

MCA FORUM

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Fall / Winter 2020



TIME OF TRANSITION

mca-mn@hotmail.com

Feel free to e-mail MCA to get in contact, join a committee, become a sponsor or to get involved!

MCA website: www.mn-ca.org

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 - PLUS MORE!!!



GET IN TOUCH!





President's Message

Mary Oberstar, 2020 MCA President

Dear MCA Members & Colleagues:

Happy Holiday Season!

I'd like to end my term as your president with a message based on positivity. What's happening in our world is important; however, I think tis the season for looking at the upside rather than discussing the difficulties!

MCA is working hard finding ways to reach you and provide valuable information. Watch for information on how we'll start providing relevant virtual training as well as in-person once we move past our current way of doing business; updates from the newly formed safety committee and how they're moving forward; continued updates from our legislative liaison, and more! MCA has also taken this down-time to do a more in-depth review of the operating manual and constitution and bylaws to ensure we're doing our best for members.

I truly believe there have been positive things coming out of this time, even amidst the sorrow and loss. Rather than be upset about the things I've missed or will miss, I prefer to think positively of other things I've done or am planning for: I've always been a state park explorer; however, this time has afforded me opportunity to do even more. I purchased snowshoes so I can get back into one of the winter activities I let slip away long ago (now I'm *almost* excited for snow!). More home cooking and less eating out was a positive for me! I think I've done more crafts than I had in the previous 5 years. On the work front, I'm sure we've all picked up some new skills during the past handful of months! I certainly have had to learn so much more about virtual training delivery in my job. That's a positive thing for sure.

I read somewhere that someone felt grateful that this year brought him back to a simpler time. I think of that as well and the fun of family time and simple things we can do. How about game nights; a blankie, hot cocoa, homemade popcorn, & a good movie; snowball fights and snow forts when we get snow; charades; a picnic on the living room floor? And if we're on our own, we can connect with others and do many of these things virtually. Have we all done or heard of virtual happy hour with friends? Let's all think outside the box, and then share our new-found or newly resurrected fun activities with others!

I think of what we all live, work, and do. The passion we exert in our jobs – making this world a better place. We persevere when faced with adversity. I've been fortunate to get to know many of you in the field over the years and hope, passion, and perseverance are words that come to mind when thinking about you. The work you do isn't easy; however, you find a way to continue being passionate about change and persevere when things get tough! If that isn't positivity, I don't know what is! I have faith we'll continue to do the same as we forge ahead.

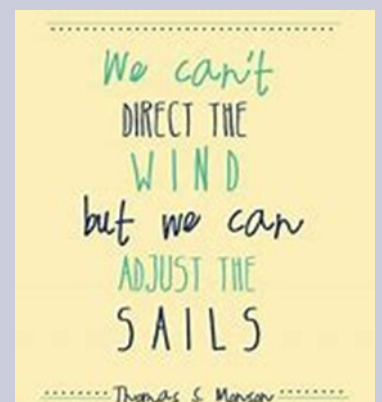
Thank you for this opportunity to serve as your president. Although I was not able to connect with so many of you, I look forward to doing so when we can connect in person or in other ways!

Wishing you the warmest of winters and a holiday season filled with joy!

Mary Oberstar

2020 MCA President

mary.oberstar@state.mn.us





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LC- "Group online has been a blessing just for the fact that we can do it."

AB- "Telemedicine outpatient treatment has been very impactful in my life! I am very close to being finished with the program... and, because of telemedicine my life looks completely different and so much better than it did before I started. I know it is different than doing it in person, but I don't necessarily think it is a drawback... it is just a new and different way to do it. And, it works!"

TS- "This program is very personal for a virtual platform/I was impressed with the level of connectivity."

BG- "If telemedicine treatment was not offered through MNTC I would not have been able to take part in this amazing supportive group. I live in Chaska and currently have no driver license due to DWI. I had heard such amazing things about the MNTC program that I wanted to be able to take part in the program. Luckily I was able to do so because I could participate and interact with this group through zoom. I have found such an amazing group of supportive women in this group and one of the most compassionate counselors. I am not sure where I would be in my recovery without them."

AM- "I think that zoom has been very helpful in making it possible to attend group even if we are having transportation issues or time constraints. "

Client Testimonials

Client Testimonials

Mackenzie Mike



Hunter Holcomb



Scholarship Winners!

We are proud to announce our scholarship winners for 2020. During this difficult year, these students have had to make persevere through many obstacles. We would like to thank all of our applicants for their hard work and dedication during these trying times.

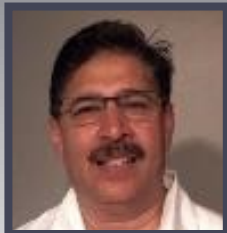
Mackenzie Mike is the daughter of Rico and Shar Lopez. Mackenzie attends the University of Wisconsin-LaCrosse with a major in Secondary Education. Her career goals include creating a space for teenagers to feel safe and heard in the classroom. Her application states, "There have been so many times I have sat in the classroom and felt that the educator in front of me saw me only as a student in a desk, not as a person with opinions, ambitions, and dreams." In addition to her educational responsibilities, Mackenzie works as a CNA and has been involved in several clubs and organizations. Congratulations Mackenzie!

Hunter Holcomb is the son of Kristi Holcomb. He currently attends Colorado Mesa University, majoring in Criminal Justice with a minor in Forensics. His career goals include being a police officer and eventually a detective or investigator. His application states, "In the world today, there is a lot of backlash against police officers. Many seem them as bad people. I would like to be able to change the way people see them. I want to be able to make a difference during these trying times and show that not all cops are bad." In addition to attending college, Hunter also is involved in coaching and playing Lacrosse. Congratulations Hunter!





Tales from the past: the first "Labor Strike" in the DOC



By Roger Baburam (Retired DOC)

Communications Committee

A labor strike among frontline staff in the Correctional industry appears unfathomable given the fact Corrections Officers are essential state employees statutorily prohibited from engaging in strike. However, this is exactly what occurred at what is now the MCF-Lino Lakes facility. The "strike" occurred at what was then a juvenile facility called the Minnesota Reception and Diagnostic Center (MRDC) in the early months of 1969 and lasted several months into the summer of that year.

The MRDC opened in 1963, housing about 200 juvenile delinquents and "youthful" offenders (ages 18-21), providing treatment for emotionally disturbed residents. They were about 95 employees, about 70 of whom were Corrections Officers. The Teamsters Local 644 represented the Corrections Officers. Several unresolvable workplace concerns precipitated the labor dispute. The Corrections Officers felt they needed a classification upgrade as juvenile facilities are more complex and required a more advance skill set to deal with delinquent youths, similar to Hennepin Co. Home School; they felt training was inadequate to deal with unique delinquency matters; and the new wage increase proposal gave the veteran corrections officers only 8% salary increase, while new officers would receive 12% increase. Peter Bjurstrom, a Corrections Officer at the time and one of the leaders of the strike, said the existing pay of \$450-\$641 per month was an unlivable wage (Personal interview, January 2020).

Cognizant that labor strikes are not allowed among Corrections Officers ranks due to their "essential worker" status, both the Union and Officers initiated a plan to withdraw their labor and bring attention to their grievances without the formality of declaring a strike. Alternative pressure tactics were employed: "Sick-ins" and "bannering" replaced striking employees and placards protests. Starting on 02/27/69, Officers called in sick on every shift (about 7-8 on each shift). The bannering outside the facility had the same effect of bringing attention to grievances. Several media outlets reported on the labor unrest, such as the Minneapolis Tribune and St. Paul Dispatch and local TV stations. Contractors and suppliers, such as food delivery drivers and barbers hired to cut hair, declined to cross the picket line. Unions representing Parole Officers and Professional Employees said they would not support their members substituting for the "striking" Officers at the facility.

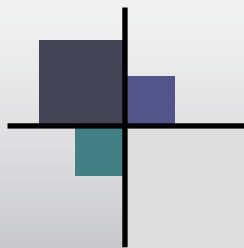
The "strike" was devastating to the operations of the facility. MRDC came to a standstill with primarily management and professional staff working (Newlund, 1969). The Department alleviated the lack of staffing at the facility by transferring several juvenile residents to the Red Wing Juvenile facility, scheduling Central Office staff to work at the facility and even attempted to re-deploy Officers from the St. Cloud Reformatory and Stillwater State Prison but they all refused in an expression of solidarity. The then DOC Commissioner Paul Keve (1967-1971) and MRDC's Director Dr. Fred Gelbman both said they were sympathetic to the Officers' grievances but did not believe the existing budget could accommodate their requests.

Tales from the past: the first "Labor Strike" in the DOC (contd.)

The "strike" ended in the summer of 1969. An agreement was reached between the Teamsters Union and Commissioner Keve. The agreement stipulated the "striking Offices" will be accepted back without questioning the legitimacy of their "sickness." In addition, a training program for staff was promised and the matter of the classification upgrade of Corrections Officers at MRDC would be examined by the Civil Service Department. However, financial compensation for an equivalent increase for veteran Corrections Officers with the new staff was not approved. The agreement was not without its critics. Several conservative State Legislators said the bannering and sick-ins was the equivalent to a strike and the MRDC's Officers violated the no-strike law of essential employees (Whereatt, 1970). Mr. Bjurstrom, who later had a very successful career with the DOC with varying positions of leadership (Program Director, Hearings Officer, etc.) reflected: "All of us who walked out knew that we were putting our jobs on the line and could be fired at any time. The most important thing to come out of the "strike" was that the DOC agreed to work toward making future improvements in employee compensation and would ask the next session of the legislature to fund these improvements." (Personal interview, January 2020).

Over the years, the Lino Lakes facility evolved its functions from a juvenile facility to a training center and finally to an adult facility. In 1978, the facility became the state's first medium custody facility in the DOC and, in 1997, treatment programming became the facility's primary mission. Despite its evolving function and names changes, MCF-Lino Lakes will always have the distinction of being the very first DOC facility to have labor strike, even though it was not officially designated with this title.

This writer expresses his appreciation to retired DOC Employee Peter Bjurstrom (1967 – 2003) for suggesting this topic and recollection of his personal memories of the "strike." Photo shows a recent photo of the retired Mr. Bjurstrom.



References:

Hite, Harry, 1969. "Keve Discounts Charges by Union." St. Paul Dispatch. June 21, 1969, p. 1A.

Newlund, Sam, 1969. "Lino Lakes Employees." Minneapolis Tribune. June 22, p. 16 A.

Whereatt, Robert, 1970. "Lino Lakes Pact called Scandalous." Minneapolis Tribune. January 31, 1970, p.



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MCA Membership Extended!

ALL MCA MEMBERSHIPS EXTENDED TO 12/31/2021

While our opportunities to network and provide training have been virtually non-existent, please know that MCA is still here, working for you through continued reviews and research on best practices, following & reporting on legislative action, and through other means.

As our way of sending our positive thoughts and apologies to our members, all current (paid) memberships and those who become a member in 2020 will have their membership extended through December 31, 2021!

Membership opportunities...

• **Individual member \$35**

• **Retiree \$50 lifetime. Must have an active individual membership at time of retirement.**

⇒ For a limited time, those that have already retired may get the lifetime membership for \$50 without having an active MCA membership. Contact the MCA Office.

• **Student membership \$10. Must meet student membership criteria.**

• **MSSA members ~ you can get an MCA Individual membership for \$25*. Just email the MCA office.**

⇒ Applies to new MCA memberships.

Communications Committee

Well, it is that time of year. Crisp air, colorful leaves, apple pie, and comfort foods. Since many people have been spending a lot of time at home and are probably bored with the same old thing, I thought I would share a chili recipe I found years ago that has become a family favorite. Of course, I often find myself drifting away from the recipe and adding or taking away a little of this and that . . . No batch of chili has since been the same. Happy Cooking!



Tara Rathman, Chair

Boilermaker Tailgate Chili

INGREDIENTS

- 2 pounds ground beef chuck
- 1 pound bulk Italian sausage
- 3 (15 ounce) cans chili beans, drained
- 1 (15 ounce) can chili beans in spicy sauce
- 2 (28 ounce) cans diced tomatoes with juice
- 1 (6 ounce) can tomato paste
- 1 large yellow onion, chopped
- 3 stalks celery, chopped
- 1 green bell pepper, seeded and chopped
- 1 red bell pepper, seeded and chopped
- 2 peppers green chile peppers, seeded and chopped
- 1 tablespoon bacon bits
- 4 cubes beef bouillon
- ½ cup beer
- ¼ cup chili powder
- 1 tablespoon Worcestershire sauce
- 1 tablespoon minced garlic
- 1 tablespoon dried oregano
- 2 teaspoons ground cumin
- 2 teaspoons hot pepper sauce (e.g. Tabasco™)
- 1 teaspoon dried basil
- 1 teaspoon salt
- 1 teaspoon ground black pepper
- 1 teaspoon cayenne pepper
- 1 teaspoon paprika
- 1 teaspoon white sugar

DIRECTIONS

Heat a large stock pot over medium-high heat. Crumble the ground chuck and sausage into the hot pan, and cook until evenly browned. Drain off excess grease.

Pour in the chili beans, spicy chili beans, diced tomatoes and tomato paste. Add the onion, celery, green and red bell peppers, chile peppers, bacon bits, bouillon, and beer. Season with chili powder, Worcestershire sauce, garlic, oregano, cumin, hot pepper sauce, basil, salt, pepper, cayenne, paprika, and sugar. Stir to blend, then cover and simmer over low heat for at least 2 hours, stirring occasionally.

After 2 hours, taste, and adjust salt, pepper, and chili powder if necessary. The longer the chili simmers, the better it will taste. Remove from heat and serve, or refrigerate, and serve the next day.

You can find the recipe online [here](https://www.allrecipes.com/recipe/238623/boilermaker-tailgate-chili/) at allrecipes.com

Ingredients

1 lb. boneless, skinless chicken thighs, cut into 1" pieces

1 medium onion (white or yellow), sliced

2-3 medium carrots, sliced

3 cloves garlic, diced

2 tablespoons freshly grated ginger (or ginger paste)

1 tablespoon ground turmeric

Pumpkin – hollowed, cubing the meat

1 red bell pepper, sliced

8 ounces green beans, trimmed and cut into 2" pieces

2 tablespoons Thai red curry paste

13.5 ounce can full fat coconut milk

1 cup water

1 tablespoon lime juice

1/4 cup chopped cilantro

Ghee for cooking (or olive oil or butter)

Cooked rice or quinoa (optional)

Pumpkin "Curry"

with Chicken

Submitted by: Jessica Raptis

MCA Photographer



Heat 1 tablespoon of ghee in a large pot or Dutch oven over medium heat. Add the chicken and season with salt and pepper to taste. Sauté until cooked through. Remove from pan and place on a plate, then cover loosely with foil.

Add 1 Tbs. of ghee to pot. Add the onion and carrots and cook until softened, about 5 minutes. Add the garlic, ginger and turmeric, and sauté 30 seconds.

Add the bell pepper, pumpkin and green beans, and sauté 1 minute longer.

Add the chicken back to the pan along with the red curry paste, coconut milk and water, and stir well to combine. Bring to a boil, then reduce the heat to medium low and simmer until the pumpkin is tender and the sauce has thickened, about 10-15 minutes.

Remove from heat and stir in the lime juice, cilantro and salt and pepper to taste.

Serve inside the halved pumpkin to be festive!



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Qualifying for Duty Disability Benefits

By Attorney, Katie Ebnet

In order to qualify for Duty Disability benefits under the PERA/MSRS **Correctional Plan**, a corrections officer will need to demonstrate that he or she has a condition that is expected to prevent him or her from performing the normal duties of the position for a period of not less than 12 months as a direct result of an injury incurred during the performance of inherently dangerous duties that are specific to the position. See Minn. Stat. § 353.01, subd **indegnerique.be**. 41 and Minn. Stat. § 353E.001, subd, 1.

Normal Duties

If the application for disability benefits is filed within two years of the date of the injury, then a corrections officer will have to demonstrate that he or she is unable to perform the duties of the position that he or she held on the date of the injury. When the date of the disabling injury occurred more than two years prior to filing an application for Duty Disability benefits, a corrections officer must also demonstrate that he or she is unable to perform the most recent duties that were expected to be performed by him or her in the 90 days preceding the last day he or she performed services for the employer, under Minnesota Statute § 353.031, subdivision 4.

This rule will come into play if a corrections officer was injured more than two year ago, and he or she is currently working in a light duty position. If a corrections officer is able to work desk duty then PERA/MSRS will frequently deny his or her application.

A Period of Not Less Than 12 Months

In order to qualify for Duty Disability, a corrections officer will have to show that he or she will be disabled from performing their normal duties for the period of at least one year. PERA/MSRS will look at this requirement retroactively to the last date that a corrections officer worked full duty with no work restrictions.

Direct Result

A corrections officer will need to show that their condition was a “direct result” of an injury that occurred during the performance of inherently dangerous duties that are specific to the positions. This means that the injury has to occur while the corrections officer is working and performing duties that are specific to their position. Many times, the corrections officer will have a prior injury that is aggravated or re-injured on the job. The prior injury may have occurred off duty or many years ago. A prior injury will not prevent you from receiving PERA/MSRS disability benefits. As long as your current condition is the direct result of a work injury, then you will still quality for Duty Disability benefits.

Qualifying for Duty Disability Benefits Contd.

Also, injuries or conditions that develop as the result of repeated sub-acute trauma over time fall within the statutory definition of Duty Disability. A specific episode, incident, or injury is not required to meet this standard. For example, a firefighter may develop a low back injury from wearing turnout gear and a self-contained breathing apparatus to every fire call, or a police officer may develop a back injury from repeated physical altercations with suspects. A condition caused by multiple events that involved the performance of inherently dangerous duties will meet the definition of Duty Disability. This is also true for corrections officers who develop **post-traumatic stress disorder (PTSD)** as a result of repeated exposure to traumatic incidents.

Inherently Dangerous Duties

There is no specific rule for what inherently dangerous means. The term “inherently dangerous” implies that the duties a corrections officer was performing at the time of the injury have to involve a great personal risk to their safety. Some obvious examples of inherently dangerous duties would be situations that involve a dangerous weapon, arresting a suspect who committed a crime, or responding to an active fire. However, inherently dangerous duties will also include injuries that occur if you fall while responding to a service call, injuries that occur while lifting a patient on a medical call, or injuries that occur when you are doing training exercises. There are many duties that police officers, firefighters, and corrections officers perform that will be considered inherently dangerous.

Meuser, Yackley & Rowland, P.A. has proudly and successfully represented hundreds of police officers, firefighters, and corrections officers throughout the state of Minnesota for PERA/MSRS Duty Disability claims. Our **knowledgeable attorneys** will help you understand the often confusing PERA/MSRS Duty Disability benefit law and ensure you receive the full benefits to which you are entitled. **Contact us** today for a free, confidential, no-obligation consultation by calling **1-877-746-5680**.



MEUSER, YACKLEY & ROWLAND

WORK COMP • PERA/MSRS • PERSONAL INJURY



Technology Committee Article

Capturing Evidence in the Field

Submitted by, Joe Ventre

Technology Committee Co-chair

[Cellebrite Field Solutions](#) empowers law enforcement to leverage today's growing amount of digital evidence. It now includes Cellebrite Frontline, UFED on Android, Kiosk, Central Management and Advanced Training to ensure those who work to ensure the safety of the public maintain witness privacy while accelerating digital evidence gathering. Some features are:

- An easy-to-use mobile application for data collection at the front line
- A self-serve kiosk at the station, border or correctional facility/office
- A central management system for seamless management of collected data in one place
- Award-winning Cellebrite training by individuals with real-world law enforcement, forensic and investigative experience

With Cellebrite's Field Solutions, investigators can generate digital leads and make data-driven decisions quickly, ultimately allowing them to close cases faster. Easy to use for law enforcement officers and others who work in probation and parole, they can collect consent-based digital information from witnesses, victims, and those violating their release conditions in a forensically sound manner, either in the field or at the office, to ensure no valuable evidence is lost. If you need to be convinced, Cellebrite offers case studies that help convince future users of the importance collecting and managing digital evidence found in the field.

For more information on how Cellebrite Field Solutions empower officers to capture digital data in the field, please visit: www.cellebrite.com/en/law-enforcement/field.

Digital intelligence solutions offered on the field solutions page include Cellebrite Frontliner, Cellebrite Responder, and Cellebrite Commander.

Cellebrite Frontliner empowers those who work in the field to capture selective digital evidence at the scene to help solve cases faster, and improve community relations. You can enter case details on scene, turn your mobile device camera into a digital intelligence camera, quickly copy specific files while removing the need to seize the phone, and you can share reports while in the field.

Cellebrite Responder allows users to quickly extract key insights by performing selective or full physical data extraction anytime and anywhere. It's all in real time, and you can view and analyze data in a streamlined workflow, all while implementing internal processes within your organization and encouraging community collaboration.

Cellebrite Commander allows you to simplify how you manage and control all deployed devices and systems. This reduces administration costs, ensures agency policies are up to date by centrally controlling usage, gathers important utilization insights that includes auditing and reporting capabilities, and also gains situational awareness into how forensic systems are used so you are better able to optimize your technology investments.

Support For The Line-EAP Services are Available

State employees have a new EAP benefit as of July 1, 2020. In previous years, EAP-Work/Life offered an expedited phone call for law enforcement and corrections when you called EAP. The goal was to eliminate the intake process and get you straight to the support you were requesting. We also created a backdoor to counseling services in which a select group of therapists with experience in corrections and law enforcement were able to schedule appointments and see employees using EAP sessions without the employee needing to call the EAP first. With our new vendor in place Minnesota Management and Budget's Health Solutions Team made our justice and law enforcement involved employees a priority.

Along with the implementation and partnership of the new vendor, Deer Oaks, we created an EAP service specific to DPS-State Patrol, BCA, DNR-Enforcement, DOC, and DHS-Direct Care, all employees who face unique challenges in their day-to-day work. The service is called **Support For The Line-EAP**, signifying the importance of offering unique services and interventions for officers, nurses, agents, case managers, and the many other people serving in challenging positions for the State of Minnesota.

Support For The Line-EAP is a 24/7, 365 operation available to answer your call whenever you need support. Call 1-833-731-0680 or visit www.deeroakseap.com and enter **stmn1** for the username and passcode.

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Username and password: stmn1

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MCA Liaison

Activities

By Mark Groves,

MCA Liaison/Membership Chair

Executive members from the Minnesota Association of Resources for Recovery and Chemical Health (MARRCH) and Mark Groves from MCA developed the MARRCH/MCA Corrections Committee. Our plan is to develop initiatives and provide Education & Training workshops for MARRCH membership to educate them about corrections and combine the SAMSHA (Substance Abuse and Mental Health Services Administration) requirements along with the DOC Risk-Needs Assessment process. We have identified and selected committee members. If you are interested in joining this committee, please contact: mark.groves@state.mn.us.

MCA developed formal relationships with MARRCH, the Minnesota Social Service Association (MSSA), the Minnesota Association of County Probation Officers (MACPO), and the Minnesota Department of Corrections (DOC), for the purpose of identifying potential cross-collaboration opportunities (e.g., between/among identified groups and initiates/ facilitates conversations on these opportunities to ensure alignment with each appointed group's strategic priorities and scope of work.

I attended the DOC Town Hall Meeting in February 2020 and talked with Curtis Shanklin, Deputy Commissioner of Field Services, about our joint MARRCH/MCA Criminal Justice Committee and what we plan to accomplish. He is interested in our plan and will attend our meetings.

I am a member of the MSSA and MARRCH Annual Conference Planning Committees for the purpose of providing leadership and direction regarding criminal justice, corrections expertise, information and topics. I have been attending those association's monthly annual conference planning meetings. MCA provides direction and leadership to both associations regarding criminal justice.

Mark Bliven, Laura Anderson, Robyn Wood and myself presented a virtual workshop at the MARRCH Annual Conference on 26 October 2020 titled: *From Cell to Street: What Offenders Need When They Return to the Community*. We are excited to develop our formal partnership with the Substance Use Disorder community as we educate them regarding with the criminal justice populations.

As you know, MCA and MACPO developed a formal joint membership last year. We have many cross-over members. I have been attending the MACPO Board of Director's meetings as an Association Liaison.

We encourage the MCA and MARRCH membership to reach out to our Corrections Committee with requests, ideas, and joining us as we move forward. MCA hosts an annual Corrections Institute, an annual Juvenile Justice Conference, monthly Education & Training workshops, et al. We believe it is in the best interest of both the Substance Use Disorder Treatment and Corrections professions to formally partner as we seek effective approaches to successful outcomes.

Feel free to contact me with thoughts, ideas, suggestions. We welcome your input and participation. Thank you.



Legislative Affairs

Post-Election Update

Calvin Saari, MCA Legislative Liaison

As we've noted before, 2020 has been a different world for all of us and it certainly was just as unusual for the Minnesota Legislature. Most felt it would never happen, but the Fifth Special Session of the Minnesota Legislature finally gave us a bonding bill and a Supplemental Budget. The bonding bill will certainly help the economy in this difficult time and the supplemental budget gave some relief to the Dept of Corrections, at least for the time being.

This Fall we joined a united effort of the public and Corrections professionals to save the Correctional facilities at Willow River and Togo. I said at least temporarily, as funding has been restored only till June 30, 2021. This ugly virus we've experienced has had a devastating impact on our way of life and also essentially eliminated our 2020 legislative agenda. The virus, together with the unfortunate George Floyd incident entirely changed the focus of the Legislature's Public Safety Committees and we saw little if any consideration of best correctional practice.

Fortunately, 2021 is the beginning of a new Biennium as the newly elected Legislature returns to Session on January 6, 2021. Your Legislative Committee under Chairman Brian Collins has been very busy over the past few months preparing our 2021 Legislative Agenda, which we will be presenting to the Board for approval at the December board meeting. Draft copies of this document are circulating so take a look and give our Committee members a call with your questions and comments.

I'd like to use this communication to share my thoughts at this point on what to expect from the new legislative session. There will be twenty-four new faces in the House and about six new personalities representing our interests in the Senate. The election this year did not provide much change in Minnesota. We will again be the only state in the Union to have a divided legislature, with the House DFL retaining control of that chamber with a smaller majority of only 69-65. The Republicans retain control of the Senate by a 65-62 margin, and of course Governor Walz retains his executive power. With the continuation of this division of power, expect more of the same in 2021. Republicans will continue to object to the executive powers of the Governor regarding the virus, even though there is not a single state in the union that has given this authority to the legislature!

Being an odd-numbered year and the first year of a new biennium, it should be a budget setting year. I said "*should*" but with a divided government and a bad looking deficit caused by something none of us could have expected, you can be assured this will not be an easy path to agreement. Most current projections show a budget deficit of \$ 4.7 Billion for the next two years. The good news in this scenario is the fact that the State does have \$ 2.4 billion in a rainy day fund, and another \$350,000 in estimated cash flow. Because of the uncertainty of the national economy, at least for the first half of 2021, it is really impossible to predict a rosy picture for the immediate future (but we can and probably will, hold our own in Minnesota). Republicans are almost universally advocating reductions in spending with hallway whispers suggesting a 10-15% cut in current State department budgets. Democrats of course are talking "new taxes", fess and whatever to generate more funding.

Each of the major parties will be advocating their traditional political agendas, and another major item they must address in 2021 is Re-apportionment as a result of the 2020 Census. I don't see our Legislature finding an agreement on re-districting and expect that for the sixth consecutive time, the issue will be handed over to the Courts to resolve. This again, will not be easy. Early predictions are that Minnesota will lose one Congressional Seat due to population changes and re-districting state legislative boundaries never finds consensus. This change is a mandate and every legislative seat will be on the ballot again in 2022, including all Senate seats.

There is much more we could talk about but I think I've used my space for this edition, so we'll continue our discussions in my future updates to the membership. I sincerely appreciate your support and I am honored to have the opportunity to represent your interests at the State Legislature. Don't hesitate to call me with your comments and questions!

Legislative Affairs Continued

December 1, 2020 Update

As we enter the month of the Holiday Season, let me first thank all of you for your support of this work and take this opportunity to wish all of you a Happy and Blessed Holiday with hopes that we all can weather the unfortunate circumstances we are currently enduring as a result of this pandemic. Stay safe and stay positive and know that we will get thru this!

This month my work is dedicated for the most part in preparation for the start of the new legislative session starting on January 6, 2021. Both legislative chambers have announced their Committee Chairs for the new biennium and with the exception of a few changes, it appears to be more of the same. Senator Warren Limmer, surviving a close election this past month, will return as the Chair of the Senate Judiciary and Public Safety Finance and Policy Division, and Rep. Carlos Mariani will again chair the House Public Safety and Criminal Justice Reform Committee.

One major change is the House is the elimination of the Corrections Sub-Committee, although there appears to be some discussion about continuing that work but at this point, I have not heard that it will continue. There are twenty six new Legislators we will need to get to know, which will be a work in progress as we are required to do most work remotely, but once the Committee memberships are announced, which is expected in the next few weeks, I will begin to make personal contact with each Committee member.

We'll also begin serious discussions about how to present a Corrections Capitol Day in 2021 with our co-sponsors. These discussions will take place closer to the start of the new session. We'll also spend time this month reviewing the legislative priorities of the Governor and of both major political parties and advocate for inclusion of our own legislative goals for this Session.

Membership Opportunities:

Committees Looking for Members!!

If you have interest in serving on a committee, the newly formed **Safety Committee** and the **Communications Committee** are looking for members. The **Legislative Committee** is also seeking a chair for its committee.

If you have an interest, please send an e-mail to MCA's administrative manager at mca-mn@hotmail.com with "Committee Member" in the subject line.



A tribute to the late Orville Pung, DOC Commissioner (1982 – 1993).

By Roger Baburam, MPA

“Orville Pung’s leadership style is a blend of profound knowledge, caring and personal values shared with his peers around the country.”

- Association of State Corrections Administrators (ASCA)

INTRO

It is customary to regurgitate commendable sayings and evoke positive nostalgic feelings about the recently departed. However, in the case of the late Orville Pung, retired DOC Commissioner who died on August 31, 2020 and MCA’s 1992 Person of the Year, it is more than just a customary tradition to say these things. His venerated status is measured in the unprecedented naming of three conference rooms after him in Central Office; he is the longest serving DOC commissioner (1982 – 1993) and served under three different Governors – both Republican and Democrat; his accomplishments include the creation of the STS program, CIP program, closing the “Gender Gap” in Corrections, etc.; extraordinary skills in dealing with the legislature and media; his witty “Pungisms” that is still quoted today; and, in the opinion of many, the best DOC Commissioner since the Agency’s establishment in 1959. His connection with people is legendary. I had a 2+ hours dinner with Orville and his son Rick on August 18, 2013, to gather materials in preparation for a presentation I was giving at a conference. He was as much interested in my cultural background as I was in gathering information from him for my presentation. The information for this article is from the copious notes I took from that dinner (and from subsequent phone conversations over the years) and, also, from interviews with several prominent DOC officials from Mr. Pung’s era. The following is some of his key components in running a nationally acclaimed Department of Corrections and some of his main accomplishments.

Relationship with Governors, Legislature and Media.

Mr. Pung was appointed DOC Commissioner by Republican Governor Al Que in 1982, after serving as Deputy Commissioner under Commissioner Jack Young (1979-1982). He was reappointed by Democratic Governor Rudy Perpich and again reappointed under Republican Governor Arne Carlson. He had an amicable bi-partisan respect for the legislative branch, cultivated credible relationship with the media and well respected by Governors. What was his secret?

Assist Commissioner Lurline Baker-Kent, who was responsible for the Management Service Division during the Pung Administration said, “Orv wanted to know the mindset of the Governor so that he can frame the agency’s issues in the most receptive light.” To this end, he cultivated working relationships with the Governor’s Chief of Staff and other members of his inner circle. Cognizant of the fact that he is serving an elected official, he approached agency matters with the utmost integrity. For e.g., Ms. Baker-Kent recalled a conversation he had with his administrative team on the possibility of the Death Penalty becoming law in MN. He did not share his personnel views on the ultimate punishment, but asked his team to explore the potential operational plans for a Death Row galley, calculate cost associated with lengthy placement of the condemned given the exhaustive appeals process, etc. He objectively conveyed this survey to the Governor, notwithstanding his possible opposition – or at least his ambivalence – to Capital Punishment.

Mr. Pung regarded the Legislators as a “Board of Directors,” generalist not running anything in particular but providing funding and oversight for everything in general. He realized it was imperative to develop credibility with legislatures across the aisle and in both Chambers. He did this by developing relationships with key respected elected officials, such as Rep. Janet Entzel, Rep. (and future Governor) Arne Carlson and the late Senator Alan Spear. Rep. Entzel, who served in the house between 1974-1984, said, “Orv had respect for the truth and lawmakers had respect for his positions.” In subcommittee hearings, he believed the key was not to lose the interest of the lawmakers with lengthy dissertations. Future Deputy Commissioner Dennis Benson said he learned from him the importance of brevity in testifying and believed: “Orv was the best lobbyist the Department ever had.”

Similarly, Commissioner Pung believed that the media should be embraced and the “no comment” or the “data privacy” pretexts are ill advisable responses to their inquiries. Otherwise, the media will seek alternative and less credible sources for information. Assistant Commissioner for Media Relations and Publications in Mr. Pung’s Administration, Dan O’Brian, said he would prepare speeches and talking points for his boss, but “Orv was so skillful and comfortable with the media he would invariably talk off the cuff.” And it paid dividends. When the tragic rape/ murder of St. Cloud State student Melissa Johnson by recently released sex offender Scott Stewart occurred in 1991 resulting in sensational and irrational accusations against him, distinguished Minneapolis Star and Tribune Journalist Jim Klobuchar adamantly came to his defense: “Orville Pung is not an airhead. He is, in fact, one of the abler public servants alive around here, and he is no escapist.”

Diversity

Mr. Pung was very cognizant of the fact that prisons were one the last male dominated organizations that excluded woman from promotional opportunities. He was determined to make significant changes in this area. Immediately, as Commissioner of Corrections, he rescinded his predecessor’s 1979 “Policy on Inmate Privacy,” prohibiting women from working the cellblocks at MCF-STW and MCF-SCL. That policy had resulted in several Title VII gender-based employment lawsuits that pitted three state agencies in conflict (Corrections, Human Rights and Attorney General’s Office).

Commissioner Pung hired the first female to a cabinet level position for DOC in 1982, the respected and innovative Laurlene Baker-Kent to Assistant Commissioner; and promoted the first female CEO to a male facility in 1989, Warden Connie Roehrich at MCF-WR. He also promoted the first African American, Fred LaFleur, to CEO of several correctional facilities, first as Superintendent of Anishinabe Longhouse (a now closed DOC operated half-way house for Native Americans), then as Warden of MCF-WR and later to Warden of MCF-LL (Mr. LaFleur later become Commissioner in 1996). Under the auspices of the Pung Administration, the DOC also hired its first Affirmative Action Officer and created an Office of Diversity. He was presented with the “Leadership Award” by the MN Chapter of Blacks in Criminal Justice for his commitment to developing a multicultural work force.

Women Offenders

Mr. Pung was nationally known for his advocacy for parity in programming for female offenders with male offenders. He was instrumental in establishing the “Planning for Female Offenders (PFO) program to profile women offenders by identifying and addressing their unique needs, such as pregnancy and domestic abuse; his Department funded and supported shelters and programs for battered woman, including culturally specific programs for Native American women. In 1985, his administration organized the very first “National Workshop on Female Offenders” conference in the nation. One of Mr. Pung’s notable achievement was his advocacy and success in constructing a new MCF-SHK state of the art woman’s prison in 1986, replacing the previous antiquated facility built in 1920. In the 1987-88 DOC Biennial Report, Commissioner Pung wrote: “Opening of this contemporary institution represents significant progress in eliminating the inequities in what has been provided for woman offenders and also makes great advances in addressing the unique needs of woman inmates.” Janet Entzel, who was hired as a Planner for the female offender programming, said: “Orv was truly a visionary for female offenders and his reputation in this area was international.”

STS and other Accomplishments.

An enduring legacy of Commissioner Pung is the creation of the Sentence to Service (STS) program in 1986. He considered this his signature accomplishment. A cooperative venture between DOC and DNR, the program puts non-dangerous offenders from local jails to do community service projects, instead of nonproductive jail time. Later codified into law, STS has become a highly successful sentencing alternative or “Intermediate Sanctions” for the courts. The program received several awards for excellence in state government management and is now a regular fixture in everyday life. The International Association of Residential and Community Alternatives awarded Mr. Pung the Distinguished Service Award for such community-based correctional programs.

Education was another area where Mr. Pung cemented his legacy. Separate from the academic and vocational curriculum, he created the Literacy Mandate program requiring an estimated 900 inmates who read below the 9th grade level to develop basic skills in speaking, writing and reading. Another area where education registered his footprints is the CIP program. In 1992, the MN Legislature created the Challenge Incarceration Program (CIP), as part of the 1980s/90s nationwide proliferation of correctional boot camps or “shock incarceration” with an emphasis on a military structure and discipline. Mr. Pung understood this inevitable trend, but insisted that MN’s version of the boot camp must include components of educational, chemical dependency and cognitive skills programming. Today, the correctional boot camp phenomenon has waned, as they have generally proven to be ineffective as far as recidivism goes. However, MN CIP is a notable exception: rigorous outcome evaluation has shown it lowers the rate of reoffending in the state. This is largely due to the Pung’s Administration input that CIP program not be purely military structured but must also have a treatment/education component, unlike other states and the Federal Program. He also contributed to the professionalism of staff training. The DOC training academy was created during the David Fogel Administration (1971-1973), but the Pung Administration formalize and further professionalize it with the centralized creation of a regional training center, in 1988, on the campus of the now closed MCF-Sauk Centre. This was a significant improvement in the provision of both pre-service and in-service training. Many DOC employees, including this writer, graduated from the DOC Academy at Sauk Centre.

Pung: the Leader – not just a manager.

Leadership scholar Warren G. Bennis said, “Leadership revolves around vision, ideas, direction, and has more to do with inspiring people as to direction and goals than with day-to-day implementation.” All correctional professionals I interviewed said Mr. Pung had an ample supply of these traits. He understood how myopic thinking could stifle broad growth and hired individuals in major leadership positions with little or no correctional background but were change agents, such as former School Board professional Lurline Baker-Kent and former legislator Janet Entzel. Both women were instrumental in carrying out Mr. Pung’s vision for female offenders described above. Arguably, his administration has been the most successful in succession planning in the Agency’s history. He, along with his Deputy Commissioner Frank Wood, identified and developed future leaders, such as future Commissioner Fred LaFleur and future Deputy Commissioners Dennis Benson and David Christ; all three have served the Department with distinction. He saw the leadership potential of former inmate Dan Cain and (according to Mr. Cain) was instrumental in getting him assigned as a member (and later Chair) of the MN Sentencing Guidelines Commission. Mr. Cain later had a very distinguished career in Community Corrections, serving as President of RS Eden Foundation; he referred to Mr. Pung as, “Orv was one of my heroes.”



Mr. Pung never forgot that offender change is the very premise of Corrections. Even during the most tumultuous periods of his administration - during the ramp murders of 1988 and the rape/murders of 1991, when all criminal justice agencies were under public scrutiny – he emphasized the value of releasing a productive offender to society and need to offer opportunities for change while in prison. In 1991, he sat with the parents of one of the rape/murder victims on TV and publicly offered his condolences, an unprecedented act to date for a DOC Commissioner. He assigned MCF-OPH Warden Frank Wood, a well-known taskmaster, to head a multidisciplinary team addressing risk assessment and release procedures. Mr. Wood's report succinctly reflected the values of the Pung Administration: "Our efforts and state resources should be focused on good, sound, long-range public policy, that will encourage treatment and program experimentation"...and that we should... "all tone down our rhetoric and put the formulation of good policy ahead of any personal or political agendas we might have."

Mr. Pung was an educator at heart. His college degree is in Education and his first job in DOC was a Teacher at MCF-RW. His relationship with the Legislature was based on educating them on the realities of running a good correctional system. As a President of Association of State Correctional Administrators (ASCA), he was a mentor and teacher to aspiring and newly hired Corrections Commissioners throughout the nation. Upon his retirement, ASCA published the following statement: "We have, collectively and individually, been blessed by the contributions of Orv Pung. His leadership style is a blend of profound knowledge, caring and personal values shared with his peers around the country. We have all been touched by his steadfast adherence to his beliefs about "who we are" and "what we do as a profession." Even in retirement, he continued being a teacher as a special corrections consultant to the Puerto Rican Government. Personally, I will be forever grateful for his willingness to grant me interviews for my articles on historical topics in MN Corrections I was researching and writing.

Pung: the man

No discussion on Orville Pung would be complete without mentioning his persona. He was the cigar-chomping, gregarious individual. We all remember that first hand shake from him (for me, I was a rookie Correctional Officer at MCF-STW in the late 1980s) and that avuncular greeting he gave you in front of the old Bigelow Building when you visited Central Office, always smoking his stogie. With his wrinkled trench coat and cigar, he evoked the image of the 1970s TV Detective, Columbo. And, like Columbo, he was deceptively smart. He was a renaissance man who read widely and could intellectually converse on a wide array of subjects. Mr. O'Brian described him "as the most well-read man I know."

His witty repertoire, collectively known as "Pungisms," was legendary. It was a humorous addition to his insightful discussions. For instance, in discussing the need for employee dedication: "The difference between involvement and commitment is like ham and eggs – the chicken was involved, the pig was committed." In regards to correctional trends: "Every problem we have today was once a solution," "A solution looking for a problem," "Everybody has a simple solution to a complex problem," "A consultant has an answer to everything but a solution to nothing." Others include: "Often wrong but never in doubt," "Steal from one person and it is called plagiarism; steal from many persons and it is called research," "He was walking ahead of the parade so far that he left the crowd behind."

Conclusion:

The acclaimed American Poet Maya Angelou said: "I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." In the case of the late Orville Pung, people never forgot what he said, never forgot what he did and certainly never forgot how he made them feel.

An appreciation is expressed to retired Correctional Professionals Lurline Baker-Kent, Dennis Benson, Dan Cain, Janet Entzel and Dan O'Brian for their willingness to share their experiences with me on the late DOC Commissioner Orville Pung.



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NOMINATING COMMITTEE

WE ASKED AND YOU VOTED!!

Due to Covid-19, the Board felt that it would be appropriate to have our Secretary, Kaylee Henson and our Vice President, Laura Anderson serve one more year in order to appreciate their full responsibilities on the Executive Board.

Our Board brought a VOTE to our members who agreed to have the Vice President and Secretary positions terms increase to 2-year terms commencing in 2021 and moving forward. This is consistent with the Treasurer position.

Our President Elect Position will remain a three-year term. This year, we had three amazing candidates who have agreed to run for President Elect. Congratulations to Jane Schmid, of Brown County Corrections & current MCA Juvenile Justice Committee Chairperson, on being voted our 2021 president-elect! She will serve as MCA's president in 2022.

Finally, our membership voted for a change to add the Board Liaison position as a permanent position; to be appointed by the current President each year.

Please feel free to reach out to me at connie.hartwig@state.mn.us if you have any questions.

Thank you for your continued support of MCA!

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Treasurer: Robyn Wood

Past President/Awards: Connie Hartwig

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MCA Annual Training Institute will be held in 2021 at Grand View Lodge

The Minnesota Corrections Association (MCA) Annual Training Institute Committee is pleased to announce we are returning Grandview Lodge for the 2021 Annual Training Institute. Please join us in celebrating 87 years of MCA: October 27-October 29, 2021.

Stay tuned for updates on the MCA website at www.mn-ca.org !



About the MCA *FORUM*

The **FORUM** is published six times a year by the Minnesota Corrections Association, a nonprofit, professional association incorporated in Minnesota. Articles submitted by our membership do not express the views of MCA or the board of directors.

Articles should not be of the nature of a commercial solicitation of products or services; rather, they should be informative on topics of interest to MCA membership at large.

Articles may be submitted to the FORUM editor Tara Rathman at Tara.Rathman@state.mn.us

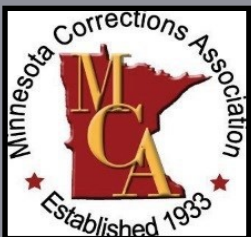
OUR MISSION:

TO PROMOTE THE PROFESSIONAL DEVELOPMENT OF INDIVIDUALS WORKING IN ALL ASPECTS OF THE CORRECTIONS FIELD AND TO PROMOTE ETHICAL AND JUST CORRECTIONAL PRACTICE.

To contact MCA, join a committee, sponsor us or to get involved, please contact:

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