

Testimony from William Anderson, MCF-Faribault

Re: HF 2349 (HF 1078, Article 4)

Submitted by Jay Claire, TC IWOC

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My name is William Anderson, I am currently incarcerated at MCF-Faribault. First I would like to thank the chair and representatives of the committee for this opportunity to testify in regard to HF 2349 the MN Rehabilitation and Reinvestment Act. I also wish to acknowledge the work of the Incarcerated Workers Organizing Committee (specifically David Boehnke and Jay Claire) for their facilitation of my testimony and the testimony of other incarcerated persons, as well as their tireless work to ensure the rights and interests of incarcerated persons are represented fairly in the community and before legislative bodies. Thanks also to the Commissioner of Corrections, Paul Schnell, for his department's demonstrated interest in the reformation of mass incarceration per se.

This bill is an encouraging sign. Not least because it enjoys the support of the department as part of a sincere effort toward meaningful reform. There is a strong contingent within the incarcerated community that views the widespread dysfunction and ineffectiveness of our current system through a lens aimed toward discovery and implementation of solutions. There is unanimous agreement that the root cause of most problems in the DOC involves incarcerating too many persons for unmanageable lengths of time, stretching limited resources impossibly thin. Reducing overpopulation and reinvesting those resources is /the/ necessary first step in restructuring the department into a useful public safety apparatus.

Understanding the conditions that traditionally fuel criminality and mass incarceration it is appropriate to observe problems this bill does not address. This bill does not offer educational or vocational training for displaced workers. It does not disrupt the school-to-prison pipeline. It does not prioritize mental health as part of a universal health care package. It does not restructure funding for law enforcement. It does not dismantle systemic bias in prosecutorial discretion, nor address the need for

commonsense judiciary reform; nor could this or any other bill-made-law step back into our shared past and unmake the mistakes and failures of our society at large. It is under this observation that I direct your attention to what I see as the only significant failure in this bill, line 4.1, Sec. 5, [244.034] CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE RELEASE CREDIT.

We needn't spend time haggling over the reason for these exclusions. No elected representative of sound mind wants to be perceived as having opened the door to murderers or rapists or child molesters leaving prison "early", so to speak. And that's fine. We can agree to stipulate our respective squeamishness toward certain crimes.

We can ignore the cognitive moral dissonance in our belief that the aforementioned litany of social justice issues (that this bill does not address) could affect only one set of crimes and no others.

We can pretend that our unwillingness to critically face these crimes does anything but contribute to a worsening stigma that only exacerbates their negative impact on our society.

Instead I propose a compromise necessary to ensure this bill remains effective while promoting justice in the wholesale interest of actual public safety. Rather than make exclusion of certain offenses a statutory restriction, require this classification of incarcerated persons be reviewed on a case by case basis at the discretion of the commissioner or their designee.

In the interest of full disclosure, as a member of this class I offer the sentencing in my own case as just one example of why this compromise is appropriate. When I was charged in Ramsey County the prosecution offered me a plea bargain of ninety months. The sentencing guideline grid would have put me at no more than one hundred fifty-six months. However, because then and now I maintained that I am not guilty of any crime and exercised my constitutional right to trial as such, the prosecution sought an upward departure equaling two hundred fifty-eight months, which they won upon my conviction. Had I taken their deal not only would I be out of prison, but I would have finished the full term of my parole. If I had been sentenced according to the guidelines /as mandated by this state's legislature/ I would still be out and participating constructively in society (or

at the very least working and paying taxes commensurate with my education, work experience, and entrepreneurial history). Instead, not only am I still incarcerated, but I still have five and a half years remaining before my supervised release date. Which begs the question: exactly whose time am I doing right now, and to satisfy precisely which interest of the common good? Regardless of how you might feel personally or professionally about my case, or whether you believe my trial was fair, or my claims of innocence to be true, district attorneys across this state routinely weaponize sentencing guidelines, to secure via coercion and plea agreement, convictions that contravene the guidelines intent; at the expense of principles of justice, and at the expense of the taxpayers represented by this committee struggling to fund an efficient and effective department of corrections.

Right now there is a person incarcerated in a Minnesota prison who will be released and who will commit another crime that requires they be returned to the custody of the DOC. Perhaps for a lesser crime, perhaps for something worse. This is not a scare tactic but a statistical fact of crime in this state. As you consider those incarcerated persons who personify your greatest safety and recidivism concerns, those who will /definitely/ be released into the community; do you want reform that targets your concerns or do you want reform that disqualifies-by-statute those same persons into a neglected class within the already permanent underclass incarceration creates in our society? For as much as this bill as written will empower the department to accomplish something remarkable, it ironically disincentivises the very persons about whom we are apparently /most/ worried will re-offend. The fact of this bill before your consideration is an operative ask from the DOC for the tools to conserve and reallocate resources in a manner that significantly increases the likelihood that the aforementioned prisoner is well met with the intervention and programming necessary to effectively set them on an alternative path.

I have witnessed firsthand the difference that Commissioner Schnell has been able to effect with the limited means at his disposal. I trust his administration to implement the kind of reform to leave a lasting impact on the incarcerated communities of this state and in so doing a complementary legacy of public safety and social justice

reform. It should not require a /second/ act of congress to empower him or future commissioners with the discretion to do later what this bill aims to accomplish now for an excluded class of the persons committed to his authority.

Simply put, the current administration of the DOC deserves the opportunity to succeed or fail on their own merits rather than being forced to inherit previous generations worth of crippling systemic failure; whether due to ignorance, legislative paralysis, or outright disregard for the human cost in the community when the rehabilitative obligations of our prisons are left derelict.

In conclusion, and by way of acknowledging the fact of political consequences for working to repair systemic injustice, members of this committee and the legislature at large could be forgiven for the mistaken belief that doing nothing to solve distinctly Minnesotan problems of mass incarceration amounts to leaving well enough alone. Except that 'doing nothing' is very much a choice to leave a broken limb untreated and to make things much worse, and by inaction allow even more people to come to harm; some of whom have nothing directly to do with incarceration at all. You don't have to trust me or my years of life and witness in the Minnesota Department of Corrections, just listen to what I'm saying to you. The opportunity for meaningful and lasting criminal justice and public safety reform is before you today. This bill fundamentally improves outcomes while rescuing taxpayer dollars from the ineffectual failures of mass incarceration. Make no mistake; if you will not see these reforms through to become law the moral and political consequences of doing nothing will rest entirely with you.

Again, thank you very much for your time, and thank you in advance for your consideration of my testimony as you deliberate over these issues.