



**Minnesota Corrections Association
Legislative Agenda
2021**

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Mission Statement

To promote the professional development of individuals working in all aspects of the corrections field and to promote ethical and just correctional practices.

Overview

The Minnesota Corrections Association (MCA) was established in 1933 and today represents more than 850 professionals from more than 100 agencies throughout Minnesota and the upper-Midwest. MCA's membership serves in probation, supervised release, jails, prisons, residential and non-residential programs from county, state, federal, non-profit, and private agencies. MCA is the oldest and largest corrections association in the state and is affiliated with numerous national criminal justice organizations.

Public safety is paramount to our mission. Our members provide for the safe, secure, and humane incarceration, supervision, and rehabilitation of people entrusted to our care as directed by the courts. The high quality of services provided by our membership is clearly evidenced through incarceration and recidivism rates that are among the lowest in the nation. The legislature's commitment to public safety realized by our agenda will help advance Minnesota's position as a leader in transformative correctional policies and practices.

Core Values

We recognize the inherent dignity of the human person and the need to treat every individual with respect. We share the responsibility of our government partners when they entrust individuals to our care. The fundamental responsibility of the criminal justice system is to advance the interests of public safety. MCA carries out its responsibilities by subscribing generally to the following values:

Society has the right to be protected from persons who cause its members harm, regardless of the reasons for such harm.

- It is the right of every citizen to be free from fear of harm to person or property. Belief in the necessity of law and order demands commitment to support it. We view ourselves as instruments for both control and rehabilitation.

Crime victims have rights deserving of protection.

- We recognize that prosecution is but part of the responsibility of the criminal justice system. The crime victim may suffer from the loss of property, emotional distress, or physical disability. We commit ourselves to advocating the needs and interest of crime victims.

Offenders have rights deserving of protection.

- The United States Constitution and the Bill of Rights guarantee fair, individualized, and humane due process of law in adjudicating, sentencing, incarcerating, and treating people.

Human beings are capable of change.

- Belief in the individual's capability for behavior change leads us to a commitment to rehabilitation. This is based on the principle that each person is responsible for their own behavior. Correctional practice focuses on identifying and brokering services that will best afford people opportunities to become responsible, law-abiding citizens.

Not all people have the same capacity or willingness to benefit from interventions.

- A person's individualized risks, needs, and responsivity must be assessed using reliable, actuarial instruments to inform and prioritize rehabilitative treatment options.

Intervention in a person's life should be the least restrictive amount necessary to protect public safety and promote law-abiding behavior.

- We subscribe to the principle of intervening in a person's life only to the extent necessitated by public safety. Where interventions can be effectuated outside of the criminal justice system, a person should be diverted from it.

Punishment for the sake of punishment should be avoided.

- Corrections philosophy does not accept the concept of retributive punishment as its primary goal. Even corrective punishment should be used cautiously and judiciously in view of its highly unpredictable impact. We recognize that a conditional sentence in the community is, in and of itself, punishment. It is less harsh than prison, but more controlling and punitive than no supervision.

Incarceration can be destructive and should be imposed only when necessary.

- We acknowledge and laud society's right to protect itself. Incarceration can be appropriate to emphasize the consequences of criminal behavior and, thus, effect constructive behavioral change. However, institutions should be humane and required to adhere to the highest industry standards.

Corrections is committed to recruiting the most capable individuals available to carry out its mission.

- Those who carry out the mission of corrections should be committed to justice and fairness. They should be sensitive to the differences they see in others and themselves. They should be heterogeneous in their racial, cultural, and ethnic backgrounds.

Where public safety is not threatened, society and people are best served through community-based programs.

- Most people should be afforded community-based services in which they are expected to demonstrate acceptable behavior. Community-based programs generally are cost effective and allow people to remain with their families while paying taxes and, when applicable, restitution to victims.

Mental Health and Substance Use Disorder Treatment Needs

Mentally ill persons increasingly receive care provided by correctional agencies. In 1959, nearly 559,000 mentally ill patients were housed in state mental hospitals. A shift to “deinstitutionalize” mentally ill persons had, by the late 1990s, dropped the number of persons housed in public psychiatric hospitals to approximately 70,000. As a result, mentally ill persons are more likely to live in local communities. Some come into contact with the criminal justice system. In a 2006 Special Report, the Bureau of Justice Statistics (BJS) estimated that 705,600 mentally ill adults were incarcerated in state prisons, 78,800 in federal prisons, and 479,900 in local jails. In addition, research suggests that people with mental illnesses are overrepresented in probation and parole populations at estimated rates ranging from two to four times the general population. Growing numbers of mentally ill offenders have strained correctional systems.

The nation’s prisons, jails, and pretrial, probation, and parole agencies also oversee a disproportionate number of individuals with substance use disorders (SUD)—many churning through the criminal justice system over and over again. Mental health and SUD service providers often see these same individuals in the community, some who are at risk of arrest because of behaviors associated with their disorders and others on probation or returning home after incarceration with diverse treatment needs.

The corrections, mental health, and SUD systems share a commitment to help these individuals successfully address their needs and avoid criminal justice involvement, yet each system has its own screening and assessment tools and research-based practices. Although there are many examples of innovative and effective collaborations among corrections, SUD, and mental health providers, what has been lacking is a truly integrated framework that can help officials at the systems level direct limited resources to where they can be most effective in achieving public safety and healthcare goals.

In 2014, the Treatment Advocacy Center and the National Sheriff’s Association issued a joint report addressing these issues. The findings and recommendations should inform decision-making in Minnesota. The joint report suggested a two-pronged approach involving diversion from the criminal justice system and a thorough reimagining of treatment and handling needs within institutions and during community supervision. The joint report offered the following recommendations, which MCA supports:

1. Provide appropriate treatment while in prison or jail;
2. Implement and promote diversion programs;
3. Promote the use of assisted outpatient treatment;
4. Encourage comprehensive and true cost studies;
5. Conduct careful, actuarial intake screenings;
6. Mandate comprehensive mental health release planning from prison and jail; and
7. Clearly delineate the authority for medication over the objection of inmates.

Many of these challenges are not new. Rather, this framework sharpens the focus on which practices and policies need to be tested and for what purposes. Achieving the vision of improved

outcomes through the effective use of scarce resources will require leadership at the federal, state, and local levels.

Offender Reentry

Nearly all prisoners will return to their communities at some point. Offender reentry includes all the activities and programming conducted to prepare prisoners to return safely to the community and to live as law-abiding citizens. Some ex-offenders, however, eventually end up back in prison. The BJS's most recent study on recidivism showed that within five years of release nearly three-quarters of ex-offenders released came back into contact with the criminal justice system, and more than half returned to prison after either being convicted for a new crime or for violating the conditions of their release. Compared with the average American, ex-offenders are less educated, less likely to be gainfully employed, and more likely to have a history of mental illness or SUD—all of which have been shown to be risk factors for recidivism.

Policy

Effective offender reentry should be one of the top priorities of this and future legislatures. Proper execution of comprehensive reentry services can increase public safety and economic security, lower health care costs, and enhance community well-being. Failure to address offender reentry will exacerbate problems in all of these areas exponentially.

Successful reentry requires services from disciplines that often cross the artificial boundaries of state departments and requires these agencies to commingle resources. For most returning prisoners, a chance for successful reintegration requires access to accountability and monitoring functions associated with corrections. They must also have access to physical and behavioral health services normally associated with the Department of Human Services; to affordable, nondiscriminatory, and supportive housing associated with the Minnesota Housing Finance Agency; and to living wage jobs normally associated with the Department of Labor. Each of these areas place an emphasis on familial and community reunification and engagement.

Background

- Over the past 25 years, the prison population in Minnesota skyrocketed from fewer than 2,000 to more than 10,000. As of July 1, 2020, the adult prison population was 8,330—this number was affected by the COVID-19 pandemic. With a significant backlog of felony criminal cases in the state's court system, most commentators believe the prison population will normalize around 9,200. Minnesota's prison system released 7,238 inmates during FY2020, which does not include offenders who reentered society from county jails.
- The collateral consequences of a criminal conviction have never been more onerous. The legislature, intentionally and unintentionally, has created barriers to housing, certain types of employment, student loans, economic assistance, and adoption. Furthermore, we, as a society, have advanced to a place where background checks are conducted for

almost everyone applying for a job, an apartment or home, or for a loan with no oversight of the agencies conducting background checks.

- Local jails’ “pay to stay” policies, which are not based on the person’s ability to pay, has an adverse impact on reentry.
- Services most needed by returning offenders—employment advocacy, behavioral health, housing, family services, etc.—require the offender to navigate multiple complex systems and funding requirements, often resulting in unmet needs and offender apathy.
- Many communities have enacted sweeping, geographical residency and zoning restrictions against people who are required to register as predatory offenders. These restrictions eliminate access to support systems, transitional housing, and rehabilitative services. The absence of these systems and services harms public safety and increases recidivism risk by creating a situation wherein the offender becomes isolated. Furthermore, these restrictions have not been shown to reduce recidivism or serve any public safety purpose.
- A person who cannot obtain meaningful employment, secure suitable housing, support their family, or enjoy other protective factors, is a public safety risk.

Recommended Strategies

- Create a sustainable funding subsidy for transitional housing (see below).
- Expand the protections afforded under Minnesota Statutes Chapter 364 to non-public entities.
- Create a “Certificate of Rehabilitation” and a process for obtaining it. Designate certificate holders as a protected class under civil rights regulations. Limit liability for those landlords who knowingly rent to ex-offenders.
- Support a tax-break incentive for employers and landlords who serve ex-offenders.
- Create oversight for those companies that conduct criminal background checks with remedies for those affected by erroneous or unreliable information.
- Eliminate access to arrest data, where the arrest does not result in a conviction, for everyone but law enforcement and corrections.
- Examine and modify the collateral consequences that have been legislatively created to comply with the spirit of Chapter 364.
- Continue to support restoration of voting rights for offenders no longer incarcerated.
- Fund additional FTEs for supervision agents to return caseload sizes to manageable numbers. Revised drug sentencing and mental health diversion programs will also contribute to greater funding for reentry services, local probation/supervision programs, and treatment programming.
- Expand discretionary release criteria for programs like the Challenge Incarceration Program and the Conditional Release Program to other non-violent offenders.
- Oppose arbitrary residency and zoning restrictions that rely on unsubstantiated “public safety” measures to prohibit where certain offenders can live. Residency restrictions are shown to increase recidivism risk and have no correlation to crime prevention. A statewide policy to preempt local restrictions should be considered.

Housing

Safe housing—like food, water, and clothing—is one of the simple needs all people have in common. But when it comes to justice-involved people’s need for housing, finding solutions is anything but simple. According to BJS, more than 10% of people entering and exiting prisons and jails were homeless in the months preceding and following their incarceration. Being homeless, unstably housed, or living in a high crime neighborhood heighten a person’s risk of reoffending. Among justice-involved people, those with mental illness have higher than average rates of homelessness and housing insecurity. Homelessness is not just a public safety issue, but also a public health issue.

Policy

State funds should be allocated to help establish housing resources for at-risk offenders throughout the state, including people under probation, intensive supervised release, low-functioning adults, the mentally ill, and other special-needs individuals who lack available housing or who require structured living environments. Ideally, housing support would be established within each region of the state. Collaboration between public, non-profit, and private agencies and between state and local officials is needed.

Background

Lack of housing affects public safety.

- Probation officers can only offer limited services to high-risk offenders who lack stable housing or transitional programming.
- The number of high-risk offenders with no housing continues to grow. Motel rooms, shelters, tents, and vehicles are unsuitable.
- Placing high-risk offenders in settings or locations with limited supervision compromises public safety.
- Minnesota has a woefully inadequate number of long-term and transitional housing programs to assist mentally ill offenders. Without suitable housing, mentally ill offenders tend to discontinue medication regimens and withdraw from mental health treatment.
- Low-functioning adults and offenders in need of mental health services who are under supervision comprise a growing segment of offenders who are frequently ineligible to receive housing assistance or specialized services.
- Offenders who experience multiple problems would benefit from a structured living environment that provides job training, education, counseling, fiscal management, transportation assistance, and other support services.
- Developing additional transitional housing options will enhance public safety, provide better accountability, and facilitate successful offender reentry

Housing is key to solving the problem.

- Adequate housing and effective community-based programming reduce jail and prison costs.
- Financial incentives should be available to communities to make halfway houses and housing more attractive.
- Access to emergency housing funds should be available for certain at-risk offenders.

Restore the Vote

The Minnesota Corrections Association joins the American Probation and Parole Association and the other 75 organizations of the Restore the Vote Minnesota Coalition in support of restoring the right to vote for Minnesotans convicted of a felony and living in the community (Minnesota H.F. 40—91st Legislature).

The Problem

Minnesotans lose the right to vote until they have been released from supervision for any felony, including while they are living in the community, even if they never spent time in prison. In 2011, of the 63,000 Minnesotans unable to vote due to a past felony conviction, only about 16,000 were incarcerated. In other words, 75% of those who were denied the right to vote under Minnesota law were living in the community, employed, and paying taxes. Since 1974, the percentage of voting-age Minnesotans disenfranchised as a result of a felony conviction has increased more than 400%.

Felony disenfranchisement prevents Minnesotans with criminal convictions from having a stake in their communities, and a voice in decisions that affect their lives. Although felony disenfranchisement impacts a growing number of all Minnesotans, 64% of them live outside Hennepin and Ramsey Counties. As a result of disproportionate contact with the criminal justice system, African-Americans and American Indians are overly impacted. In 2011, nearly 16,000 African-Americans, or roughly eight percent of all African-Americans who were old enough to vote, were disenfranchised. Although African-Americans make up roughly five percent of Minnesota's population, they represent more than a quarter of the total number of those disenfranchised. American Indians make up less than two percent of the population; however, in 2011, American Indians comprised more than six percent of those disenfranchised.

This has long-lasting repercussions for the community. Research has shown that children are more likely to vote as adults if they are raised by parents who engage in the voting process. By disenfranchising people who are not incarcerated, we lose not only the voice of those directly impacted by disenfranchisement, we also discourage participation by future generations.

The Solution

Minnesota should pass legislation to allow people who have served their time and are living in the community to vote. By moving to this model, Minnesota will join thirteen states that disenfranchise only those who are currently incarcerated for a felony conviction: Hawaii, Illinois,

Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah. This reform will promote successful reintegration into the community, as voting can be a powerful, concrete, and symbolic way to contribute to one's community and to feel invested and empowered to play a positive role. Research has shown that persons with criminal convictions in their past are less likely to be arrested again in states that restore voting rights after release than in states where they face permanent disenfranchisement. Law enforcement and corrections professionals, therefore, agree that encouraging individuals to take on this important responsibility makes sense. Additionally, a policy that permits all individuals who have served their time in jail or prison to vote reduces confusion among voters and election officials about who can vote, thereby easing election administration and reducing government costs.

Restoring the vote for those living in the community will positively engage more people in the democratic process, making the law clear, save resources, and ultimately make all Minnesota communities safer and more just.

Predatory Offender Residency Restrictions

A popular move by some Minnesota city councils and county boards has been to prohibit certain registered predatory offenders from living in residential areas. This forces offenders into rural locations or industrial areas of cities and towns. The ostensible reasoning is that these offenders are at high-risk if allowed to live in populated areas near schools, daycares, or parks. This logic is flawed, based on the following:

1. There is no demonstrated relationship between the residential location of offenders and their proximity to places where children congregate or are found in large numbers. Those who offend against children typically develop relationships through social proximity—work, school, or family—not geographic proximity.
2. The re-offense rate for registered offenders, especially those under supervision, is significantly overstated. Most sexual offenses are committed by those who are not currently registered. In the past 15 years, only seven percent of those convicted of a new criminal sexual conduct offense were registered at the time of the offense. In other words, 93% of all new sexual offenses were committed by people previously unknown to the criminal justice system.
3. Risk level assignment is a tool used in Minnesota to adequately monitor people under supervision. Using higher risk designations or criminal history as a way to destabilize housing and complicate legitimate law enforcement and supervision processes undermines our ability to efficiently and effectively protect public safety.
4. Residency restrictions peddle false hope. “Out of sight, out of mind” does not address the actual risk presented by this population. Awareness and education fosters community safety, denial does not.
5. Pushing this population into rural areas simply shifts supervision and monitoring responsibilities to sheriff's offices and obscures information from local law enforcement

who are needed to engage offenders. Artificial restrictions do not replace the need for police and citizens to work together collaboratively.

6. Supervising offenders with active sentences has always been the responsibility of local or state corrections officials. Interjection by those who want to prohibit offenders from living in their community harms public safety. Removing housing options from a population already at risk for instability, access to transportation, treatment, employment, and other resources is counterproductive to our overarching goal of public safety.
7. Local residency restriction ordinances have been overturned by the courts throughout the country, including in Minnesota. The legislature should adopt a statewide policy to preempt local restrictions.

Life Without the Possibility of Parole for Juveniles

The U.S. Supreme Court held that Minnesota’s life without the possibility of parole statute for juveniles is unconstitutional. We offer the following solutions:

1. Minnesota law should be amended to eliminate life without the possibility of parole for juveniles.
2. For the crimes that currently result in a sentence of life without the possibility of parole, juveniles should instead receive a sentence of life with the possibility of parole after serving a minimum of 20 years.
3. To ensure meaningful review of a life with the possibility of parole sentence, Minnesota law should further provide, “The Commissioner of Corrections shall review the juvenile’s conduct in prison, participation in programming, the juvenile’s age at the time of the commission of the offense, the facts of the present case, the juvenile’s prior offenses, educational and family background, the opinion of any victim(s), and other factors relevant to rehabilitation, and make the determination as to whether the juvenile should be paroled.”
4. In the interest of fundamental fairness, the Minnesota Juvenile Justice Advisory Committee further recommends that these statutory changes shall be applied retroactively to all individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years.

Current Mandatory Life without the Possibility of Parole Sentences

For all sentences under Minnesota Statutes Section 609.106, subdivision 2 (First-Degree Murder – Heinous Crimes), the language of the statute requires a “conviction.” Thus, a juvenile is subject to a sentence for these offenses only if the juvenile has been certified to stand trial as an adult. For sentences under Minnesota Statutes Section 609.3455 (First-Degree Criminal Sexual Conduct – Dangerous Sex Offenders), the language of the statute includes both certified juveniles and juveniles designated “extended juvenile jurisdiction (EJJ)” if the EJJ offender has had the adult sentence executed.

In the companion cases of *Miller v. Alabama* and *Jackson v. Hobbs*, decided on June 25, 2012, the United States Supreme Court held that the imposition of mandatory life without the

possibility of parole sentences on juveniles violates the Eighth Amendment’s prohibition of cruel and unusual punishment. *Miller* and *Jackson* were the third set of Supreme Court decisions in seven years to conclude that three fundamental features of youth—lack of maturity, vulnerability to negative influences, and capacity to change—make children “constitutionally different” than adults and “less deserving of the most severe punishments.”

These decisions draw heavily upon recent findings in neuroscience and developmental psychology which support the conclusion that, by virtue of their diminished culpability and enhanced prospects for rehabilitation, a mandatory sentence of life in prison with no opportunity for release is cruel and unusual. While the Supreme Court did not prohibit the imposition of life without the possibility of parole sentences for juveniles, it found that the mandatory imposition of such sentences prevents judges and juries from considering the “lessened culpability” and “greater capacity for change” of juvenile offenders. The Supreme Court ruled that certain specific factors must be considered in deciding whether this harshest of punishments should be imposed upon a juvenile offender. The Court opined that, once these factors are considered in each case, the imposition of life without the possibility of parole involving juveniles will become “uncommon” or “rare.”

As a result of the Supreme Court’s decisions in *Miller* and *Jackson*, juvenile life without the possibility of parole statutes in 29 states, including Minnesota, are now unconstitutional. More than seven years have elapsed since this decision.

Juvenile Predatory Offender Registration

MCA supports amending current predatory offender registration laws for juveniles in order to increase public safety while maximizing rehabilitative interventions shown to decrease recidivism.

Background

Public safety is enhanced when the system is responsive to the specific risks and needs of offenders. Immediate public safety is enhanced when high risk offenders are under supervision, when their whereabouts are known, and when authorities are able to account for them. Long-term public safety is enhanced when offenders can be treated, rehabilitated, and effectively transitioned to productive, pro-social lives.

Under Minnesota law, juveniles are required to register as a predatory offender if they are adjudicated delinquent of an offense enumerated under Minnesota Statutes Section 243.166. This statute casts a wide net and does not allow for offender management pursuant to risk or public safety. Currently, attorneys and judges in multiple jurisdictions are reluctant to adjudicate some juveniles as delinquent because it triggers registration. Instead, these juveniles are afforded stays of adjudication or continuances for dismissal. These strategies result in avoiding registration, create inconsistencies in prosecution, and limit the length of probation supervision and rehabilitative interventions. Additionally, the statutes do not offer any legal criteria for judges to determine who should register as a predatory offender. The lack of legal criteria results in many

jurisdictions responding differently to the same public safety risk. Lastly, Minnesota does not differentiate a juvenile from an adult when requiring predatory offender registration. This mandate runs contrary to the purposeful differences appropriately created between delinquency and criminal court systems.

Currently, 16 states and the District of Columbia do not require adjudicated juveniles to register as predatory offenders. Of the other 34 states, 22 allow courts to determine whether or not a juvenile should be required to register. Minnesota is one of 12 states that require juveniles to register without legal criteria to inform the courts. Minnesota is one of seven states that requires adjudicated juveniles to register, does not provide registration criteria, and does not differentiate between adult and juvenile registration. Based on this information, we offer the following:

Recommendations

1. Amend Minnesota statutes to provide legal criteria for judges to consider in determining if a juvenile adjudicated delinquent for a predatory offense requires registration.
2. The proposed amendments would provide the court legal criteria to require registration upon an adjudication of delinquency and a finding that the circumstances of the offense require registration. Additionally, the decision to require registration could be made at any point post-adjudication, including during the period of supervision.
3. Use the following statutory language:
 - a. The juvenile was fourteen years of age or older when the act was committed;
 - b. The juvenile was adjudicated delinquent by a juvenile court of any of the offenses requiring registration; and
 - c. The court, in its discretion and upon motion of the prosecuting attorney, finds that the circumstances of the offense require predatory offender registration.
 - d. Factors to be considered by the court to determine whether registration should be required:
 - i. The degree to which the juvenile used force, threat, or intimidation while committing the act;
 - ii. The age and maturity of the complaining witness;
 - iii. The age and maturity of the juvenile;
 - iv. The difference in age of the complaining witness and the juvenile;
 - v. The nature of the relationship between the complaining witness and the juvenile;
 - vi. The juvenile's prior criminal history; and
 - vii. Any other aggravating or mitigating factor that the court determines relevant to the particular case.
 - e. The prosecuting attorney may file a motion for registration at any time during which the juvenile is within the jurisdiction of the court for the instant offense. Prior to any hearing on the motion, the court shall appoint a qualified and competent attorney to represent the juvenile unless an attorney has already been obtained or appointed and appears on behalf of the juvenile.

Smart Sentencing and Supervision

Minnesota's sentencing laws need additional revision to remove disparities and ineffective mandatory penalties. Lawmakers must understand that unintended consequences of sentencing decisions often make people ineligible for important programming and treatment opportunities, both while incarcerated and in the community.

MCA supports the report and recommendations set forth by the Minnesota Sentencing Guidelines Commission's 2007 Collateral Sanctions Committee.

Courts

- Provide general notice regarding collateral sanctions to defendants.

High Schools, Vocational Schools, Colleges, and Universities

- Give notice to those intending to embark on studies leading to employment that they should consider any records of contacts with the police or criminal courts in career-planning.
- Educate school administrators and counselors about collateral sanctions, so that they can provide students with sound advice about vocational and career planning.

Making Collateral Sanctions Easy to Identify

- A directory of all the professions and jobs that require licenses and clearances from state agencies must be created. The directory should state requirements for licensure/clearance, the process each agency uses to vet applicants (including how they weigh arrest or conviction records), instructions on how to apply, and an outline of the appeals process.

Educating the People

- Implement a campaign to educate the public about the links between public safety and sound reentry programs, including those that promote employment.

Reducing Convictions/Diversion

- Reevaluate the legal mechanisms Minnesota law provides to spare deserving individuals from having criminal convictions and refine and augment them to increase their impact and make them equally available to all qualified defendants.
- Establish a mandatory statewide diversion program based on an appropriate actuarial risk assessment tool.

Licensing and Background Checks

- Rationalize licensing agencies' use of criminal data, so that it is consistent with the policies set forth above.

- Create a process by which all state agencies choosing to do background checks of criminal records can readily obtain uniform, accurate reports concerning at least Minnesota criminal history.
- Before creating a standard format for criminal history reports, the legislature should consider carefully exactly what data should be included and whether there should be more than one format. It might be decided that the content of background checks should depend upon the purpose for which they are used, or how much access the subject will have to vulnerable people or property.
- Carefully restrict the number of convictions that will trigger absolute bars from particular kinds of employment, or eliminate such bars entirely.
- Establish sensible “look-back” periods after which convictions will not be reported. It is not readily apparent why some are longer than others and how we arrived at the periods we have. These timeframes must be carefully considered, because they affect many people in major ways.
- Weigh the advantages and disadvantages of streamlining professional licensure by reducing the number of licensing agencies.
- Require all licensing agencies to consider specific factors every time they weigh an individual’s criminal record. If they deny licensure based on criminal history, they must provide the applicant with their evaluation of the factors.
- Review statutory bars to licensure for their adherence to sound collateral sanctions policy and amend them so that they are consonant with sound policy. In addition to considering the elimination of permanent bars and the establishment of reasonable look-back periods, determine whether there is a rational relationship between each conviction triggering a bar and the profession the ex-offender is not allowed to pursue. If there is not, the bar should be eliminated.
- Eliminate arrests not leading to charges from criminal history reports for use outside the criminal justice system.
- Determine whether and when charges that do not result in conviction should be reported outside the criminal justice system.
- Determine how and whether to report vacated sentences, dismissals, petty misdemeanors, and other actions that the courts employ specifically to spare people who do not pose a risk to others from having criminal convictions. Create a statute clearly setting forth how and whether such actions are reported.
- Background reports including legal terms, such as “continuance for dismissal,” “vacated,” “dismissed,” and “suspended” will include a standard glossary defining these terms and noting that courts count only convictions as a “criminal record.”
- Amend Minnesota Statute Section 609.135.

Minnesota Statute Section 364

- Make Minnesota Statute Section 364 and actual practices consistent.

Data Miners

- Regulate data miners.

Certificates of Relief

- Create a Certificate of Good Conduct.

Work Experience

- Fund county corrections agencies at a level adequate to allow them to work within their communities to provide work experience to individuals on probation, to support probationers in getting and keeping jobs, and to measure their efforts' impact on recidivism.
- Fund DOC vocational training that is designed in collaboration with potential employers, measures impact on recidivism, and provides all inmates with experience working at jobs that are likely to be available in the community.
- Fund state or non-profit vocational programs for ex-offenders only if the large majority of participants gain employment, and the programs have measurable impact on recidivism.
- Explore the possibility of linking funding for correctional work programs to projects that would benefit the communities most impacted by crime or would build facilities needed to enhance public safety.

Employer Incentives

Role of Employers and Unions

- Involve employers and unions in minimizing unreasonable impact of criminal records on employment.

Employer Liability

- Eliminate employer liability for reasonable hiring of ex-offenders.

Financial Incentives

- Work opportunity tax credit (WOTC)
 - Evaluate the effectiveness of WOTC
 - Work with employers to maximize utilization of tax credits
- Minnesota Federal Bonding Services
 - Determine why Minnesota businesses are not utilizing the Federal Bonding Service (FBS)
 - Increase utilization of federal bonds, or stop paying to advertise and administer the FBS.

Driving Privileges

- Give judges discretion not to report non-driving traffic violations to the Department of Public Safety.
- Create a task force to study driver licensing in Minnesota and elsewhere, in order to determine ways in which to decrease the number of residents who are driving illegally in order to get to work.
- Revoke Minnesota Statute Section 171.175.
- Revoke or amend Minnesota Statute Section 171.171.

Law Enforcement and the Police

MCA stands firmly with law enforcement. Public safety demands strong partnerships within the criminal justice system and between the communities it serves. Law enforcement is fundamental to that effort. We support meaningful reforms to policing whenever research suggests it benefits the public, especially when those reforms strengthen multidisciplinary approaches to crime reduction, rehabilitation, restorative justice, and victim restoration.