



League of Women Voters of Minnesota Records

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**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445
555 WABASHA • ST PAUL, MINNESOTA 55102

ISSUES IN CRIMINAL JUSTICE:

MERIT SELECTION OF JUDGES

This year President Carter has the opportunity to greatly reshape the judicial branch of government. Congress gave him the opportunity by creating 117 new federal district court judgeships and 35 court of appeals judgeships across the nation.

Carter has been urging Senators to use commissions to select nominees for these posts. This system, it is hoped, will make decisions based on merit, rather than political affiliations. President Carter, for his part, determined to open up the judicial branch to minorities and women. He stated in an interview that his "goal is to have black judges in Georgia, Florida, the Carolinas, Mississippi, Alabama, Louisiana, indeed throughout the country. ... Wherever possible we will have a representative number of blacks, those who speak Spanish, and women..." "In circuit judgeships I have set up my own selection panels and I can guarantee you in the circuit judgeships that you will be well pleased."

Senator Edward Kennedy, Chairman of the Judiciary Committee, said he would end a long-standing practice of allowing Senators to block nominations of federal judges in their home states. Under the "blue slip" system, names of prospective judicial nominees were sent by the Judiciary Committee chairman to Senators from states affected seeking their comments. If a Senator refused to return a blue slip of paper, the chairman wouldn't hold a hearing on that nomination.

While agreeing he would not unilaterally table a nomination if a blue slip is not returned, he did say he wouldn't disregard senatorial tradition and courtesy. He proposes to turn the matter over to the committee if a blue slip isn't returned, to determine whether it wishes to have a hearing on the nomination.

Statistics on the representation of women and minorities on the bench are not pleasant to many: 98% are white male, 2% are women, and 5.5% are black. Women's groups are troubled further by the fact that of the 70 nominees sent as of February 1, only 5 women have been included.

Despite the fact that commissions have been used in many of the states it is still possible for a member of Congress to stack it with his political cronies. Twelve Senators and one congressional delegation have nominated exclusively white male candidates.

Some say, however, that the new changes in the system make it worlds apart from the old system of choosing judges; a back room system filled with political patronage. Now, commissions are being used to fill at least 75 of the new judgeships and all of the new appeals court positions.

There are those who ask, why reject a person simply because of his or her politics? They feel we may be letting the country in for a massive dose of mediocrity by the appointment of some unobjectionable, uninspired attorneys who have a taste for self-promotion. Senator Adlai Stevenson of Illinois maintains selection by commissions "doesn't guarantee better results." In fact, he argues, the process "may produce a high level of mediocrity."

(over)

Attorney General Griffin Bell, himself a beneficiary of the old system, having been appointed an appeals court judge in 1961 by President Kennedy after serving as Mr. Kennedy's campaign manager in Georgia in the 1960 election, feels candidates shouldn't be rejected simply because they've been involved in politics. Other distinguished jurists who had been political beings as well were William Howard Taft, Charles Evans Hughes and Earl Warren.

In Minnesota, a judicial selection commission was named after a compromise was worked out between Senators Boschwitz and Durenberger and Vice President Mondale. Under the agreement Mondale got to name five of the 10 members, Boschwitz and Durenberger named the remaining 5. Under the agreement a Republican will, in all probability, be named to fill one of the two new judgeships created by Congress.

After the commissions make their recommendations they are sent to the Attorney General, who then recommends one candidate for each vacancy to the President. After the President makes the final choice the nominees are sent to the ABA (American Bar Association) for scrutiny.

The Senate Judiciary Committee will then have public hearings on each nominee, where they will be asked, among other things, about demonstrated commitment to equal justice under the law, before they are approved or rejected.

It remains to be seen what the final outcome will be. The eyes of many groups will be on the Senate and the White House to see if the merit system has truly opened up the system of selecting members for the bench or if it is politics as usual, just under a new slogan.



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ISSUES IN CRIMINAL JUSTICE #3

Community Corrections - Update 1977

PMP

Memo to: Local Criminal Justice Chairs
From: Betty Phelan, Criminal Justice Chair, LWVMN
Date: November 14, 1977

Back in 1973 Minnesota gained the nation's attention by passing the Community Corrections Act (CCA) placing the state once again in a leadership role in correctional reform. It was viewed then, as now, not as a panacea for the state's problems in corrections but was intended to address some major concerns:

1. Continual escalation of institutionalizing offenders
2. Limited local correctional facilities
3. Overlapping correctional jurisdictions
4. Lack of uniform standards for delivering correctional services

The CCA encourages counties (or groups of counties) to deal with offenders locally by charging, on a per diem basis, for use of state institutions. In addition, it offers participating counties a subsidy to help develop local facilities as an alternative to institutionalization. Counties may also use their subsidies to upgrade and expand existing facilities.

Once counties choose to participate in the CCA, they must establish a Corrections Advisory Board, representative of law enforcement, prosecution and defense attorneys, the judiciary, education, corrections, racial minorities, social welfare services and lay citizens. The Board is then charged with development of a comprehensive plan to coordinate existing services and deal with the problem of overlapping jurisdictions.

The CCA, lastly, requires the DOC to develop standards for the delivery of correctional services.

In a recently issued report, "Impact of the Community Corrections Act on Sentencing Patterns," the DOC (Department of Corrections) noted a trend in those counties participating in the CCA towards greater use of community jails and workhouses.

In doing this research the DOC chose 21 counties to focus upon. They used statistics from districts and juvenile courts, since these courts are more likely to commit offenders to state institutions. In addition, the research attempted to match counties or groups of counties participating in the CCA and which then represented the "control" figure in the research.

The researchers came to the following conclusions:

- The proportion of adult district court dispositions involving sentencing alternatives has increased since the CCA was implemented; reciprocally the proportion of dispositions involving commitment to a state institution has decreased. This wasn't the case in non-participating control counties.
- Probation with local incarceration is the sentencing alternative showing the greatest increase in both participating and non-participating counties, but the trend is stronger in participating areas.
- District court dispositions involving local incarceration have increased in both participating and non-participating counties but is again greater among those participating. The greatest increase is in the non-metro areas.

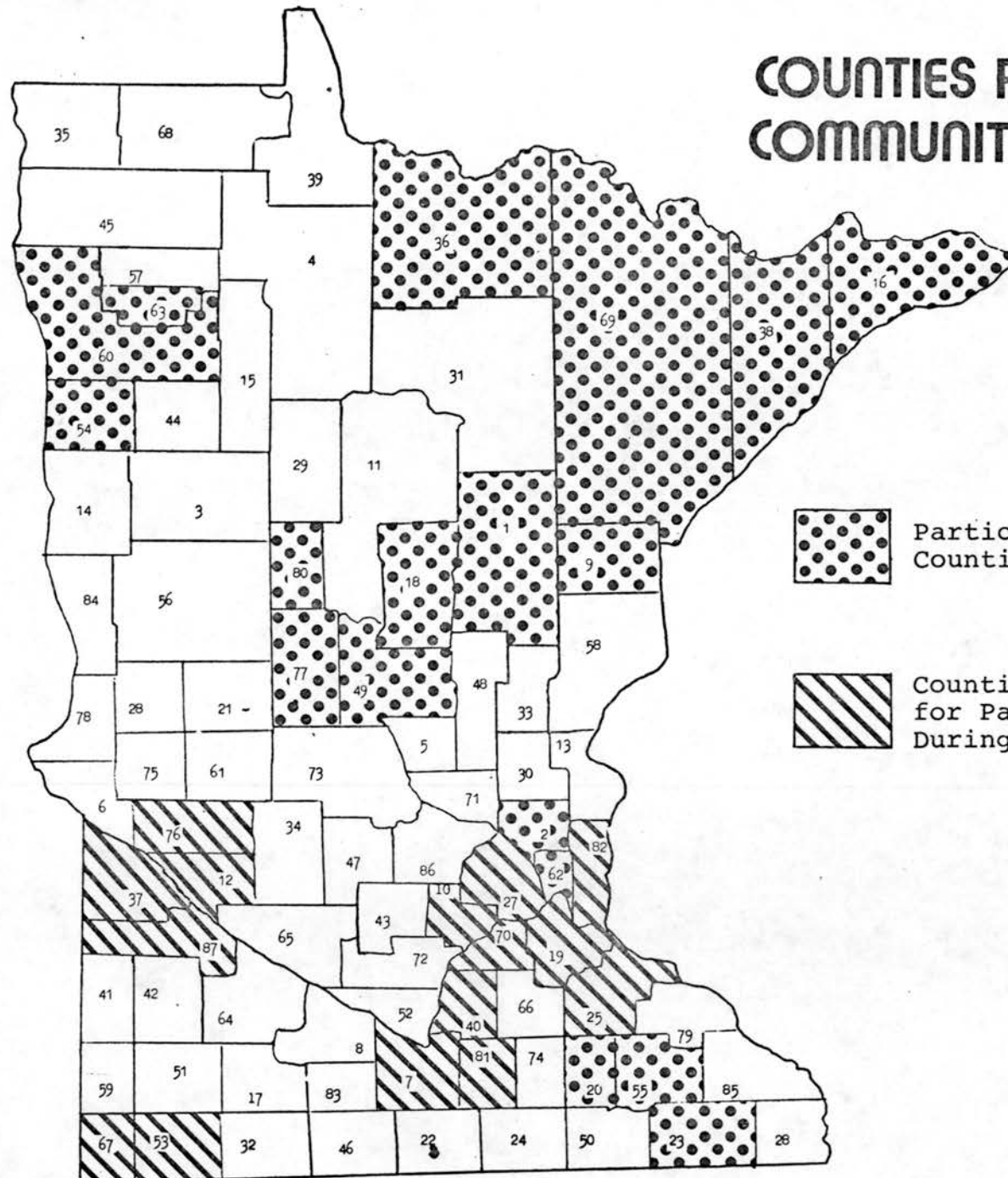
(Over)

- The volume of district court dispositions has increased in nearly all the counties studied.
- In participating counties, juvenile commitments to state institutions have decreased sharply. Control counties had not as sharp a decrease.

COUNTIES PARTICIPATING IN THE COMMUNITY CORRECTIONS ACT

MINNESOTA COUNTY STATISTICAL CODE

01	Aitkin	45	Marshall
02	Anoka	46	Martin
03	Becker	47	Meeker
04	Beltrami	48	Mille Lacs
05	Benton	49	Morrison
06	Bigstone	50	Mower
07	Blue Earth	51	Murray
08	Brown	52	Nicollet
09	Carlton	53	Nobles
10	Carver	54	Norman
11	Cass	55	Olmsted
12	Chippewa	56	Otter Tail
13	Chisago	57	Pennington
14	Clay	58	Pine
15	Clearwater	59	Pipestone
16	Cook	60	Polk
17	Cottonwood	61	Pope
18	Crow Wing	62	Ramsey
19	Dakota	63	Red Lake
20	Dodge	64	Redwood
21	Douglas	65	Renville
22	Faribault	66	Rice
23	Fillmore	67	Rock
24	Freeborn	68	Roseau
25	Goodhue	69	St. Louis
26	Grant	70	Scott
27	Hennepin	71	Sherburne
28	Houston	72	Sibley
29	Hubbard	73	Stearns
30	Isanti	74	Steele
31	Itasca	75	Stevens
32	Jackson	76	Swift
33	Kanabec	77	Todd
34	Kandiyohi	78	Traverse
35	Kittson	79	Wabasha
36	Koochiching	80	Wadena
37	Lac qui Parle	81	Waseca
38	Lake	82	Washington
39	Lake of the Woods	83	Watsonwan
40	Le Sueur	84	Wilkin
41	Lincoln	85	Winona
42	Lyon	86	Wright
43	McLeod	87	Yellow Medicine
44	Mahnomen		



COMMUNITY CORRECTIONS ACT PROJECTIONS - FISCAL YEAR 1978

<u>Participating Counties</u>	<u>Starting Date in FY 78</u>	<u>Number of Months</u>	<u>Annual Eligible Amount FY 1978</u>	<u>Amount Eligible for No. of Months</u>	<u>Probation and Parole Subs.</u>	<u>Direct Service</u>	<u>Net Total</u>	<u>Projected Use of Institution</u>	<u>Adjusted Total</u>
Ramsey	7-1-77	12	\$2,637,403	\$2,637,403	\$	\$	\$2,637,403	\$ 753,506	\$1,883,897
Region 3	7-1-77	12	1,477,428	1,477,428			1,477,428	476,414	1,001,014
Anoka	7-1-77	12	948,038	948,038			948,038	100,726	847,312
Dodge/Olmsted/Fillmore	7-1-77	12	578,990	578,990			578,990	31,056	547,934
Crow Wing/Morrison	7-1-77	12	338,842	338,842			338,842	74,659	264,183
Red Lake/Polk/Norman	7-1-77	12	227,946	227,946			227,946	55,528	172,413
Todd/Wadena	7-1-77	12	208,749	208,749			208,749	18,296	190,453
Region 6W	7-1-77	12	213,779	213,779	56,235		157,544	21,378	136,166
Sub Total			6,631,175	6,631,175	56,235		6,574,940	1,531,563	5,043,377
<u>Projected Counties</u>									
Hennepin	1-1-78	6	4,645,065	2,322,533		591,480	1,731,053	357,053	1,374,000
Blue Earth	10-1-77	9	240,174	198,143	32,393	25,950	139,800	25,010	114,790
Rock/Nobles	10-1-77	9	130,882	98,161	14,263		83,898	13,874	70,024
Dakota	1-1-78	6	726,494	363,247	55,743	26,809	280,695	54,487	226,208
Washington	1-1-78	6	509,844	254,922	49,812	15,596	189,514	41,530	147,984
Carver	1-1-78	6	155,133	77,567	17,609	4,258	55,700	11,635	44,065
Goodhue	1-1-78	6	145,600	72,800	14,710	9,730	48,360	10,920	37,440
Scott	1-1-78	6							
Sub Total			6,553,192	3,387,373	184,530	673,823	2,529,020	514,509	2,014,511
TOTAL FISCAL YEAR 1978			\$13,184,367	\$10,018,548	\$240,765	\$673,823	\$9,103,960	\$2,046,072	\$7,057,888

FUNDING FOR F.Y. 1978

Expenditures for participating counties \$5,043,377
 Expenditures for projected counties 2,014,511
 Total Expenditures 7,057,888

Less: Estimated transfer forward 2,000,000
 from fiscal year 1977

Appropriation request for participating
 and projected counties \$5,057,888

REVISED APRIL 5, 1977

COMMUNITY CORRECTIONS ACT PROJECTIONS - FISCAL YEAR 1979

<u>Participating Counties</u>	<u>Starting Date</u>	<u>Number of Months</u>	<u>Annual Eligible Amount F.Y. 1978</u>	<u>Amount Eligible for No. of Months</u>	<u>Probation and Parole Subs.</u>	<u>Direct Service</u>	<u>Net Total</u>	<u>Projected Use of Institution</u>	<u>Adjusted Total</u>
Ramsey	7-1-78	12	\$2,795,647	\$2,795,647			\$2,795,647	\$ 798,715	\$1,996,392
Region 3	7-1-78	12	1,566,073	1,566,073			1,566,073	509,069	1,057,004
Anoka	7-1-78	12	1,004,920	1,004,920			1,004,920	108,398	896,522
Dodge/Olmsted/Fillmore	7-1-78	12	613,730	613,730			613,730	32,919	580,811
Crow Wing/Morrison	7-1-78	12	359,172	359,172			359,172	79,138	280,034
Red Lake/Polk/Norman	7-1-78	12	241,623	241,623			241,623	58,859	182,764
Todd/Wadena	7-1-78	12	221,274	221,274			221,274	19,620	201,654
Region 6W	7-1-78	12	226,606	226,606	61,912		164,694	33,991	130,703
Sub Total			7,029,045	7,029,045	61,912		6,967,133	1,640,709	5,326,424
<u>Projected Counties</u>									
Hennepin	7-1-78	12	4,923,768	4,923,768		1,189,488	3,734,280	1,560,704	2,173,576
Blue Earth	7-1-78	12	280,043	280,043	46,881	34,600	193,562	63,680	134,882
Rock/Nobles	7-1-78	12	138,735	138,735	26,904		111,831	20,810	91,021
Dakota	7-1-78	12	770,084	770,084	124,679	53,618	591,787	154,017	437,770
Washington	7-1-78	12	540,435	540,435	116,157	31,191	303,087	165,094	227,993
Carver	7-1-78	12	164,441	164,441	55,330	8,515	100,596	32,888	67,708
Goodhue	7-1-78	12	154,336	154,336	41,381	19,459	93,496	30,867	62,629
Scott	1-1-79	6	198,900	99,450	24,596	4,257	70,597	13,070	57,527
Sub Total			7,170,742	7,071,293	435,928	1,341,128	5,294,236	2,041,130	3,253,106
TOTAL F.Y. 1979			\$14,199,787	\$14,100,337	\$497,840	\$1,341,128	\$12,261,369	\$3,681,839	\$8,579,530



**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445
555 WABASHA • ST PAUL, MINNESOTA 55102

ISSUES IN CRIMINAL JUSTICE #2

Assistance For Victims

Pm - T

TO: Local LWV Criminal Justice Chairs

FROM: Betty Phelan, Criminal Justice Chairperson,
League of Women Voters of Minnesota

October 14, 1977

We have guaranteed the rights of the accused both at the time of arrest and during judicial proceedings. They must be made aware of their rights and in addition, have the right to be represented in court by an attorney if they can't afford one.

Who has the victim for a client, many ask. What are their rights? With LEAA (Law Enforcement Assistance Act) funds four programs are now in operation in Chisago, Dakota, St. Louis and Hennepin Counties. The agencies act primarily as brokers of services, directing victims to places they will receive help. Two additional centers are scheduled to open with \$250,000 recently appropriated by the Legislature. By law, they must be evaluated by the commissioner within three years.

By establishing centers directly in the community, it is felt contact will be accessible to individuals who would otherwise be discouraged by the bureaucracy.

Sometimes victims need emergency repairs; sometimes they need help in filing claims or help over a long term where medical or psychological treatment is necessary.

Victims of sexual assault are a large problem in the nation, only beginning to be dealt with in a meaningful way. In 1976 there were 724 reported rapes in Minnesota. FBI estimates, however, indicate only one in five to ten sexual assaults is ever reported to the police. The reporting rate of child sex abuse, same sex assault and incest is probably lower officials believe. Victims of sexual assault are now being helped through existing public and private agencies.

In addition to programs in the community there is a program on the "inside." The Minnesota Restitution Unit attempts to deal with victims by identifying inmates who would be appropriate for restitution contracts. The program ties in with the matrix system used in sentencing the convicted individuals as well as with the Mutual Agreement Program (MAP), where inmates participate in a program designed to meet their rehabilitative needs.

Minnesota is a leader in the nation in providing victim services. It is hoped once victims have had a successful experience in the criminal justice system they will be more inclined to cooperate with police, concomitantly police image is enhanced in the public eye.

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VICTIM-WITNESS ASSISTANCE

The Commission on Victim-Witness Assistance originally was a project of the National District Attorney's Association. The goal is to improve the treatment of victims and witnesses. Funded by the Law Enforcement Assistance Administration, it began operation in October of 1974. It was founded on the recognition that County Attorney's (among others) have too often treated victims and witnesses of crime as objects of proof, forgetting that "victims are people." By directing the Prosecutor's attention to the needs of victims and witnesses, the National District Attorney's Association believes that the efficiency of the criminal justice system and the willingness of citizens to cooperate with it, would be increased.

The American Criminal Justice System is complex. In order for the system to function, it must rely on the average citizen who is willing to do his duty in cooperating with law enforcement agencies, with the courts, and with the County Attorney's Office. Only in this manner, may the accused be brought to justice. Without the cooperation of either the victims of crime or the witnesses of crime, there would be no criminal justice system as we know it today. The primary goal of the Victim-Witness Assistance Program is to ease the burden of those who are such an important part of the criminal justice system by offering every possible assistance during their time of service to the system.

The criminal justice system often is blind to the problems of witnesses and victims. A constantly changing group, victims and witnesses are randomly ensnared by the system, and as randomly pass out of it. They rarely interact with other victims and witnesses and never form a constituency able to speak for itself. They are easy, then, for the system to forget.

GOALS OF VICTIM-WITNESS ASSISTANCE

1. Reduce the trauma of crime.
2. Reduce the trauma of the Criminal Justice System.
3. Reduce the hardship of testifying.
4. Provide victim input into disposition.
5. Provide services for the "recidivist victim."


League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102
October 1977

(Reprinted with permission)



Adapted from District Attorney,
Multnomah County, Portland, Oregon

		Offense	Arrest	PreTrial	Trial	Sentencing	Sentence	Post Release
Criminal	Has a choice	If arrested (20%)	1 Must be informed of rights	1 Provided room and board	1 Provided with State appointed attorney	1 A presentence study is conducted to aid judge in sentencing	1 Provided room and board	1 Many transitional programs available
		Commits crime	2 Receives immediate medical attention if injured while committing crime or during arrest	2 Provided books, TV and recreation	2 Can plea bargain	2 Alternatives to incarceration are numerous	2 Access to medical and psychological treatment	2 Personal loans available
		If not arrested (80%) Assumed to continue life of crime	3 Provided an attorney if unable to afford one	3 Medical facilities available	3 Can change venue		3 Opportunity to improve education	3 Large percentage continue life of crime
			4 May be released on bail or own recognizance	4 Drug and alcohol counseling available	4 Can delay trial		4 Opportunity to develop job skills	
				5 Other counseling available (job, psychological)	5 Can invoke Fifth Amendment		5 Can participate in work release and other minimum security programs	
					6 Can move to suppress evidence		6 Numerous rehabilitation programs	
					7 May be acquitted by reason of insanity		7 Eligible for early parole	
					8 In only 3% of all crimes committed is an offender convicted		8 Good time credit available	
					9 Can appeal			
Law abiding citizen	Has no choice	Arrest made	1 Pays own medical bills	1 Responsible for own transportation to District Attorney and Police	1 Provides own transportation and parking costs	1 Has no voice in court decisions, pleas, presentencing or sentencing	1 Has no voice in and little access to restitution services	1 Often unsatisfied with results of criminal justice system
		Crime committed/ Becomes victim	2 Pays own ambulance	2 Misses work	2 Pays own babysitting or other costs	2 Usually are not notified or present at time of sentencing	2 Usually misunderstands state reparations program	2 May fear retaliation
		No arrest	3 Responsible for replacing own property losses	3 Receives little information on case progress	3 Must recount criminal incident			3 Continues life with fears, damages, injuries and traumas
			4 Responsible for own physical, mental or economic problems resulting from the crime	4 Witness assistance services available in only 4 out of 87 counties	4 Subject to cross-examination			4 Is expected to continue to support a system that treated them with less respect than for the offender
			5 Assists officer and criminal justice system in reporting crime, identifying suspects, prosecuting cases, etc.		5 The "victim's attorney" represents the State (general public) not the individual victim			
			6 No crisis services focused on victim		6 Victim has no right to appeal verdict			
			7 Traditional services unavailable around the clock		7 No victim waiting room			
			8 Generally uniformed of investigation progress		8 Paid \$5 a day for their time in court			
					9 Treated like a piece of evidence			



 Produced by
 Correctional Service of Minnesota
 1427 Washington Avenue South
 Minneapolis, Minnesota 55454

 Adapted from District Attorney,
 Multnomah County, Portland, Oregon



**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

ISSUES IN CRIMINAL JUSTICE #1

The "Hard Core" Juvenile

TO: Local Leagues (Criminal Justice Chairs)
FROM: Betty Phelan, LWVMN Criminal Justice Chair
DATE: September 19, 1977

According to Juvenile Court Judge Lindsay G. Arthur of Minneapolis, there are three kinds of children needing a secure facility: the hard core violent youth who cannot be changed and must be confined (they are sent to the adult prisons); the hard core who can be changed and must be confined until they do; and a third "more deserving" group, the "soft core," who are not dangerous to society, who do not hurt anyone, but who do need help for their alcohol or chemical problems, problems with parents, and getting along in the world, and who run away from facilities that are not secure. It is because Judge Arthur believes that the court's first consideration must be the safety of the public and the second, the need of the juvenile, that he emphasizes the need for a secure facility.

In recent years concerns of criminal justice officials as well as the public have brought juvenile problems to the forefront. At the federal level the Juvenile Justice and Delinquency Act of 1974 mandated a change in the ways states handle juveniles. LEAA (Law Enforcement Assistance Administration) monies were given to develop new treatment programs for juveniles in the state of Minnesota. Conditional to receiving this money, Minnesota must comply with two requirements by December 31, 1977: first, status offenders must not be detained in or committed to a secure facility; secondly, no juvenile may be jailed in or share a program area with adult offenders. However, the committee charged with dispersing these monies has had difficulties in finding proposals that would meet both state and national guidelines.

The DOC (Department of Corrections) must act as enforcer of the Federal Act, but judges too carry the responsibility of committing juveniles for care and custody only after community resources are exhausted.

It is interesting to note that statistics from 1971 to 1976 reveal the DOC has institutionalized about 26% fewer youth in '71 than in '76. By examining the statistics more closely, figures further show that proportionately more males, more non-caucasians, more rural youth and more serious offenders are becoming the responsibility of the DOC. Officials believe this is the result of counties developing their own programs for status offenders and less serious offenders, and also the effects of passage of the Community Corrections Act and its philosophy.

But what of the hard core juvenile, those who have committed crimes against people or property and have had prior adjudication? Dick Glendenen of the University of Minnesota believes they should be in a physically secure facility with access to good treatment that can continue once they are back on the streets. He thinks the program should be concentrated in one place such as Lino Lakes and should allow for maximum flexibility as well.

Tollie Flippin, Director of the Harambee Community Group Home in Minneapolis, however, doesn't like the categorization of "hard core" juveniles as separate from other juvenile treatment programs. He thinks programs already in use could be made more effective by improving their consistency and by taking into account the experienced juveniles' sophistication with the system.

(Over)

The Commissioner's Advisory Committee, appointed to look into the problem of the hard core juvenile, established a definition of juveniles who would fit the category and is now working on an LEAA grant to establish a program. The definition is as follows: "Juveniles, sixteen or over, who are charged with murder, aggravated arson, 1st or 2nd degree criminal sexual conduct; or have within the preceeding 24 months, been adjudicated delinquent on a felony type charge and have been currently charged with manslaughter, aggravated assault or aggravated robbery, or have been adjudicated delinquent on three occasions with 24 months of felony type behavior and have been currently charged with a burglary." It is estimated using 1975 figures that 140 juveniles would fit this criteria.

Under the plan, a small staff within the DOC would set up a behavioral contract with the sanction that he/she be certified as an adult if all else fails. After six months' institutionalization at a secure facility, he/she would be sent back to the community with as much contact with personnel as possible.

Meanwhile, the Legislature is working on the draft of a bill which would place 16 and 17-year olds under the direction of the district court if they fall into the above category. Under the proposed legislation the judge may then stay imposition or execution of sentencing or refer the defendant to the Commissioner of Corrections who then has thirty days to develop a mutual agreement program with the defendant and to submit it to the court for approval. The court may approve, disapprove or ask for revision of the plan. If approved, the court sentences the juvenile for an indeterminate time not to exceed 1/2 the penalty prescribed by law.

Time, money and planning will hopefully prove which solution best fits the vexing problem of the hard core juvenile.

Be sure to note your legislators' thoughts on the subject during the fall interviews, and then, later on, follow possible legislation next year.

NOTE: This is the first in a series to acquaint you with some important issues in the field of criminal justice and what people are saying and doing about them. Please keep these in your files for later use.

Borg

To: Members of the Health, Welfare and Corrections Committee
Senate, State of Minnesota

From: Laurel Mueller, Chairperson, Committee on Criminal Justice,
League of Women Voters of Minnesota

Re: League of Women Voters of Minnesota's Position on Sentencing

Date: January 17, 1977

In the fall of 1976 members of the League of Women Voters of Minnesota studied the issue of Sentencing and reached a Statement of Position thereon.

Enclosed is a statement of that position and the explanation of the position. We will be observing, lobbying and speaking to bills on Sentencing that will be discussed during this coming legislative session. Our efforts will be based on our Statement of Position.

To: Members of the Criminal Justice Committee
House of Representatives, State of Minnesota

From: Laurel Mueller, Chairperson, Committee on Criminal Justice,
League of Women Voters of Minnesota

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The League of Women Voters of Minnesota supports sentencing decisions based on circumstances in relation to the crime, the offender and the effect on the public. ^{safety} These decisions are to be made by the judge within legislative guidelines.

Consideration of the crime should include mitigating or aggravating circumstances. Strong support is given for use of diversion and contracts between offenders and authorities. Basing the sentence only on the seriousness of the crime or only on the needs of the offender is not considered adequate. No consensus was reached on plea bargaining, sentence length or good time.

Consideration in sentencing the offender should include factors such as the need for drug counseling, a marketable skill, academic training, psychiatric treatment. .

Restitution should also be included when appropriate. Consideration should also be given to the availability of a residence and/or employment and the resolution of the causative situation.

The effect on the public was a concern of a majority of responding units. This concern is also reflected in our statement under Corrections.

The consensus supported a presumptive sentencing model approach over all the other sentencings models. A negative response was given to indeterminate, administratively fixed and judicially fixed models. No consensus was reached on determinate ~~fix~~ or legislatively fixed models.



LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To: State Department Division of the Senate Finance Subcommittee

From: Laurel Mueller, Chairperson, Criminal Justice Committee

Subject: Legal Assistance to Minnesota Prisoners (LAMP)

Date: February 8, 1977

The League of Women Voters of Minnesota once again is asking for your strong support in the continuation of funding for the program of Legal Assistance to Minnesota Prisoners (LAMP) which is now before the Legislature in the budget of the State Public Defender.

The League thinks that LAMP is an important program which has responsibly provided a legitimate way of resolving inmate legal problems whether in the field of domestic law or prisoners' rights. LAMP has demonstrated that equal justice under the law is a valid principle in Minnesota regardless of social or economic status. LAMP teaches its clients that the proper method of resolving disputes is through the law rather than the extra-legal means they have used in the past. LAMP also provides an opportunity for law students to learn first hand the problems of prisoners and prisons.

We ask you to show your support for LAMP by approving the appropriation request to fund this important program.

Same letter was sent to the State Department Division of the House Appropriations Committee.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - March 1977

Copied from the St. Paul Pioneer Press of March 6, 1977

The sentences

How does "determinate" sentencing differ from Minnesota's current "indeterminate" sentencing law in effect since 1963? Here are the basic differences:

Present law

IMPRISONMENT — A criminal must be imprisoned if convicted of first degree (premeditated) murder or a second or subsequent felonious sex crime — unless as a condition of probation he completes an antisexual social behavior treatment program. For all other crimes prison sentences need not be imposed by judge.

Determinate bill

IMPRISONMENT — Required for murder for hire, first and second degree murder, rape, use of a gun or dangerous weapon in a second or subsequent crime against a person, felonious sex crime, a third felony conviction within 10 years (if at least one of the felonies was a crime against a person involving use of a dangerous weapon). For all other crimes



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Present: Betty Phelan, Laurel Mueller, Margaret Maresh, Francilia Stewart, Janet Cort, Arlene Mustuen, Ann Jaede, Ann Thomas

1. Temporary Secretary appointed--Ann Thomas
2. Grant application: Dev. Com. of St. Bd. decided against going to Hum. Com. for grant. Maybe Minnesota Foundation might be approached.
3. Arlene: Work on Child abuse, prostitution, incest and drugs in the juvenile area. Break up into panels. Consider: (a) problems (b) How does society deal with the problem (c) solutions

Abused child and learning
Childrens' laws child advocate
policeman
Solutions: How the worker works with
the current laws

Sue Kirby
Mel Goldberg
Don Arneson

Mike Weber

Focus session to be held 1/18/78 at 9:30 a.m. - Where? Y, either St. Paul or Minneapolis.

4. Cort: Bills re prostitution: Phyllis Kahn's bill. It is basically an attempt to update present laws and enforce them. Ken Nelson's bill was a re-writing, but not that much different. Tom Heffelfinger also presented a re-drafting with basic change in terms of language. Much more extensive and spelled out. More specific language. This bill is also aimed at the owner of a business who profits from prostitution. Cort thinks that under our position we could support safe houses. Phyllis Kahn's bill would not be enforceable. Bill numbers: Kahn: HF 185 Nelson: HF 1022 HF 1348. Heffelfinger--no number yet

5. Lobbyists: Laurel Mueller, Janet Cort, Francilia Stewart (Mo of Feb. or substitute).

6. Outlines: Judiciary

Expand this. Add a section on sentencing and on plea bargaining. Civil law section will expand by itself a/c legislation on reorganization Jaede is doing a job related study researching how the system works vs. what the laws are.

Juvenile Corrections: Stewart has an appointment with Lindsay Arthur to talk about Juvenile corrections. Does not think charts are effective. Thinks section on status offenses should be expanded. Add a section on the change of attitude in the handling of violent juveniles.

Keep the language general. Talk about change in emphasis in the programs. Pros and cons in the philosophical attitudes. This is as close to fact as you are going to get in the juvenile justice section.

Definitions are very important. What is the violent? or hard core? As to numbers you can come up with anywhere from 700 to 43. Do you use age, past history or what?

Ann Jaede's title is Juvenile Justice Director for the Governor's Crime Control Board. She can get us some information from some counties. We need info on interrelationships between law enforcement and courts--corrections schools, welfare, etc. What is happening in the system?

Suggestions for Leagues, locations and people to be used in collection of data:

Alexandria, Douglas County--Ruth Cain of LWV there is working with Governor's Committee--LWV there working on juv. justice.
Worthington-Nobles County
Crookston - Duluth-Mid-Mesabi - Hibbing
Itasca - do we have a LWV there?
Koochiching County.

In some of these areas there are many volunteer probation officers - neighbors who watch out for problem people - so figures could be misleading.

Adult corrections Maresh. Want to start with general things.

1. Chronology of the Department of Corrections. Inventory of the corrections institutions, age, type, condition. Corrections Dept published a map of this recently. Do we do corrections as a whole, then go to Adult and Juvenile? Where do the funds come from? Where do they go? Where to put Crime Commission? Under inter-relationships.

2. Employees. Inmate profiles. Adult. Male or Female. Inmate rights. Legal aid. Inmate counsels (councils?). Pay for services. Education. Work opportunities. Social services. Free time. Physical Education. Volunteers.

3. Probation - parole (under inter-relationships). Recidivism. Jails, lock-ups, work houses. City and county facilities. Detention centers.

4. State inmates - state facilities--but that service is being purchased by the local community. Is that adult or juvenile? Inmates inspected by the state (jails, lock ups, workhouses, etc.)
Should this be under community corrections?

5. Early parole - work release.

6. Glossary

7. Crime victim's Reparations Act. Operates through Dept of Corrections

8. Board of Pardons - consists of Gov., Chief Justice and Atty Gen.
Should be under interrelationships, as should
Gov. Commission on Crime Prevention and Control.

7. F and I on interrelationships - how to set up:

- a. Definition of the criminal justice system
- b. The activities of and inter-relationships of police, courts, corrections and prevention agencies.

MEMO

To: Local League Corrections Chairpersons
From: Eleanor Weber, Chairperson, Corrections
Re: Meeting on Women in the Criminal Justice System: Today's Profile

The Minneapolis YWCA, the Coalition for Women's Correctional Reform and the Living-Learning Center, U of MN., have joined together to present a day-long conference on women in the criminal justice system. The conference is designed as a basic course in the workings of the system and is presented with the intention of laying ground work for future investigations and action. Participation is limited to 250 persons and will be determined on a first come, first served basis. Day care will be provided for women with children. Pre-registration deadline is May 14; fee \$4.00. Date: May 25, 1974. Place: Minneapolis YWCA (12th and Nicollet). Time: 8:30 to 5:30. Lunch provided.

Topics: Pre-Trial Stage; Trial and Sentencing; Incarceration; Workshops on Minority Women, Juveniles, Legislative Action, Offenders and Their Children, Ex-Offenders Forum; Wrap Up: Where Do We Go From Here?

Send registration and/or inquire for more information to:

Mary O'Hara
Living-Learning Center
201 Wesbrook Hall
U of MN
Minneapolis, MN 55455



LEAGUE OF WOMEN VOTERS
OF MINNESOTA

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

ISSUES IN CRIMINAL JUSTICE

JAIL STUDY REPORT

Pm - P

TO: Local League Criminal Justice Chairs
FROM: Betty Phelan, LWVMN Criminal Justice Chair
Date: January 18, 1978

In the next several months material from the Governor's Commission on Crime Prevention and Control, Jail Study Report, will be summarized in these reports to you.

The Crime Control Board undertook the task of looking into 62 jail systems throughout the state. A "jail system" is composed of one or more facilities which provide for both long and short term detention. Each system has one main facility, usually a county jail, which provides the fullest range of services.

Also, each jail system serves one or more counties designated as a "service area." Each service area is independent and self-contained.

Under state law local facilities are divided into seven categories:

1. holding facilities - used for detention (adult and juvenile) for not more than 24 hours (excluding Sundays and holidays)
2. lock-ups - used for confining adults for not more than 21 days and for juveniles as prescribed by law*
3. jails - used for indefinite periods for pretrial detention of adults, for adult sentences of up to one year and for detention of juveniles as prescribed by law*
4. adult corrections facilities - local facilities for adults being confined and treated up to one year
5. juvenile detention facilities - for temporary detention of juveniles as prescribed by law*
6. juvenile treatment facilities - local facilities used only for the extended care and confinement of juveniles committed by juvenile court
7. unclassified facilities - any county operated facilities that because of deficiencies and/or limitations cannot be classified as above

The scope of the jail study was limited to jails outside Hennepin and Ramsey Counties for several reasons, the report stated. First, new planning and construction is taking place in both counties. Second, jail problems and practices in these urban areas are quite different from the remainder of the state. Third, because of their size (2/5ths of the state's jail population) they would dominate the statistics, thus obscuring problems in the majority of the state's jails.

Statistics for the jail study are from 1975. In that year 145,000 reported and verified crimes took place. Five service areas of the 62, however, accounted for 46% of the total offenses. Those five were: Anoka, Dakota, Washington, St. Louis and Olmstead Counties. The lowest five were Yellow Medicine, Lincoln, Lac Qui Parle, Chippewa and Renville.

Of the 145,000 crimes committed, 8,029 were violent. The counties having the most violent crimes were Anoka, Dakota, St. Louis, Olmstead and Washington. The vast majority of crimes committed were property offenses, however, accounting for 68% of the total, while violent crimes were 5%, other crimes 27%.

(more)

A better indicator of the crime rate, however, is the total number of crimes per 100,000 population. In 1975 the counties with the highest rates were Dakota, Washington, Anoka, Scott and Pennington. The lowest were Sherburne, Lac Qui Parle, Chippewa, Renville and Todd. In general, figures reflect increased crime problems where urbanization and greater population exist. Figures also lead one to believe that the percentage of the population between 15 and 25 years as well as rates of unemployment are not directly related to the incidence of crime in the 62 systems studied.

* The court must be notified as soon as possible when a child is being detained (if release to parents, guardian or custodian is not made). Detention shall not be over 24 hours (excluding weekends and holidays) unless an order for detention is signed by a judge or referee. No child shall be held longer than 48 hours without having a petition filed. Relocation on the advice of the Commissioner of Corrections may take place if detention is for longer than 48 hours unless the child is to be certified.

14.B.

LEAGUE OF WOMEN VOTERS OF MINNESOTA



555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

TO: CRIMINAL JUSTICE COMMITTEE(ALSO

Rosemary Booth, Mpls)

FROM: Betty Phelan

SUBJECT:

DATE:

MEMO

Some thoughts as you wind up your work on the update:

Would you please type your section. We'll put it all together and send it around for committee comments during March and April

It would also be a good idea to submit your material to someone familiar with the facts to be sure the facts are straight.

The editor will then gather it all together and do her job; it will be returned for any further revisions and/or inconsistencies. Afterwards it should be ready for our advisory committee to comment upon.

Lastly after the final revisions it will be ready for the staff to type it and send to printer.

I'm enclosing the project proposal as sent to the DOC.

Good luck!

CRIMINAL JUSTICE COMMITTEE MEETING

Jan 31, 1978

PRESENT: Phelan, Nystuen, Fronek, Carter, Stewart, Jaede, Maresh

EDITOR: Rosemary Booth has agreed to edit publication

UPDATES: Due date will be mid-March

a. Judiciary- Fronek reported on interview she and Phelan had with Jack Provo, Henn. Cty Court Administrator. She anticipated minor updating.

b. Juvenile Justice- Stewart and Nystuen told of interview with Judge Arthur and his help in updating material. Stewart has also spoken to people in Hennepin Juvenile Division in the Mpls. Police Dept. She said there is wide disagreement over what constitutes recidivism and how statistics should be kept.

Jaede noted the Crime Control Board will be doing research in the courts regarding juveniles. Since no records are available it is difficult to gather statistical data on what happens to juveniles in the court system.

Discussion followed on need to include factual material in the main body of the publication and allow room for realities in the section on interrelationships.

Some discussion on what should be done with status offenders. How should the system deal with them. Concern expressed about the wide variety of treatment of status offenders across the state.

c. Adult Criminal Justice System- Maresh discussed the progress of her updating, noting that it is necessary to wait and make corrections right up to printing date because of constant changes.

A common format or outline was thought to be in order for the sections on adults and juveniles. Where material overlaps from adult to juvenile section, Margaret will include in overall description in her part.

INTERRELATIONSHIPS: Phelan would like to see interviews done throughout the system to give a wide perspective. Jaede will make questions used in a similar study by the Crime Control Board available to committee. Carter knows a judge in her area who might be suitable for such an interview. Probation officer's outlook also thought to be a good one to include.

LEGISLATIVE ACTION: Nothing seems to be occurring that is of interest to C.J. area.

FOCUS: Nystuen heard complaints about speakers though others felt it was a success. It was thought that the speakers could've been given more definitive outlines or suggestions as to what should be presented.

NEXT MEETING: March 8, Wednesday, 11:30AM.

PROJECT PROPOSAL:

A balanced system of criminal justice and corrections is dependent, to a large extent, on both legislation and adequate funding. Because the public is involved in voting for our legislators, in influencing legislation and is providing funds through taxation, it is necessary that the public have objective information about the criminal justice and corrections systems.

The League of Women Voters (LWVMN) plans to produce a series of four publications (or one larger publication) which would walk the public through the Minnesota systems. The League is well-qualified to carry out such a project. Its 1972 publication of the "Minnesota Judiciary - Structures and Procedures" (now outdated) was used as a model for similar publications by the Supreme Courts of both Washington and Oregon.

The first portion of the League publication(s) will be devoted to the adult correctional system - its structure, programs and problems. The second will cover the ways in which the state handles the juvenile offender. A third will outline the structures and procedures of the judicial system.

The fourth portion will show the interrelationships of the various systems. It will include results of questionnaire/interviews with people about these relationships. Those surveyed will be persons from both within and outside of the systems, as well as those who have an objective overview of the systems.

The League's intent is to produce a publication (or series of publications) which will provide the interested citizen with simple and understandable information about the correctional and criminal justice systems. With this information, the public will be better able to understand workings of the systems and its implications to their lives. It will build an awareness of the necessity of community support of organizations working in this area and will result in increased public interest and involvement in a balanced system of criminal justice and corrections.



**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445
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ISSUES IN CRIMINAL JUSTICE

JAIL STUDY REPORT

To: Local LWV Criminal Justice Chairs
From: Betty Phelan, LWV MN Criminal Justice Chair
Date: February 17, 1978

In the second part of the indepth look at 62 of the jail systems across the State of Minnesota, we will focus on the physical plants themselves. Two definitions will be helpful:

Jail System: consists of one or more facilities in one or more counties which, taken together, provide for the detention of pre-trial clients, short term sentenced offenders and long term sentenced offenders.

Main Facility: is the single facility in each system which provides the broadest range of security services.

Classification

In doing its research, the Governor's Crime Control Board looked at four (of the seven previously mentioned - January Memo mailing) types of local secure facilities: holding facilities, lockups, jails and unclassified facilities. Of the total number of facilities studied, 40% were classified by the DOC (Department of Corrections) as holding facilities, 21% were lockups, 27% jails and 12% unclassified.

The figures must be looked at, however, with the realization that because classifications were not legally binding during 1975, some of the facilities didn't function within the rules used to classify them. In addition, the classification process changes continually so that those classified as holding facilities in 1975 could now be classified as something else.

Security

Security in the various facilities can be of a maximum, medium or minimum nature. Maximum security means two barriers exist between the inmate and the outside world. Medium security is defined as when one barrier exists; minimum security usually means no locked separate cells, very likely a dormitory arrangement.

The report found that for those inmates who need maximum security, that is "those considered dangerous or uncontrollable or so unfamiliar as to enable no reasonable assessment," that the median number of beds per jail system was about eight. That figure meant that over one-half of the total bed capacity was being devoted to maximum security, for the 62 systems studied.

For the typical jail system studied, only three beds were available for medium security, and one or less for minimum security. Twenty-eight (45%) of the systems had no minimum security bed capacity at all.

Separation

In 1976 the DOC-proposed jail standards said the following groups must be separated:

- male from female
- witnesses, traffic violators, first offenders, non-support and contempt cases from those held or charged with criminal offenses
- minors from adults
- persons held awaiting trial from other prisoners.

Researchers asked administrators of local security facilities to list the number of

groups that could be separated from one another. The report indicates that a majority could not separate more than two different groups of inmates at any one time. This means, the report states, "...in most facilities, persons awaiting trial can be separated from those held under sentence only when there are no women or juveniles being held."

Age

By looking at the age of a facility, some reasonable judgments can be made about its condition. The report found that of the 62 main facilities, half are over 50 years old, and of that group 11 are over 75 years old. Of the 31 counties where these facilities are located, 20 are planning remodeling or new construction.

Ratings

According to state statute, the DOC must periodically inspect all local facilities for compliance with state standards. The standards vary with the type of facility and include such areas as administration, record keeping, maintenance, food service, sanitation and inmate programming. The DOC sets 67% as a minimum rating for compliance with the standards.

The average overall compliance in those facilities studied, however, was 52%. Seventy-three per cent of the main facilities had compliance rating scores below 67%. The ratings went from a high of 88% in Clay County, 84% in Dakota, 82% in Roseau, 81% in Washington, and 81% in Goodhue to lows of 37% in Hubbard, 28% McLeod, 28% in Lyon, 26% in Rice, and 21% in Mille Lacs. (Both Rice and Mille Lacs were to be replaced in 1976.)

H.B.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

TO: Criminal Justice Committee



555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

FROM: Betty Phelan

SUBJECT: Meeting

DATE: February 28, 1978

MEMO

Dear Friends,

I must leave town for a few days unexpectedly so I'm going to cancel our next meeting on the 8th of March. Since I'll also be on vacation from the 16th to the 5th of April it seems that March is out for a meeting. I'd like to tentatively set the next meeting then for the 12th of April at 11:30AM. (of March)

I'm enclosing some questions I wrote up to try to draw out some of the realistic interrelationships that exist in the CJ system. Please look them over and we can discuss them in April as well as how best to use them.

I know many of you are working hard on your update material and have completed your tasks. Would you send it to another member of the committee to look it over? The office can make copies and mail it out for you.

I appreciate all your hard work.

See you in April,

Betty

INTERRELATIONSHIPS IN THE CRIMINAL JUSTICE SYSTEM

(Answers can possibly be published in a generalized way without names perhaps just noting the area of the system the respondent comes from)

1. What do you perceive as the most important goals or goal of your agency (office)?
2. In achieving these goals do you have many options open to you? What are they? What criteria do you use in deciding which option to use?
3. Do you or your agency most frequently initiate your contacts or are they most frequently referred?
4. Have there been significant changes in the operation of your agency? Have there been significant changes in the relationships between your agency and other agencies in the CJ system within the last five years? What has been the effect of these changes?
5. Do you feel the CJ system in your county is coping with "the crime problem" as it is commonly perceived?
6. Where, in your opinion, is the CJ system's weakest point? Its strongest point?
7. Do you think the causes of crime can best be traced to the individual or the individual's social surroundings?
8. Should the emphasis on solutions to crime be aimed at the individual or the community?
9. If you could mandate a change in your agency what would it be?
10. In your associations with other agencies do you feel you can trust few, most or all of them? Elaborate.
11. Any other comments..



LEAGUE OF WOMEN VOTERS
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ISSUES IN CRIMINAL JUSTICE #6

Jail Study Report

To: Local League Criminal Justice Chairs
From: Betty Phelan, LWVMN Criminal Justice Chair
Date: March 17, 1978

PM-P

In the previous summaries of the "Jail Study Report," done by the Governor's Crime Control and Planning Board, the physical characteristics were the focus, as was information on the areas served by local jails. The client, or inmate, will be the focus in this report.

In the year the study was conducted (1975), almost 39,000 persons were held in the 62 jail systems studied. Although the "typical" system held 476 persons, St. Louis, Anoka and Dakota Counties' systems held well over that number with 3027, 2677, and 2036 respectively for that year. The systems holding the fewest were most often in Southwestern Minnesota. Of these numbers, one out of ten inmates in 1975 was a woman.

Juveniles amounted to 17% (6,800) of the total number held, despite the strict rules regarding their incarceration and detention. A typical system in 1975 held 79 juveniles during the course of a year, although Olmsted with 642, Dakota with 373, and Washington with 331 exceeded the median figure by quite a bit. In addition, systems in Beltrami, Crow Wing, Freeborn, Goodhue, Meeker, Olmsted, Waseca and Winona held a larger-than-average percentage of juveniles in their total daily populations. The average was 7% juveniles, whereas the above-mentioned systems held about 30% juveniles.

Keeping in mind that Hennepin and Ramsey were not included in this report, the reader could infer that in the systems studied, the ratio of racial backgrounds of the populations did not represent that of society as a whole. Ninety-one per cent were white, 8% Native American, and 1% were black. Drawing from a random sample of inmates to establish these percentages, the Jail Study Report also found that Native Americans were about .6% of the general population in the counties studied, and blacks about .1%.

In its survey the Report also found that the inmate was:

- likely to be a resident where he/she was incarcerated (80%)
- likely to be living with a family (2/3)
- not a high school graduate (36%), between 18 and 21 (40%)
- not likely to be employed (4 out of 10)
- likely to have a prior misdemeanor or felony on record (50%)
- very likely being held awaiting trial (73%)
- if sentenced, amounted to 16% of the total number of adults held when categorized by legal status; however, those sentenced individuals were a majority (53%) of the adult average daily population
- most likely being held for miscellaneous misdemeanors (disorderly conduct, contempt of court, drug law, escape, firearms, game, liquor laws, trespassing) - 30%; or traffic violations (DWI, driving after suspension, moving violations, non-moving violations, leaving the scene of an accident, open bottle) - 36%
- probably charged with DWI (Driving While Intoxicated) - more than 25% of total held
- if a sentenced offender, an 11% chance he/she would be a felon (crimes against person, property crimes, sex crimes, drug offenses)
- if unsentenced, more likely to be an accused felon (42%)
- likely to stay incarcerated from a high of almost 7 days to a low of 10 hours (averages within each system) if awaiting trial
- likely, if sentenced, to stay an average of almost 8 days to 60 days
- if a juvenile, could be held anywhere from 6.9 days to .3 days (average figures of 1.9 days, statewide)

APR 24 1978

CRIMINAL JUSTICE COMMITTEE MEETING

April 12, 1978

The meeting was called to order at 11:30 a.m. at the State League Office. Present: Betty Phelan, Chairman, Ann Thomas, Francilia Stewart Laurel-Mueller, Janet Cort and Iverne Carter. Ann Thomas was appointed to act as Secretary for the meeting.

1. Update progress. Members present reported on what they had accomplished. There is still a significant amount of work to be done before a publication can be written..

2. Legislative. Mueller reported on sentencing action in the legislature. A compromise bill is what was turned out. A deviation may be made by the judge (shorten sentence by as much as 15%). Effective 1981, and involving the Parole Board. She wrote it all up for the State LWV publication. A presumptive sentencing bill is what it really is, and that is somewhat similar to the LWV position on sentencing.

Discussion of community corrections and their effectiveness. Some opinions were expressed that it is improved by less supervision.

Juvenile legislation--Nothing but housekeeping bills.

Court referee bill--extended the status quo for a year--to 1981.

3. Announcement of Hennepin County Leagues of Women Voters Workshop April 14 at Govt. Center.

4. DCC Workshop in March. Report by Cort, who told that Department of Corrections discriminate against women in their own policies. A film about it was shown at the workshop. "The Lady's a Cop" showed two women cops in a cop car with a man riding along--or 2 women cops equal one man cop. Boulder Colorado has 51% women staff in their prison, and it is considered the best run jail in the country.

5. Discussion of Governor's Crime Control Board Report on Interrelationships and the questions used in their interviews. It was decided we should do something like this, using the following questions:

1. In achieving your goals do you have many options open to you? What are they? What criteria do you use in deciding which option to use?
2. Have there been significant changes in the operation of your agency? Have there been significant changes in the relationships between your agency and other agencies in the CJ system within the last five years? What has been the effect of the changes?
3. Where, in your opinion is CJ system's weakest point? Its strongest point?
4. If you could mandate a change in your agency what would it be?
5. In your associations with other agencies do you feel you can cooperate with few, most or all of them? Elaborate.

Questions are to be answered by: DISAGREE, DON'T KNOW or AGREE.

Members of the Committee, both outstate and urban are to work on the questionnaire interviews and see what we can do with it. Interviews are to be in three categories:

Courts--Judge, County Attorney, Public Defender

Corrections--Probation officer, Court service officer or supervisor, Police
Detention or Sheriff
Social Services--Welfare, Schools, Mental Health, Group Homes.

The following Committee members present offered to do this assignment in the following locations:

Stewart, Mower County; Carter, Beltrami County; Thomas (Courts) Hennepin County;
Mueller, Scott County, Cort Dakota County,

OTHER COMMITTEE MEMBERS ARE NEEDED TO DO THE SAME WORK IN ST. PAUL, MARSHALL AND ST. CLOUD.

There being no further business the meeting was adjourned sine die.

Respectfully submitted,

ANN THOMAS,
Secretary pro tem.



**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445

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ISSUES IN CRIMINAL JUSTICE

Jail Study Report

Pm-T

To: Local LWVMN Criminal Justice Chairs
From: Betty Phelan, LWVMN Criminal Justice Chair
Date: May 9, 1978

Programming:

The National Sheriff's Association in its 1974 Handbook on Inmates Rights recognizes that jail inmates should have the opportunity to participate in education, vocational training and employment as available; that inmates' rights to a healthful environment include opportunities for physical exercise and recreational activities; and that inmates be allowed to visit in private with family members, friends, religious advisors, prospective employers and the news media. So states the Crime Control Board's Jail Study Report. It goes on to point out that the DOC (Department of Corrections) states that jails should offer a broad range of programs which may include work, education, self-help, vocational training, counseling, hobby, craft, recreation and other programs.

Programming, however, becomes a problem in Minnesota jails because of geography and numbers. Jails are widely dispersed across the state, and the majority have populations that are too small in number to make programming practical. Despite the fact that over one-third of the statewide jail population is held over thirty days, their dispersal across the state is a problem.

The need does exist, however, for adequate programming. Nearly half of all persons held in Minnesota jails in 1975 were shown by three independent criteria to be in need of chemical dependency treatment. Over one-third had not completed high school. Slightly less than half were unemployed.

Although north central and southwestern Minnesota seem to be particularly short on programming, the needs for counseling, mental health treatment and chemical dependency treatment are not being met for a large number of inmates across the state, according to the report.

In many areas volunteers provide the majority or only service the inmates have available. In 23 of the 62 systems studied, volunteers were directly involved in programming.

Sentencing Alternatives:

In measuring the use of sentencing alternatives, the Jail Study Report looked into four areas: fines, probation, restitution and community-based corrections.

The traditional alternatives, fines and probation were used more frequently, the study found, as researchers looked at fifteen sample jail systems. While these alternatives represented 89% of the dispositions, only 14% were sentenced to community-based corrections or restitution.

Variations occur by courts as well. For 80% of the time district courts imposed fines. County courts used fines less but still more than restitution or community corrections. In district courts 65% of the sentenced offenders were placed on probation for part or all of their sentence. County courts, however, used probation only infrequently.

In district courts 14% of the offenders were sentenced to restitution more frequently than in county courts. Community-based corrections were used only 6% of the time in both county and district courts usually to a drug or alcohol-related program in the community.

CRIMINAL JUSTICE COMMITTEE

May 31, 1978

PRESENT: Phelan, Jaede, Court, Fronck, Stewart, Thomas

WHAT'S LEFT: Information on family court needed. Fronck will talk to an individual she knows. No fault divorce- Thomas will request law review article.

Jaede noted the need to include a piece in the publication on the Minnesota Rules of Criminal Procedure, passed in '75 and updated in '77.

Flow chart- Jaede will take to office and review its accuracy and relevancy.

Issues: note recent interest in grand juries and their methods of procedure.

TIME SPENT: It was agreed at least 1500 hours spent on the update efforts.

INTERRELATIONSHIPS: Interviews will be done and returned to Phelan by July 1.

NEXT MEETING: Will be in mid July, notice will be sent.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445



MEMO

TO: CRIMINAL JUSTICE COMMITTEE

FROM: BETTY PHELAN

SUBJECT:

DATE: June 5, 1978

Congratulations on all the excellent efforts so far. The materials look very impressive. They will be in the hands of the editor shortly, and then will be returned for corrections, additions, etc.

The only section still unwritten is the one on interrelationships. I would request that all interview reports be sent to me no later than July 1 so that I can proceed to put it together in some form.

Also include any ideas you have on how it could be assembled and written for publication.



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OF MINNESOTA**

PHONE (612) 224-5445

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ISSUES IN CRIMINAL JUSTICE

GRAND JURIES

To: Local LWV Criminal Justice Chairs
From: Betty Phelan, LWVMN CJ Chair
Date: September 13, 1978

Pm-T

During this past summer the Minnesota Legislature held hearings on grand jury reform. The hearings were perhaps prompted by a case brought to the Minnesota Supreme Court last spring which was argued by several lawyers.

As part of the testimony, the court was asked to permanently abolish the issuance of "reports" by grand juries that criticize public officials but do not charge them with crimes. Chief Justice Sheran commented that the use of the grand jury reports is "ill advised" because citizens believe they are an objective part of the court process. Sheran said that the grand jury process is "inquisitorial" and does not represent a carefully balanced viewing of the facts.

The controversy has arisen as a result of a report from the Hennepin County Grand Jury in October, 1976, that implied some state legislators had less than ethical outside sources of income. The report names no one and has never been released because of the continuing legal battle.

The hearings were held before a subcommittee of the Minnesota House Criminal Justice Committee, headed by Rep. John Arlandson.

The committee heard a brief history of grand juries and their origins which date back to before the Norman Conquest of 1066. They were formally established in the grand inquisitions in the 12th century, having a broad range of inquiry apart from criminal matters. By the 16th century, criticism was heard in England, where they were accused of a lack of initiative, and in America, where many felt abuses were rampant with their broad scope of inquiry.

England then abolished the system in 1932, whereas the Americans reformed the system by limiting the power of the grand juries to indictments and placing them under the direction of the courts and prosecutors.

Other testimony included statements by:

- . Gerald Snell of the Hennepin County Public Defenders Office, who personally opposes the abolition of the grand jury system, since he feels it serves a valuable purpose as a shield to some people who would otherwise be charged with a crime. He also feels the grand jury helps maintain public confidence in government by dealing with cases involving public officials. One possible reform, he suggested, was the protection of witnesses before the juries by allowing them legal counsel present when testifying. Another change should be, he said, the recording of all statements, especially those by the prosecutor. In addition, he went on, grand jury reports naming individuals who are not indicted should not be released. He said any juror should be required to excuse himself where there was possible conflict of interest and that a defendant should have the right to move for dismissal of the indictment upon showing of a prejudicial admission of inadmissible evidence before the jury. Lastly, he pointed out that a bill showing no indictment should preclude any further action against the individual except where new evidence shows the case should be resubmitted to the grand jury.
- . Mr. Robert Johnson, Anoka County Attorney, who discussed cases that would come through his office and be taken to a grand jury. He said that those cases would be where a

possible bias in the prosecutor's office might exist or cases of high visibility such as elections cases or criminal negligence and cases where testimony is only available under subpoena.

He felt satisfied with the present system of grand jury procedures and felt the selection of grand jurors managed to get a fair cross section of the community. He said most cases are built on good investigative work and not from testimony before a grand jury.

- Mr. William Kennedy, Chief Public Defender, Hennepin County, who was bothered by the judiciary having exclusive jurisdiction over the grand jury. He felt the Legislature, not the courts, should make substantive legal decisions regarding grand jury procedure.

Some possible changes could be, he said, requiring examination of jurors to determine bias; requiring instructions to jurors to be made more extensive and thorough; giving all witnesses a written statement of their rights and an opportunity to have counsel present.

He also said elections cases need not always be sent to the grand jury. He thought that public officials are subject to too much harrassment and that procedural reforms should be there to protect them such as requiring prosecutors to inform witnesses when they are under investigation.

Prosecutors, he commented, have great control over what is presented to the grand jury, and he would not like to see their controls increased to subpoena powers and deposition authority.

- Mr. Jack Nordby, who speaking as a defense counsel, said the Minnesota Rules of Criminal Procedure should be changed to allow witnesses before a grand jury right to counsel and that the lawyer should have the right to question witnesses or object. He also suggested a prosecutor should have to show cause for issuance of a warrant which would open up testimony for the accused. He also said the prosecution should be required to present evidence favorable to the defendant which could be done by allowing the defense to present evidence.

He felt there should be no release of information where no charge was brought. If an indictment is brought, he said, he saw no problem with secrecy if the record is available to the court or the defense.

It remains to be seen how the Legislature will follow up on this testimony, but it is sure that reform of grand juries is occurring around the nation. Last year the American Bar Association at its annual meeting recommended a witness be allowed counsel in the grand jury room. Prosecutors are the only legal advisors in the room now and have complete control of the hearings. Attorney General Griffin Bell disagreed, however, saying the proceedings would slow to a standstill and turn into a mistrial.

The Justice Department also opposed another ABA proposal that the rules should be changed governing immunity granted grand jury witnesses to force them to testify. They also recommended all proceedings be recorded except jurors' actual deliberations. The association proposed, finally, that grand juries stop a "growing" trend toward infringement on freedom of the press and the attorney-client privilege.

In 1973 Sen. Edward Kennedy said, "We have witnessed the birth of a new breed of political animal - the kangaroo grand jury...a dangerous modern form of star chamber secret inquisition that is trampling the rights of American citizens from coast to coast."



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ISSUES IN CRIMINAL JUSTICE

"Plea Bargaining"

Pm - P

To: Local LWV Criminal Justice Chairs
From: Betty Phelan, LWVMN, Criminal Justice Chair
Date: November 14, 1978

A cynical Illinois inmate recently compared the criminal justice system to television: "The system should operate like the program 'Truth or Consequences,'" he said, "but instead it works like 'Let's Make A Deal.'"

He was referring to the widespread practice of plea bargaining. The process usually involves a plea of guilty by the defendant in return for concessions by the state. The concessions may include lowering the number of charges, reducing the charge (from a serious to a minor crime), recommending a certain kind of sentence to the judge, or any combination of these. Plea bargains are worked out informally between prosecutors, defense attorneys, and occasionally, the judge.

For many years the process had been shrouded in secrecy, but recent Presidential, National and American Bar Association Commissions have called for a change. Although finding plea bargaining's function acceptable, that of preventing a backlog of cases, providing certainty for the state and the defendant, mitigating the harshness of some sentencing provisions and enabling law enforcement to solve serious crimes by offering lenience for information, many observers agree abuses exist as well.

In 1973 the National Crime Commission referred to the process of plea bargaining as "horse trading" and recommended it be abolished. It believed that the major victim of the system is the defendant who opts for trial and suffers a substantially more severe sentence than would have been received for a guilty plea.

Other observers say that the weaker the prosecutor's case - that is, the better the chance that the defendant is not guilty - the stronger will be the pressures on the defendant to plead guilty. In addition, most people acknowledge the fact that the defendant with the better lawyers rather than those with the better cases get the best deals.

Many feel that under a system of determinate sentencing, such as the one recently adopted in Minnesota, the sentencing discretion merely moves from the judges and parole boards to the prosecutor, making him "emperor" rather than the king he is today, in the words of the Director of the American Correctional Association.

Others, such as David Fogel, strong advocate of determinate sentencing, believe the excesses of plea bargaining will be reduced under the system of fixed sentences. He feels the process will become more "visible and honest."

In 1974 the Law Enforcement Assistance Administration estimated that 65% of the inmates in the nation's prisons had gotten there by pleading guilty. In many urban centers plea bargains account for 90% of all dispositions of cases.

A study done last year by students at Hamline University Law School found 75% or more of the felony cases in Hennepin District Court are plea bargained. Similarly, the Minnesota Crime Control Board found that 70% of the cases in state

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district courts are plea bargained. One experienced defense attorney interviewed by the students noted that "too many incompetent lawyers earn a good livelihood negotiating cases at the expense of their client's constitutional rights and without any intention of ever trying a criminal case." Judges, they felt, lent nothing more to the process than a "rubber stamp."

Most reformers would agree that some changes short of abolition should be tried. One change is to recognize plea bargaining for what it is, formally recognizing its existence, and conducting negotiations for the record rather than in secret as is done in some places. Participants can then be held accountable for the decisions they make.

Also recommended by some is a set of statewide guidelines governing prosecutorial charging and other discretionary decisions, with the emphasis on regulating and controlling discretion, not abolishing it.

Prosecutors and defense attorneys should also have at their disposal investigative resources so they can make informed charging and pleading decisions.

As one expert in the field of plea bargaining stated, you needn't "burn down the house to roast the pig." Thus it would seem with plea bargaining; some sunshine on the process, as well as accountability, could do a lot to improve the process without going to the extreme of abolition.



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ISSUES IN CRIMINAL JUSTICE

To: Local LWV Criminal Justice Chairs
From: Betty Phelan, LWVMN Criminal Justice Chair
Date: January 12, 1979

Paying for Courts State or Local Financing At Issue

The question of the day was less 'what price justice' and more 'who should foot the bill,' as judges, administrators, county commissioners and others met for a half-day briefing on the issue of state financing. With the specter of Proposition 13 invoked more than once, competing arguments for changing the financing of Minnesota's judicial system from a largely county-based burden to statewide funding were explored in the October 16 seminar held by the Judicial Planning Committee (JPC).

"As a state system, should the state pay for it?" asked Marlene Johnson, director of the JPC, at the outset. The JPC will be making a determination in early November whether to endorse a plan before the 1979 legislature or to conduct a further study on the feasibility of financing from state coffers. The JPC recently received an LEAA grant of \$220,000 to do planning for Minnesota on the issue.

"I am disposed to it," said Chief Justice Robert Sheran, speaking to chief district judges at the end of the day on his view of statewide financing. "The general attitude on our court has been that there's so much interest in judicial improvement, it'd be a mistake not to take a vigorous look."

In the last completed nationwide study on statewide financing in 1976, Minnesota ranked fourth lowest in terms of state financial support for the judiciary, according to speaker Dr. Carl Baar, author of the book *Separate But Subservient*. Minnesota, on one end of the continuum, paid a mere fourteen per cent of the total costs of courts, while states such as Hawaii and Connecticut paid the full tab. All states fund the courts to some degree, said Baar. For example, all states pay the costs of appellate courts and all or part of the salaries of general jurisdiction judges.

Complete state financing encompasses a broader swath, though. For example, a tentative proposal for Minnesota would include under the state umbrella the costs of all personnel, including clerks, registrars, referees, administrators, and reporters; the costs of all operating expenses, including jury and witness fees, law libraries and supplies. Some states include courtroom facilities, as well.

More states have moved towards state funding, said Baar, because of the belief that "courts are state institutions, combined with the need for equality, uniformity, standardization, and some notion of equal protection." Now with political winds blowing towards reduction of property taxes, there has been a resurgence of interest in state financing for courts, noted Baar. Recently New York and Massachusetts were added to the roll of state-financed systems for courts.

When examined closely, however, plans for statewide financing can get involved in sticky details. One area that concerns county commissioners is a statewide take-over of all court personnel and a resulting hike in their salaries. This could leave state employees working at county courthouses, but earning higher pay than comparable county employees working in the same building, and possible forcing counties to raise general salary levels or suffer with discontented workers.

Experience from other states indicates that switching to a state financing system increases the level of service the public receives, but also increases the overall costs of the courts. The costs, said Harry Lawson who discussed the Colorado experience, emanate from bringing inferior courts up to a uniformly high state standard. "It's not even apples and oranges. You are not comparing the same things before and after," he emphasized.

In remarking on the prospects of statewide financing, Ed McConnell noted that it can be an "emotional, fiscal and political" issue. Given that difficulty, the Chief Justice told other judges around the state to be open-minded on the subject. "If it increases the level of performance, uniformity, and if we get standardization, statewide financing may be necessary."

What steps are next for the future of court financing will be decided in November by the Judicial Planning Commission.

Minnesota's New Sentencing Guidelines Legislation

*By DALE G. PARENT, Research Director
Minnesota Sentencing Guidelines Commission*

Introduction

In March, 1978, the Minnesota Legislature enacted a new sentencing law which represents a fundamental reform in American criminal sentencing practices.¹ This law mandates that

This uncertainty, it is argued, contributes to feelings of anxiety and hostility among convicted felons and inmates and results in game playing where the convicted attempt to manipulate the system to achieve for themselves the best possible result.

discretion is merely displaced to another part of the system where it is typically exercised in a less visible and less controlled manner. Thus, mandatory sentences displace additional discretion to the prosecutor and the sentencing authority.



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PHONE (612) 224-5445

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**ISSUES IN CRIMINAL JUSTICE
PAROLE COMMISSION GUIDELINES**

To: Local LWV Criminal Justice Chairs
From: Betty Phelan, LWVMN Criminal Justice Chair
Date: February 23, 1979

According to CORRECTIONS magazine a quiet revolution is occurring in the American criminal justice system. Within the past three years a fundamental change in corrections philosophy has taken place in states all across the country. This shift in thinking means that half the nation's imprisoned adult offenders are now or soon will be subject to release procedures that judge them not on the extent of their rehabilitation but according to the severity of their crimes and past record.

In response to the rush towards determinate sentencing, the federal parole system has set new guidelines used both as models for many state systems as well as the tool used by the Parole Commission in federal prisons. The guidelines, called by Richard Mulcrone, chair of the Minnesota Parole Board, "one of the most significant reforms in the history of Anglo-American law...the first body of administrative rule that has tried to make sense out of the sentencing system." Minnesota adopted guidelines similar to the federal ones.

Using two factors that figured into decision-making in the past, the guidelines take into account: 1) seriousness of offense; and 2) chance of success on parole. Crimes were listed in order of severity and placed on a scale from 1 to 7. Base sentences were then calculated from mean time served in the past.

In calculating success upon release, follow-up studies were done on many inmates, pointing up some 130 factors affecting how well the parolee would make it on the outside. Such factors included prior convictions, prior incarcerations, criminal record before the age of 26, auto theft or check-related offenses, parole or probation violations, drug addiction and failure to be employed or in school at least six months in the two years before imprisonment.

Other reforms included after a trial of the guidelines were: more hearing examiners and five regional parole offices to handle the 20,000 cases the Parole Commission hears annually.

Although the guidelines are intended to even out sentence disparity, there is leeway for discretion on the part of examiners. They can set terms outside the guideline framework if there is good reason. These reasons have been: poor or outstanding institutional conduct, aggravating offense factors or clinical judgments that indicate that the offender is a better or poorer risk than his score on the guidelines would show.

Long years of wrangling in Congress on S. 1437, a bill to eliminate disparity in sentencing and end the Parole Commission for all practical purposes, has not met with success this session. Under S. 1437 a judicial sentencing commission would set up guidelines for judges to sentence prisoners to flat terms. The inmate would be required to serve the entire term except for a possible 10% off for good institutional behavior.

Although many agree the federal guidelines are an improvement over the chaos of the past, they have generated a substantial increase in the number of lawsuits challenging parole decisions.

Criticizing the system, Pierce O'Donnell, a lawyer and advisor to Senator Edward Ken-

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nedy, one of S. 1437's sponsors, said, "It's simply deferred sentencing. It's folly to think that the Parole Commission can have a real impact on a system that is chaotic from the very top (prosecutors and judiciary)...They have absolutely no control over the most important decisions: who goes to prison and who does not, and what the initial sentence is...It's like the tail wagging the dog."

Judges represent all areas of the country and ways of thinking as well as ideas about sentencing. They may sentence anyone from one day to life to probation. Figures from the U.S. Probation Service note that about 45% of the approximately 35,000 defendants convicted of federal crimes in any given year receive sentences that do not include prison terms. The Parole Commission, says CORRECTIONS magazine, can have no effect on disparities that arise between those who go to prison and those who do not.

Some judges are glad to see the changes brought by the guidelines. Others view the situation as usurping judicial function. District Judge Jon Newman, Hartford, Connecticut, says, however, "The Parole Commission is not supposed to be making sentences, but that is exactly what they are doing." He feels a judicial sentencing commission should work out the guidelines.

ACLU's Alvin Bronstein noted, "The ultimate issue is that the Parole Commission has total discretion to promulgate guidelines without legislative or judicial review...They can use the guidelines to insulate themselves against attack. Whenever somebody gets after them, all they have to do is point and say, "Look, we have guidelines." He too favors abolition of the Parole Commission in favor of judicial determinate sentencing.

Loudest complaints of all, however, are heard from the inmates themselves. They dislike the method that decides which crime severity category their offense belongs in. In addition, the Commission often negates plea bargains made between prosecutors and judges. They make these decisions not on information from the indictment or conviction but on pre-sentence investigations, which often include unproven allegations, convict's versions, prior criminal records and other personal information.

Some see the guidelines as a first step, needing modification from time to time. They say by computing sentences from those given in the past, the commission is only compounding past mistakes. Guidelines, they say should be prescriptive rather than descriptive, where criteria from the past are thought out from scratch rather than a systemization of past practice.

It remains to be seen how S. 1437 will fare in Congress. An influential group of proponents of determinate sentencing asked if S. 1437 is adopted that the Parole Commission be allowed to retain its powers even if a judicial sentencing commission were adopted. They called this the "parole safety net." The commission, they said, has had a lot of experience in dealing with real time, while judges are used to dealing in symbolic time.



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PHONE (612) 224-5445
555 WABASHA • ST PAUL, MINNESOTA 55102

UPDATE - Criminal Justice

TO: Local League Presidents, Criminal Justice Chairs
FROM: Carol Bradley, Criminal Justice Chair, LWVMN
RE: Women's Correctional Facility
DATE: January 18, 1982

The 1981 State Convention of the League of Women Voters of Minnesota gave direction to the state board by passing "a Call to Action directed to the Minnesota Legislature, the Governor, and the Department of Corrections, urging immediate funding in the next biennium for a new Minnesota Correctional Institution for women. The facility in its present condition has inadequate security, severely limited recreational and educational opportunities, and the present facility is unsafe and inferior to other state correctional facilities."

LWVMN will lobby for a new facility this legislative session. The LWVMN position on corrections states that we support "a correctional system responsive to the needs of the individual offender and society." At the January LWVMN Action Committee meeting criteria for a women's correctional facility were adopted. The criteria were not numbered to indicate degree of importance. The committee agreed it was important to work for a total satisfactory answer to women's problems and not support short-sighted make-do efforts to quickly correct the most pressing problem of safety. League legislative interview responses show most legislators agree that something needs to be done for the female offender and that the present facility at Shakopee in its present condition does not meet the needs. Our efforts must deal with the needs of the female offender in order to give her a facility and programs equivalent to the male offender, despite the financial situation of the State of Minnesota.

Two publications by the Department of Corrections, Legislative Report - Institutional Placement of the Women Offender 1979 and Minnesota Correctional Facility for Women Preliminary Planning Report 1981 will give you and/or your legislator more complete information.

Because the crimes of women are generally less serious and their criminal histories less dramatic than men, women have often been the victims of neglect and discrimination within the correctional system.

The criteria adopted by the Action Committee are:

- A. A 'women only' facility
- B. Firesafe buildings with adequate heat and water
- C. A secure facility
- D. Convenient accessibility to families
- E. Space available for programs
- F. Space available for recreation
- G. Public transportation available
- H. Compatible with community
- I. Community resources available
- J. Consideration of relocation of present employees

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The rationale for the criteria follows:

A. A women only facility: the criminal histories of most female offenders are involved with and related to men. Their crimes show a pattern of direct instigation by a man or their willingness to commit a crime to provide for or please a man. A problem facing most women offenders is their extreme sense of dependence. Their lack of self-determination often leads the women to seek direction through someone else, most frequently a man. In a co-corrections setting women unthinkingly find themselves willing to meet male demands. They seek protection, guidance from male inmates. At the federal correctional institution at Fort Worth, Texas, there is a report of pimps selling "their women" within the institution. In a state where there is only one institution for women there would be nowhere to move a female who could not fit into the co-correctional system. Co-corrections refers to the placement of adult males and females in the same correctional institution. Institutions implementing a co-correctional system do so expecting to have a more normal environment where there is reduced violence, better adjustment to the institution. It is hoped that shared programs can result in reduced cost. The largest single problem faced by these institutions was control of sexual activity between male and female inmates. In some institutions it consumed the largest proportion of staff time, and was the most oppressive feature of that institution. Despite all sanctions and surveillance, sexual relations do take place, resulting in increased costs and damaged staff morale and higher staff turnover.

B. Firesafe buildings with adequate heat and water: this speaks for itself. The Shakopee institution is in poor physical condition as noted by the Penal Administration Committee of the MN District Court Judges Associations in a March 1979 report. The report stated that "We are all disappointed with the Shakopee facility. It is badly in need of repair." According to the 1980 report to the Legislature, it is the opinion of the Department of Corrections Administration that the present facility at Shakopee is inadequate to meet the needs of the women offenders committed to the Commissioner of Corrections. The facility is in poor condition and needs to be substantially renovated or totally replaced. There is a need for provisions for the physically handicapped.

C. Security: to keep people out and allow freedom of movement within. Escapes have been excessive. Inmates cannot move freely on grounds without supervision. It is necessary for a women's facility to have control of who comes into the institution as well as of movement of those within. There are seven secure segregated cells at Shakopee.

D. Convenient accessibility to families (70% of female offenders within the Shakopee facility are mothers of minor children): because most are poor, the investment in transportation time and money to see their mothers should be as little as possible. Contact with families is very important. Few women have intact marriages. Most of these children were living with mothers at the time of incarceration. Their care and development is of great importance to the women offender and a significant part of her life. Space for children's weekend visits and adequate parking is necessary.

E. Space for programs: the purpose of educational programs is to promote opportunities and provide resources in the social, vocational, academic and cultural areas for inmates. Space for work programs is needed to provide on the job training for those inmates that can benefit from it, while allowing them to earn a wage. The purpose of the programming activity is to assist incarcerated women in learning to function independently upon release through an integrated program of education, therapeutic, and supportive services. The present facility does not have space for programs of this scope.

F. Space for recreation: sadly lacking in the present facility. It is needed for improvement of overall mental and physical health of inmates which will contribute to building self-esteem. Outside secure areas are needed for sports activity and lounging and conversational activities.

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G. Public transportation: 80% of inmates are from the metro area. Public transportation for inmate's family and friends is needed. If inmates can be employed outside the institution, work placement would not be interrupted when they leave the institution.

H. Compatible with community: the present facility has community support. Community acceptance of inmate population and inmates' sense of acceptance by community are important.

I. Community resources: beside volunteers, this would include vocational school, college courses, work training, employment opportunities, medical services, and accessibility to any other community functions such as plays and theater.

J. Relocation of present employees: the rapport between staff and offenders at the Shakopee facility is a positive. Impact on the community and employees should be a factor if relocation is a consideration.

These points and previously mentioned resources will be helpful to League members when talking to their legislators. At the present, the House Appropriations Division on Health, Welfare and Corrections chaired by Don Samuelson (13A) is actively studying facilities for the woman offender. Vice chair is Shirley Hokanson (37A); members are R. Anderson (10B), Forsythe (39A), Rice (54B), Staten (56A), Den Ouden (21B), Reif (49B), M. Sieben (51B) and Wynia (62A). For information about this committee call the committee secretary at 296-4276.

LWVMN Criminal Justice lobbyists are lobbying on behalf of the state League. In addition, LWV of Shakopee has studied the adequacies of the facilities at the present institution. That study focused on two aspects: 1) the institution's ability to manage the state's female offenders and 2) the institution's impact on the local community. LWV Shakopee has requested and been granted permission by the state Board to present the results of their study to their legislators and legislative committee hearings dealing with the issue. The testimony in each instance will first be approved by the state Board.