

1 Department of Corrections

2

3 Adopted Rules Governing Implementation and Operation of

4 Community Corrections Act

5

6 Rules as Adopted

7 11 MCAR S 2.001 Introduction.

8 A. Authority. Minnesota Statutes, section 401.03 provides  
9 that the commissioner of corrections promulgate rules for the  
10 implementation of Minnesota Statutes, sections 401.01 to ~~401.06~~  
11 401.16. The rules which follow are intended to meet that  
12 requirement.

13 B. Purpose. The purpose of these rules is to provide a  
14 framework within which services will be delivered and  
15 coordinated in the various areas of the state where the  
16 Community Corrections Act is operational.

17 C. Responsibility for planning. The Community Corrections  
18 Act places responsibility for correctional planning and  
19 implementation at the local level of government. These rules  
20 are intended to ensure that the various planning efforts are  
21 compatible with one another and with the basic requirements of  
22 the state's correctional system.

23 11 MCAR S 2.002 Definitions.

24 A. For the purposes of these rules:

25 1. "Commissioner" means the commissioner of corrections  
26 or his designee.

27 2. "Comprehensive plan" means the working document  
28 developed by the local corrections advisory board and approved  
29 by the county board or boards or joint board for the  
30 implementation and operation of community based correctional  
31 programs pursuant to Minnesota Statutes, section 401.01,  
32 subdivision 1.

33 3. "Community corrections system" means the  
34 organizational structure or network which exists or is proposed  
35 to exist within the county which will enable the local criminal

9-9-83

1 justice system and other elements of the community to utilize  
2 the correctional programs and services outlined in the  
3 comprehensive plan.

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

9 5. "Participating county" means one or more contiguous  
10 counties subject to the provisions of Minnesota Statutes,  
11 section 401.01, subdivision 1 which has been designated by the  
12 commissioner to receive funds under Minnesota Statutes, sections  
13 401.01 to 401.16 through the approval of the comprehensive plan.

14 6. "Unit of service" means each project, program, or  
15 activity outlined in the comprehensive plan including, but not  
16 limited to, probation/parole/supervised release services, court  
17 service activities, jail programs, evaluation services, training  
18 programs and residential programs.

19 7. "Act" means the Community Corrections Act.

20 11 MCAR S 2.003 Application for participation.

21 A. Application. Application for participation by a county  
22 or group of counties pursuant to Minnesota Statutes, section  
23 401.02, subdivision 1 shall consist of a resolution of intent to  
24 participate under the provisions of the Community Corrections  
25 Act, provided subsidy funds are available.

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

32 11 MCAR S 2.004 Development of comprehensive plan.

33 A. Technical assistance. The commissioner shall ensure that  
34 the local units of government are provided with technical  
35 assistance from the Minnesota Department of Corrections in the

1 development of a comprehensive plan.

2 B. Submittal of plan. The comprehensive plan must be  
3 submitted to the commissioner:

4 1. 30 days prior to initial participation under the  
5 provisions of the Community Corrections Act; and

6 2. 30 days prior to the beginning of each subsequent  
7 calendar year in a format designated by the commissioner.

8 C. Long format. At the time of initial participation under  
9 the provisions of the Community Corrections Act and every fourth  
10 year after that the comprehensive plan must be in a long  
11 format. ~~The long-format-plan-must-include-the-following~~  
12 ~~elements:~~

13 1. ~~mission-statement;~~

14 2. ~~administrative-structure;~~

15 3. ~~action-plan;~~

16 4. ~~service-description;~~

17 5. ~~agreement-page;~~

18 6. ~~budget-on-forms-provided-by-commissioner;~~ and

19 7. ~~assurance-of-rules,-policies,-and-procedures.~~

20 D. Short format. For each year not requiring the long  
21 format, the comprehensive plan must be in a short format and  
22 ~~include-the-following-elements:~~

23 1. ~~administration;~~

24 2. ~~program-changes;~~

25 3. ~~action-plan;~~

26 4. ~~agreement-page;~~ and

27 5. ~~budget-on-forms-provided-by-commissioner.~~

28 E. ~~Alteration-of-format.--The-comprehensive-plan-format-is~~  
29 ~~subject-to-being-altered-at-the-discretion-of-the-commissioner~~  
30 ~~following-consultation-with-the-participating-counties~~ Format  
31 forms. Both short and long forms shall be provided by the  
32 commissioner.

33 11 MCAR S 2.005 Changes in comprehensive plan and budget.

34 When participating counties wish to change the  
35 comprehensive plan during the calendar year, it shall be done by  
36 amendment, reallocation, or transfer.

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

6           2. Reallocation will be required when a community  
7 corrections system shifts funds between identified units of  
8 service, and the funds exceed ten percent of the approved budget  
9 for either unit of service, and also exceed \$5,000. The ten  
10 percent will apply to individual reallocations and to cumulative  
11 shifts during a calendar year. Reallocation will require the  
12 advance approval of the administrator of the community  
13 corrections system, the corrections advisory board, and the  
14 commissioner.

15           3. Transfer of funds not constituting reallocation as  
16 specified in 2., require the advance approval of the  
17 administrator of the community corrections system, and are to be  
18 reported to the commissioner at the end of the calendar quarter  
19 on forms provided by the commissioner.

20 11 MCAR S 2.006 Information systems and evaluation.

21           A. Information system. Each community corrections system  
22 must develop and implement an information system which is in  
23 compliance with applicable security and privacy regulations;  
24 and must annually provide data requested by the commissioner.

25           B. Evaluation and research designs. Each community  
26 corrections system shall develop and implement  
27 evaluation/research designs.

28 11 MCAR S 2.007 Training/Education.

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

34           B. Subsidy. A sum no less than the equivalent of two  
35 percent of the total subsidy shall be used to develop and

1 implement training and educational programs.

2 11 MCAR S 2.008 Fiscal management.

3 A community corrections system shall designate one person for  
4 the supervision of all fiscal matters related to the subsidy  
5 received under the provisions of Minnesota Statutes, sections  
6 401.01 to 401.16. This person shall comply with state and  
7 county rules governing the management of county funds and shall  
8 provide information to the corrections advisory board and the  
9 commissioner at least quarterly on forms provided by the  
10 commissioner.

11 11 MCAR S 2.009 County assumption of state probation and  
12 parole/supervised release cases.

13 A. Service. Each county participating under the act shall  
14 provide service to all interstate and intrastate probation and  
15 parole/supervised release clients.

16 B. Training. The commissioner shall provide necessary  
17 orientation training for counties to assume probation and  
18 parole/supervised release services previously provided by the  
19 state.

20 C. Forms. The commissioner shall provide forms for a  
21 county's compliance with B.

22 11 MCAR S 2.010 Use of existing community resources.

23 A. Local resources. Each community corrections system shall  
24 utilize agencies and organizations established in the community  
25 to deliver medical and mental health care, education, counseling  
26 and rehabilitative services, employment services and other  
27 similar social services. The local community corrections system  
28 shall, in planning its total range of correctional programs and  
29 projects, establish a presumption in favor of resources already  
30 existing in the community.

31 B. Duplication of services. If the community corrections  
32 system intends to initiate services or programs which duplicate  
33 those already existing in the community, clear evidence must be  
34 presented in the comprehensive plan to demonstrate that existing  
35 services are either inappropriate or unavailalbe to meet

1 identified correctional needs.

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

9 11 MCAR S 2.011 Program relevance to correctional objectives.

10 Each program specified in the comprehensive plan or  
11 designated to receive Community Corrections Act funds shall have  
12 a clear relationship to correctional objectives. Programs for  
13 which no such relationship can be demonstrated will not be  
14 eligible for Community Corrections Act funds.

15 11 MCAR S 2.012 Local programs and services.

16 A. Program requirements. Each community corrections system  
17 shall take such action as necessary to assure that programs  
18 utilized by the system are in compliance with 1.-4. and will  
19 provide written assurance of the existence of these four points  
20 and their availability to the commissioner upon request.

21 1. All programs, other than conventional probation and  
22 parole/supervised release supervision, shall develop and make  
23 available to referral sources, written client eligibility  
24 criteria. The community corrections system shall regularly  
25 advise courts and sentencing judges of the extent and  
26 availability of services and programs within its system to  
27 permit proper sentencing decisions and realistic evaluation of  
28 alternatives.

29 2. A single case record for each individual admitted to a  
30 program or served by an agency shall be maintained by the agency  
31 or program director to contain clear, concise, and accurate case  
32 information. Individual case records shall be maintained on a  
33 current basis and updated at least quarterly. Each client shall  
34 have access to all material in his or her file, with the  
35 exception of that information classified confidential by law.

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

3           4. All programs included in the comprehensive plan must  
4 be in compliance with applicable provisions of these rules and  
5 local, state, and federal laws.

6       B. Written assurance. The above mentioned written assurance  
7 of rules, policies, and procedures shall be included in the  
8 first comprehensive plan submitted to the commissioner.