



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

COMMITTEE OF THE WHOLE AGENDA
COUNTY BOARD ROOM
GOVERNMENT CENTER
RED WING, MN

MAY 4, 2021
8:30 A.M.

Virtual Meeting Notice

Due to concerns surrounding the spread of COVID-19, it has been determined that in-person meetings or meetings conducted under Minn. Stat. 13D.02 are not practical or prudent. Therefore, meetings that are governed by the Open Meeting Law will temporarily be conducted by telephone or other electronic means pursuant to Minn. Stat. 13D.021.

The Goodhue County Board of Commissioners will be conducting a Committee of the Whole meeting pursuant to this section on May 4, 2021 at 8:30 a.m. in the County Board Room. The County Administrator and/or County Attorney will be present at the meeting location. All County Commissioners attending will appear by telephone or other electronic means. The public may monitor the meeting from a remote site by logging into <https://global.gotomeeting.com/join/905395213> or calling **1 877 309 2073 OR 1 646 749 3129** any time during the meeting. Access Code: **905-395-213**

1. Court Services Case Load Presentation

Documents:

[GM Correspondence.pdf](#)
[Court Services 2021 Presentation.pdf](#)



Central Office
1450 Energy Park Drive, Suite 200, St. Paul, MN 55108
Main: 651.361.7200 | Fax: 651.642.0223 | TTY: 800.627.3529
www.mn.gov/DOC

August 4, 2020

Scott Arneson
Goodhue County Administrator
Goodhue County

509 West 5th Street

Red Wing, MN, 55066

Re: Goodhue County billing under Minnesota Statute 244.19

Dear Mr. Arneson,

Thank you for meeting on March 26, 2020, describing Goodhue County's point of view on the financial responsibility for supervising sentenced gross and misdemeanor offenders in your county. I apologize for my delayed response – as you have indicated, COVID-19 has required focus in many new areas.

At the March 26th meeting, I brought your attention to the fact the Minnesota Department of Corrections had been failing to invoice Goodhue County for several years for the work currently being done to supervise misdemeanor classified offenders in the county. As we discussed, this failure to invoice is not in line with state law and is contrary to the experience of 29 other Minnesota counties who receive these services from the DOC.

We will continue to work with you to determine the best path forward but given the budget concerns you have pointed out in our conversation, it seems prudent for us to set a date by which we have resolution to this matter. To allow time for Goodhue County to set next year's fiscal budget and to request any additional funding needed through the legislative process, we have determined the DOC will initiate invoicing on July 1, 2021. This additional time will also provide an opportunity for both of us to address judicial policy if Goodhue County chooses to assume probation supervision of all newly sentenced gross and misdemeanor classified offenders on an agreed upon date.

Our initiating of invoicing for these services is not the result of a new interpretation of statute, but rather it is rectifying an oversight on our part that resulted in inequitable treatment of other counties.

State law requires counties to reimburse the state for gross and misdemeanor probation services, if the state provides those services. Specifically, Minnesota Statute § 244.19, subd. 5, provides that

“[e]ach county receiving probation services from the commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections” (emphasis added). When the Legislature uses the term “shall” in state statutes, the term indicates the language is mandatory.

Minnesota Statute § 244.19, subd. 6, does provide for some payment to some counties to offset a portion of this expense. The statute provides “the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population.” However, that subdivision further clarifies that “Reimbursement shall be prorated if the appropriation is insufficient.” The amount of funds appropriated for this reimbursement from the state to counties is set by the legislature, and not the Minnesota Department of Corrections.

The Minnesota Department of Corrections provides juvenile, misdemeanor, and gross misdemeanor probation services in 29 other counties. Those counties are invoiced per Minnesota Statute § 244.19, subd. 5, and receive reimbursement under Subd. 6. The practice of invoicing counties for these services is simply about executing our responsibilities under state law.

As outlined in our meeting on March 26, 2020, one option to rectify our oversight is to simply begin invoicing Goodhue County similar to the other 29 counties. As mentioned above, we will begin this practice July 1, 2021, unless Goodhue County decides on a different path forward.

The other option, as discussed, is for the county to assume supervision of all new gross and misdemeanor offenders exclusively placed under supervision for a non-felony offense. According to the Probation Survey, the number of juvenile offenders under supervision in Goodhue County has dropped from 74 in 2010 to 68 in 2019. The number of adult misdemeanor offenders under supervision also dropped – from 408 in 2010 to 221 in 2019. The Probation Survey provides information on both probation and supervised release caseloads based on a one-day snapshot that occurs annually on December 31 and is posted on the DOC website.

If Goodhue County supervises all the gross misdemeanor and misdemeanor sentenced offenders, including those currently under supervision by the Minnesota Department of Corrections, the caseload sizes in Goodhue County would still be below the statewide average compared to the other 25 County Probation Office (CPO) Counties. With the drop in sentenced offenders over the past decade and given Goodhue County Probation is below the statewide average for caseloads, this suggests the current staffing complement is sufficient to supervise all gross and misdemeanor offenders.

Thank you for your time and attention to this issue. I know we share a commitment to quality, evidenced-based probation services, and I am certain we will work through this issue.

Sincerely,

A handwritten signature in cursive script that reads "Allen Godfrey".

Allen Godfrey
Field Services Director

CC: Curtis Shanklin, Deputy Commissioner
Jenny McMahon, Red Wing District Supervisor

GOODHUE COUNTY COURT SERVICES

December 29, 2020

Allen Godfrey

Field Services Director, Minnesota Department of Corrections

Justice Center
454 West 6th Street
Red Wing, MN 55066
651-267-4900
Fax: 651-267-4921

Dear Mr. Godfrey,

Thank you for providing gross misdemeanor caseload numbers and cost analysis if Goodhue County were to assume supervision of the Department of Corrections gross misdemeanor cases amended from felony charges. We also appreciate the DOC postponing their intention to begin invoicing the county until July 1, 2021 in respect of budget planning.

As you know, Goodhue County Court Services has been supervising all cases charged as gross misdemeanor since the mid 1990's when county court and district court merged. 1st Judicial District Court Chief Judge Hoey at that time issued a decision that Court Services would supervise all cases charged as gross misdemeanor and the Department of Corrections would supervise all cases charged as felony whether or not amended to a misdemeanor or gross misdemeanor level. This local judicial assignment of case responsibility has been in place since that time.

We continue to question the DOC's authority to initiate invoicing for those amended felony cases in the 1st Judicial District as it does not acknowledge the above referenced judicial policy, nor is it consistent with the intent of Minnesota Statute 244.19. We believe the "29 other Minnesota counties who receive these services from the DOC" that you referenced in your August 4, 2020 letter are DOC Contract counties and not County Probation office counties. DOC Contract counties, by definition, have a completely different operational arrangement than County Probation offices in that probation officer salaries, secretarial services, supplies, phones, postage, etc. are all provided by the Commissioner of Corrections. Contract Counties then reimburse the DOC for the costs of such services under this unique arrangement. By contrast, County Probation offices have these services provided by the county commissioners (county) as requested by the judge with no expectation of any reimbursement to the DOC. This sudden

new inclusion of County Probation offices in reimbursement or invoicing practice would in fact be a new interpretation of statute, contrary to your claim that it is not. It is inconceivable that the DOC would have overlooked this interpretation of statute after so many years of discussion and debate between delivery systems over equitable probation funding. The DOC is *not* doing any work for Goodhue County Court Services.

While Minnesota Statute 244.20 identifies DOC as having exclusive responsibility for providing probation services for adult felons, it also establishes that “probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy”. Our local DOC office would agree it has been the longstanding local practice for 25 plus years that the DOC is responsible for supervising cases that were charged as felonies but resolved as gross misdemeanors. There has never been an expectation that the county pay for that assignment of responsibility nor does Minn. Stat. Secs. 244.19 or 244.20 contemplate it. We do not agree with your new interpretation of these statutes and question your authority to unilaterally change long established local judicial policy in this regard.

The idea of now invoicing Goodhue County for DOC supervising these cases according to judicial policy seems misconceived and would create an undue financial burden for our county, especially in light of the consistent lack of 50% reimbursement from the commissioner of corrections for county probation services. The 2019 reimbursement rate of 29% translates to Goodhue County receiving \$157,000 less than the full 50% would have provided. And to take on these cases without the prospect of funding for an additional probation officer would strain existing probation staff.

Thank you for your consideration of our position.

Sincerely,

Mark Jaeger

Court Services Director

Scott Arneson

County Administrator



Central Office
1450 Energy Park Drive, Suite 200, St. Paul, MN 55108
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February 23, 2021

Mark Jaeger
Goodhue Court Services Director

454 West 6th Street

Red Wing, MN, 55066

Re: Goodhue County billing under Minnesota Statute 244.19

Dear Mr. Jaeger,

Thank you for your response dated December 29, 2020. The Minnesota Department of Corrections stands by its interpretation and obligation for reimbursement if required to provide supervision for persons exclusively sentenced for adult misdemeanor and gross misdemeanor offenses. Minnesota Statute 244.19, Subd 5, specifically stipulates counties shall reimburse the Department of Corrections for the total cost and expense for services provided by the Commissioner of Corrections.

Minnesota State Statute 244.20 does allow the court to determine supervision agency for gross misdemeanor cases, according to local policy. If the legislators intended to limit the Department of Corrections authority to seek reimbursement from counties for services rendered under 244.20, it could have adopted language under the statute. They did not, and thus Minnesota State Statute 244.19 provides direction on reimbursement.

If the DOC is required to provide supervision for adult persons exclusively sentenced for a misdemeanor and gross misdemeanor offense, we will initiate invoicing for cost of services on July 1, 2021.

If Goodhue County starts to supervise persons exclusively sentenced after July 1, 2021, for a new misdemeanor and gross misdemeanor offense, the DOC will not seek reimbursement for sentenced cases prior to that date and under supervision.

As requested, I will provide you updated data on number of current case numbers and offense type.

The Department of Corrections along with CPO and CCA agencies are continuing to also look at equitable funding across all three delivery types.

Thank you for your time and attention to this issue as we work through this.

Sincerely,

A handwritten signature in cursive script that reads "Allen Godfrey".

Allen Godfrey
Field Services Director

CC: Curtis Shanklin, Deputy Commissioner
Jenny McMahon, Red Wing District Supervisor

GOODHUE COUNTY COURT SERVICES

PROBATION SUPERVISION OF GROSS MISDEMEANOR CASES

GROSS MISDEMEANOR BACKGROUND

There are three probation delivery systems in Minnesota:

- Community Corrections Act
- Department of Corrections contract
- County Probation Offices

Goodhue County Court Services is a County Probation Office

GOODHUE COUNTY COURT AND DISTRICT COURT UNIFIED IN THE MID 1990'S.

More gross misdemeanor level offenses began to be put into law.

Minnesota Statute 244.20 states “the Department of Corrections shall have exclusive responsibility for providing probation services for adult felons in counties that do not take part in the Community Corrections Act. In counties that do not take part in the Community Corrections Act, the responsibility for providing probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy.” First Judicial District Chief Judge Hoey at that time decided that Court Services would supervise all cases charged as gross misdemeanor and the Department of Corrections probation office would supervise all cases charged as felony whether or not amended to a lesser misdemeanor or gross misdemeanor. This has been the agreement and practice in Goodhue County since the mid 1990's.

CORRESPONDENCE

February 2020 - The local Department of Corrections Supervisor contacted the Court Services Director requesting a meeting to discuss taking on DOC cases charged as felonies, but reduced to gross misdemeanors.

March 26, 2020 - Telephone conference with Department of Corrections (DOC) Field Services Director Allen Godfrey, County Administrator Scott Arneson, County Attorney Stephen O'Keefe and Court Services Director Mark Jaeger. Goodhue County was informed the Department of Corrections would begin invoicing the county effective July 1, 2021 for supervising those misdemeanor and gross misdemeanor cases reduced from felony charges stating it was not a new interpretation of statute, but rather an oversight by the DOC these many years.

CORRESPONDENCE

- August 4, 2020 - Letter from DOC Field Services Director restating the DOC intention to initiate invoicing July 1, 2021.
- December 29, 2020 - Reply letter sent to DOC Field Services Director questioning the DOC's authority to initiate invoicing for these cases. Cost estimate to Goodhue County for current number of cases being supervised by DOC is approximately \$50,000, this is a recurring yearly cost.
- February 23, 2021 - Letter from DOC Field Services Director again reiterating the DOC intention to begin invoicing July 1, 2021.

SALARY REIMBURSEMENT BACKGROUND

MN Statute 244.19 further states “the Commissioner of Corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers’ salaries to all counties of not more than 200,000 population”.

The last year of 50% full funding for county probation offices was 1996. The 2019 reimbursement rate of 29% translated to Goodhue County receiving \$157,000 less than the full 50% would have provided. The 2020 reimbursement rate was 28%.

OPTIONS MOVING FORWARD

- Goodhue County reimburses the Department of Corrections for continuing to supervise the misdemeanor and gross misdemeanor cases reduced from felony charges.
- Goodhue County reimburses the Department of Corrections at 28%, or the current rate counties are reimbursed for probation officer salaries.
- Goodhue County Court Services assumes supervision of all misdemeanor and gross misdemeanor cases even if reduced from a felony charge effective July 1, 2021.