

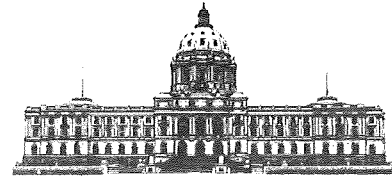
Ron Latz
State Senator

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February 26, 2016

Prison Population Task Force Members:

Over the past 7 months, the Prison Population Task Force has discussed a wide-range of options to consider in addressing Minnesota's growing prison population. I sincerely appreciate the work of all of the legislators and stakeholders who attended these meetings and the insight that they provided throughout the process.

I believe that more must be done to not only reduce the number of Minnesotans incarcerated, but also to provide a more fair sentencing structure and opportunities to help offenders be successful in their communities upon release. We must stop seeing offenders as merely numbers and instead recognize that nearly all of them will eventually return to the community as our neighbors and family members.

It will benefit public safety to assist them during and after incarceration to successfully rebuild their lives and become productive, tax-paying citizens. It will also save millions of taxpayer dollars if we take careful steps to reduce the prison population rather than build and maintain more concrete warehouses for offenders, especially when many of them are addicts who need treatment and support as much or more than they need to be physically separated from the community at large.

Minnesota must again become a leader in how our corrections system rehabilitates our fellow citizens. Below is a list of proposals I hope you will consider. I appreciate feedback you have on these changes. The Task Force will meet again on Wednesday, March 2, 2016 to discuss these and other proposals.

Corrections-Based Funding Proposals

- Fund the governor's bonding request to increase Challenge Incarceration Program (CIP) capacity at MCF – Togo and MCF – Willow River.
 - *Creates 75 additional CIP beds. Additionally, CIP allows for an early release option and contributes to a reduction in recidivism for participants.*

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- Fund the governor’s bonding request to create additional prison beds at MCF – Lino Lakes. However, require that the beds be dedicated to dual mental health and chemical dependency (CD) treatment.
 - *Creates 60 additional beds. Additionally, treatment is proven to help reduce recidivism rates.*
- Bond for the DOC to complete a pre-design to expand CIP further. Consider future changes to expand eligibility criteria for participants if necessary and/or advisable.
- Appropriate money to expand the DOC’s EMPLOY program – a program that helps released offenders find employment.
 - *EMPLOY is proven to reduce recidivism rates.*
- Appropriate approximately \$5 million for the DOC’s High-Risk Revocation Reduction (HRRR) Program – a re-entry program previously funded by a federal grant to provide services and assistance to adult male release violators who are being re-released into the community. Create hub centers in Minneapolis, St. Paul, St. Cloud, Rochester, and Duluth. Previously, there was only one hub funded by the federal grant, which was located in Minneapolis.
 - *The program targets high-risk violators who account for approximately one-third of all prison admissions each year. An assessment found that the HRRR Program reduced the risk of a new revocation by 28% as well as results in a 42% reduction in the risk of committing a new crime.*
- Appropriate money to the DOC for increased mental health and CD treatment services.
 - *Treatment is proven to reduce recidivism rates.*
- Appropriate money to the DOC to hire Rule 25 Coordinators at the Shakopee and Stillwater prisons. A Rule 25 Coordinator assists offenders to receive a chemical dependency assessment and access state-funded treatment upon release. Currently, both the Shakopee and Stillwater facilities do not have Rule 25 Coordinators.
- Appropriate money to the DOC to provide grants to community-based re-entry programs, halfway houses, and probation programs. Require that programs be evidence-based and proven to reduce recidivism. Structure grants to fund new programs and services and/or expand existing ones by supplementing, not supplanting, local funding.

Corrections-Based Policy Changes

- Amend law to allow offenders on probation to earn credits for compliance with the terms of their probation (i.e., good behavior) that reduces the overall probationary term. A few states are doing this and the DOC has considered it in the past. Also, consider the option for offenders on supervised release.

- Expand the early release program for non-violent drug offenders (Minnesota Statutes, section 244.0513). This is currently in SF 773. According to DOC, because completion of drug treatment in prison remains one of the criteria for early release, bed savings would be minimal unless DOC's treatment capacity is expanded.

Controlled Substance Sentencing Changes

- Take no legislative action on the proposed Minnesota Sentencing Guidelines Commission (MSGC) controlled substances changes to the sentencing grid. This allows them to take effect on August 1, 2016.
 - Allowing the changes to take effect is a very high priority of mine this year.
 - *Creates a 38 bed savings in 2017, 108 beds in 2018, and 170 beds in 2019. Bed savings would peak at 523 by 2028.*
- Amend law to make the MSGC controlled substances grid proposal (see above) retroactive (i.e., apply the changes to offenders whose crimes were committed before the proposal's August 1, 2016 effective date).
 - *Full application of the new Drug Offender Grid to both offenders awaiting sentence, regardless of the date of their offense, as well as offenders already in prison will result in a one-time prison bed savings apportioned over 9 years that declines over time. MSGC estimates a bed savings of approximately 340 beds in 2018. Bed savings are reduced to zero by 2027, as all offenders in the system by that time will have been sentenced under the new grid.*
- Amend law to adopt both of MSGC's legislative recommendations – creating enhanced crimes for possession of drugs in quantities significantly greater than those reflected in the existing first-degree thresholds and amending the 5th degree controlled substance crime by reducing possession of a trace amount of a controlled substance from a felony to a gross misdemeanor.
 - *MSGC estimates that the former change will reduce the bed savings in their grid proposal by 68 beds but can't give an estimate on the savings for the latter.*
- Amend the 5th degree controlled substance crime law. Consider the following alternatives:
 1. Make all 5th degrees gross misdemeanors.
 - *Creates a 284 bed savings in 2017, 380 beds in 2018, and 401 beds in 2019. Bed savings would peak at 553 beds by 2026.*
 2. Make all 5th degrees that are first-time drug offenses a mandatory stay of adjudication under section 152.18.
 - *Depending upon the circumstances of each case (some offenders may request an executed prison sentence), estimated bed savings is between 15 to 38 beds in 2017, 30 to 78 beds in 2018, and 45 to 116 beds in 2019.*
- Amend section 152.18 to make all the current permissive stays of adjudication

mandatory. This is currently in SF 773.

- *Creates a bed savings of 103 by 2026.*
- Repeal (or reduce) controlled substance crime mandatory minimums for repeat offenders. This (repeal) is currently in SF 773. MSGC estimates that this would result in a prison bed savings of 46 beds in 2017, 123 beds in 2018, and 153 beds in 2019.

Of note, there is overlap in some of these proposals and some may in whole or in part be mutually exclusive. Because of this, not all of the bed savings described could be realized cumulatively. Once a final proposal is drafted, a comprehensive fiscal note will be requested.

There is much more that must be done to reform our corrections system. I look forward to discussing this and other task force members' proposals on Wednesday.

Thank you, again, for your work on the Prison Population Task Force.

Sincerely,



Ron Latz