



Commissioner's Office

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

May 11, 2022

Senator Warren Limmer
Minnesota Senate
95 University Avenue West, Room 3221
Saint Paul, MN 55155

Representative Carlos Mariani
Minnesota House of Representatives
479 State Office Building
Saint Paul, MN 55155

Chair Limmer, Chair Mariani, and Members of the Conference Committee on Senate File 2673:

As we are all aware, the stakes for ensuring public safety for all Minnesotans are high. We share the goal of creating a safer state, now and always. The opportunity to invest in what works - in evidence-based, proven policies – is more critical than ever. It is within this context that the Department of Corrections (DOC) shares its perspective on Senate and House positions on the omnibus judiciary and public safety bill before you today.

A comprehensive response to crime is critical because, as you know, over 95% of those who are in our prisons will return home to our communities and our safety depends on their successful reintegration. The DOC's stated mission is to transform lives for a safer Minnesota. In accomplishing this goal, I urge conferees to invest in strategies to rehabilitate those who are incarcerated and will reenter our communities, and not simply focus on adding more time to sentences.

Instead of investing in evidence-based proposals to make our communities safer, the Senate position focuses on expanded prison sentences. At the same time, the language does not consider the impact those changes have on the staff and the state's prison facilities, nor the long-term impact on what actually makes Minnesotans safer. These provisions come at a profound economic cost to the state and, in the long term, will stretch well beyond the existing capacity of our prison facilities.

The approximate collective bed impact of the Senate position is below.

Fiscal Year	Number of Additional Beds	Cost of Additional Beds
2023	261	\$2,493,000
2024	706	\$8,355,000
2025	1,100	\$15,015,000
2035	2,288	\$36,060,000

While it is the prerogative of the legislature to increase criminal sanctioning, we must be clear on the burden it puts on taxpayers. **Importantly, the information above does not consider costs when the DOC meets and exceeds its current operational capacity** which could occur as early as Fiscal Year 2025. At that point, the DOC will likely be forced to rent jail beds. In ten years, the impact of this bill will increase the state's prison population by more than the total capacity of our largest prison. **The impact of this will require a new prison be built, costing hundreds of millions of dollars. Similar to the staffing crisis in law enforcement, there is also a staffing crisis in our state prisons and many of our county jails, and this bill would exacerbate that crisis.**

Alternatively, the House position includes a number of proposals that invest in evidence-based programs and systems to help ensure there are fewer victims of crimes in the future. These proposals were thoughtfully developed with the ultimate goal of creating safer communities, reducing crime, and holding those who commit crime accountable. Because the Senate has not provided an opportunity for a hearing on these requests from the DOC proposals, below is information on the department's priorities.

- **Statewide Public Safety Data Infrastructure (In House position): \$12M in FY23 and \$35M in FY24/25**
The DOC and our systems across the state are incredibly rich with public safety data, but unfortunately, we are simultaneously information poor. This investment would accomplish two significant goals:

1. Replace critically antiquated DOC systems with data-driven service delivery. The needed upgrades are critical to responding to the 2020 OLA Report on Safety of State Correctional Facilities by creating more efficient, responsive, transparent data management systems.
2. Create a statewide hub of correctional supervision data for all counties and law enforcement partners. Approximately 100,000 individuals are on supervision across the state, yet Minnesota lacks a uniform, reliable public safety information-sharing hub for correctional supervision for all 87 counties, the Judicial Branch, law enforcement, and the DOC.

Without this investment, the DOC is left with antiquated technology on safety and security, programming and treatment, and supervision, among many others. Often, the current platforms cannot be updated with modern tools and efficiencies, and many systems still use fax machines. This investment would allow the DOC to bring its data information systems into this decade and connect all system partners with shared information to keep Minnesotans safe.

- **Fully Fund the County Supervision Request from MACCAC and MACPO, Including a Funding Formula Fix (Partially in both House and Senate Positions): Full request \$26.2M in FY23 and \$77.6M in FY24/25**

The DOC's budget request fully funds the recommendations put forward by the partnership with all 87 counties and the three delivery systems to more equitably fund the state's supervision systems and implement evidence-based practices. The changes also **create one formula for supervision investments** for all counties, tribes, and the DOC and ensure effectiveness and equity across systems and across the state. The policy and future formula adjustments will be developed by a statewide committee, not by the Department of Corrections. The legislature would also maintain oversight of the recommendations in the near and long term, as it always has.

- While the House did not include the full recommended amount in FY 23, we appreciate the higher funding in FY 24/25 as well as the critical component of an evidence-based funding formula to resolve inequities in the system that will continue to persist into the future.
- The inclusion of funding in the Senate bill is appreciated. However, without a solution to the decades-long inequities through a unified formula, the bill misses the opportunity presented through the historic collaboration and agreement forged by counties over the past year.

- **Property Insurance Funding (In House position): \$650,000 in FY23 and \$1.3M in FY24/25**
Annual property insurance rates have increased by approximately 54 percent in FY2020 and have continued to increase significantly over the past two years. The DOC operates and maintains 11

state-owned correctional facilities across the state with a total of 336 buildings and has the responsibility to safeguard the state's assets. ***A failure to fund this proposal will create a deficit for the DOC.***

- **Pathways from Prison to Employment (In House position):** *\$3M in FY23 and \$9M in FY24/25*
The proposal will create a Public Safety and Economic Opportunity Unit to build pathways from training, education, and industry in prisons to job placements upon release. With workforce shortages and clear evidence on the public safety benefit of successful re-entry outcomes focused on employment, this investment meets many needs that our communities are facing. In Minnesota, 25% of those released from our prisons are going out homeless and the unemployment rate for individuals who have been incarcerated is 27%. The safety of our communities is impacted by these outcomes, and we must do more to invest in what works. The proposal would also allow for expanded partnerships with higher-education institutions for degree-track classes and expanded work release for education to those who qualify.
- **Body-Worn Cameras for DOC Corrections Officers and ISR Agents (In House position):** *\$1.5M in FY23 and \$2M in FY24/25*
Following recommendations outlined in the 2019 Office of Legislative Auditor Report on Safety in State Correctional Facilities, body-worn cameras will better ensure safety and transparency on behalf of department staff and the incarcerated population.
- **Family Support Unit and Investments in Meaningful Connections (In House position):** *\$1.78M in FY23 and \$3.56M in FY24/25*
Creates a Family Support Unit to ensure connections for the family members of incarcerated individuals and develop and partner on evidence-based programming with community members and organizations. Research consistently shows that family ties during incarceration significantly reduce the risk of reoffending – by up to 56%.
- **Development of a Healing House Model of Transitional Housing (In House position):** *\$150,000 in FY23 and \$300,000 in FY24/25*
The investment would provide a project manager to assist in the development of the Healing House – a model of supportive, transitional housing for justice-systems involved Native American women to begin their journey towards healing and housing stability. This temporary staff will build partnerships with the community, philanthropy, and connect the project with resources within MHFA, DHS, and the Missing and Murdered Indigenous Relatives Office at DPS.
- **Minnesota Rehabilitation and Reinvestment Act (In House position):** *Savings Anticipated*
The Minnesota Rehabilitation and Reinvestment Act (MRRA) requires the DOC to provide personalized assessments and rehabilitation plans for incarcerated people that, if meaningful engagement is shown, will result in earned incentivized release from confinement. 38 other states have similar earned release policies because they are evidence-based to show lower risk of re-offense by those who participate. This results in fewer repeat offenders and fewer future victims.

Savings to the state are then be reinvested equally in victim support services, crime prevention and intervention initiatives, community-based correctional programs, and the state's general fund.

- **Indeterminate Sentence Review Board (In House position):** *\$40,000 in FY23; \$80,000 in FY24/25*
The request creates a five-member board to replace sole-decision making by the commissioner of corrections. Minnesota is one of only four states where these decisions are made by one person, rather than a panel of experts.
- **Project Management (Included in House position):** *\$230,000 in FY23 and \$460,000 in FY24/25*
The request is for two project managers to ensure a more strategic, efficient, and collaborative approach across the agency.

The DOC greatly appreciates the inclusion by the Senate of a fund that would allow counties to be reimbursed for expenses incurred when transporting individuals to Minnesota in compliance with the Interstate Compact for Adult Supervision. The provision was developed by the DOC in coordination with the Minnesota Sheriffs' Association.

Finally, I would be remiss not to raise my concerns about the House position of using of the cash balance in the DOC's correctional industries program (MINNCOR) account. As you may know, the legislature established MINNCOR, "for the purpose of providing adequate, regular and suitable employment, educational training, and to aid" incarcerated individuals (M.S. 241.27) and mandated that MINNCOR be financially self-sufficient. As such, depletion of the \$7 million reserves of MINNCOR would damage the program and make its viability extremely difficult.

To truly hold people accountable and transform lives, we cannot simply be concerned with how much time people spend in prison or on supervision – we must also prioritize how that time is spent and how supervision is effectively provided upon release.

The DOC is committed to working together and investing in what works to keep Minnesotans safe. I appreciate your consideration of the proposals above and am available to provide more information upon request.

Sincerely,



Paul P. Schnell, Commissioner
Minnesota Department of Corrections