEMS AND EVALUATION.

Subpart 1. **Information system.** Each community corrections system must develop and implement an information system which is in compliance with applicable security and privacy regulations; and must annually provide data requested by the commissioner.

Subp. 2. **Evaluation and research designs.** Each community corrections system shall develop and implement evaluation designs and research designs.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.0700 TRAINING AND EDUCATION.

Subpart 1. **Training.** Each county or group of counties participating in the act shall implement training programs necessary to meet the needs of line staff, administrative staff, the local corrections advisory board, major components of the local criminal justice system, and the community at large.

Subp. 2. **Subsidy.** A sum not less than the equivalent of two percent of the total subsidy shall be used to develop and implement training and educational programs.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.0800 FISCAL MANAGEMENT.

A community corrections system shall designate one person for the supervision of all fiscal matters related to the subsidy received under the provisions of Minnesota Statutes, sections 401.01 to 401.16. This 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*

History: 8 SR 601

2905.0900 COUNTY ASSUMPTION OF STATE PROBATION, PAROLE, AND SUPERVISED RELEASE CASES.

Subpart 1. **Service.** Each county participating under the act shall provide service to all interstate and intrastate probation, parole, and supervised release clients.

Subp. 2. **Training.** The commissioner shall provide necessary orientation training for counties to assume probation, parole, and supervised release services previously provided by the state.

Subp. 3. **Forms.** The commissioner shall provide forms for a county's compliance with subpart 2.

Statutory Authority: *MS s 401.03*

History: 8 SR 601

2905.1000 USE OF EXISTING COMMUNITY RESOURCES.

Subpart 1. **Local resources.** Each community corrections system shall utilize 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, in planning its total range of correctional programs and projects, shall establish a presumption in favor of resources already existing in the community.

Subp. 2. **Duplication of services.** 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 existing services are either inappropriate or unavailable to meet identified correctional needs.

Subp. 3. **Access to services.** 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*

History: 8 SR 601

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 such relationship can be demonstrated will not be eligible for Community Corrections Act funds.

Statutory Authority: *MS s 401.03*

History: *8 SR 601*

2905.1200 LOCAL PROGRAMS AND SERVICES.

Subpart 1. **Program requirements.** Each community corrections system shall take such action as necessary to assure that programs utilized by the system are in compliance with items A to D and will provide written assurance of the existence of these four points and their availability to the commissioner upon request.

A. All programs, other than conventional probation, parole, and supervised release supervision, shall develop and make available to referral sources, written 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. A single case record for each individual admitted to a program or served by an agency shall be maintained by the agency or program director 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 or her file, with the exception of that information classified confidential by law.

C. The rights of offenders receiving service from any program included in the comprehensive plan must be protected.

D. All programs included in the comprehensive plan must be in compliance with applicable provisions of this chapter and local, state, and federal laws.

Subp. 2. **Written assurance.** The above-mentioned written assurance of rules, policies, and procedures shall be included in the first comprehensive plan submitted to the commissioner.

Statutory Authority: *MS s 401.03*

History: *8 SR 601*