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# Background

## CHAPTER 1

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**M**innesota has historically had lower crime rates than the nation as a whole, and its rate of imprisonment is nearly the lowest among the 50 states. Nationally, many observers have praised innovative elements of Minnesota's criminal justice and corrections systems, such as the state's system of sentencing guidelines, its Community Corrections Act, and its commitment to rehabilitative programs for inmates. But today Minnesota's criminal justice system faces many of the same challenges that other states face, such as how to cost-effectively manage growing prison and probation populations and how to measure the outcomes of criminal justice interventions.

To provide a context for our discussion of recidivism in later chapters, this chapter provides background information on key parts of Minnesota's criminal justice system. We asked:

- **What crimes are considered felonies, and what types of sanctions do convicted felons receive in Minnesota?**
- **How do Minnesota's prison populations and expenditures compare with those of other states?**
- **Can measures of recidivism help policy makers assess progress toward important goals of Minnesota's criminal justice system?**
- **What programs do Minnesota prisons offer that provide inmates with opportunities for rehabilitation, and to what extent do inmates participate in these programs?**

## ADULT FELONS IN MINNESOTA

A felony is defined in Minnesota law as "a crime for which a sentence of imprisonment for more than one year may be imposed."<sup>1</sup> Felonies in Minnesota include offenses such as murder, criminal sexual conduct, robbery, aggravated assault, burglary, and theft of items exceeding \$500 in value. Felony offenses are considered more serious than gross misdemeanors, such as repeat drunk driving violations, or simple misdemeanors, such as disturbing the peace.

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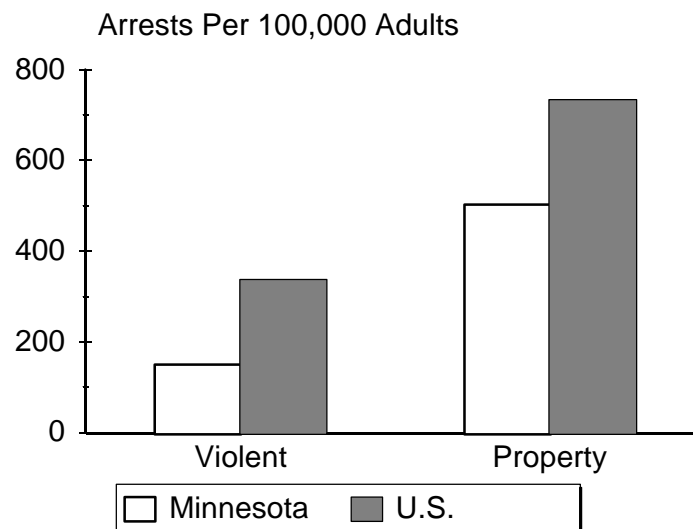
1 *Minn. Stat.* §609.02, Subd. 2.

Most felonies are considered “serious” crimes by the Federal Bureau of Investigation (FBI) for purposes of reporting crime statistics. Figure 1.1 shows 1994 rates of adult arrests for serious crimes in Minnesota and the United States.<sup>2</sup> It indicates that:

- **Minnesota had fewer arrests for serious crimes per 100,000 adults than the nation as a whole.**

**Minnesota has lower rates of serious crime than the nation as a whole.**

**Figure 1.1: Adult Arrests for Serious Crimes in Minnesota and the United States, 1994**



Sources: Minnesota Department of Public Safety, *Minnesota Crime Information, 1994* (St. Paul, 1995), 69; Federal Bureau of Investigation, *Crime in the United States*, (Washington, D.C., 1995), 227.

Minnesota had 150 adult arrests for serious violent crimes per 100,000 adults in 1994, compared with a national rate of 338 arrests per 100,000 adults. But the rate of adults arrested annually for violent crime rose faster in Minnesota between 1984 and 1994 (a 67 percent increase) than in the nation as a whole (35 percent). For serious property crimes, Minnesota had 503 arrests per 100,000 adults in 1994, compared to a national rate of 735 arrests per 100,000 adults. For Minnesota and the United States, the rates of adult arrest for serious property crime were about the same in 1994 as they were in 1984.<sup>3</sup>

Figure 1.2 shows that the number of felons sentenced by Minnesota courts increased 69 percent over the past decade, with 9,787 felons sentenced in 1994. In addition,

<sup>2</sup> The FBI defines serious violent crimes as murder/manslaughter, rape, robbery, and aggravated assault. Serious property crimes are burglary, larceny/theft, motor vehicle theft, and arson. Many drug crimes are felonies, but they are not considered “serious” crimes by the FBI.

<sup>3</sup> Not all crimes are reported to police, and in 1995 only 38 percent of reported serious violent crimes and 18 percent of reported serious property crimes in Minnesota resulted in an arrest. See Minnesota Department of Public Safety, *Minnesota Crime Information, 1995* (St. Paul, 1996), 55.

**Felony convictions increased over the past decade.**

**Figure 1.2: Adult Felons Sentenced in Minnesota, 1984-94**



Source: Minnesota Sentencing Guidelines Commission, *Sentencing Practices: Highlights and Statistical Tables* (St. Paul, February 1996), 9, 18.

- **The percentage of Minnesota felons sentenced to prison has remained relatively steady, at about 20 percent.**

Prisons operated by the Minnesota Department of Corrections incarcerate offenders with “executed” sentences that exceed one year. If the court decides not to execute a sentence, a felon may be given a “stayed” sentence and placed on probation. The requirements of a stayed sentence may include fines, up to one year of incarceration in a local jail, electronic monitoring, treatment, or a variety of other sanctions authorized by law.<sup>4</sup> If an offender violates the terms of probation, the court may revoke the probation and execute the sentence that was previously stayed.

Minnesota’s sentencing guidelines establish “presumptive sentences” for offenders convicted of felonies.<sup>5</sup> Based on the felon’s current conviction offense and previous criminal record, the guidelines indicate the presumed duration of the sentence and whether the sentence should be executed (resulting in imprisonment) or stayed. For instance, a convicted residential burglar whose record shows three previous burglary convictions would have a presumptive prison sentence of 29 to 31 months. The guidelines are presumed appropriate for all cases, but judges may

<sup>4</sup> *Minn. Stat.* §609.135, Subd. 1. Of the Minnesota felons who received stayed sentences in 1994, 81 percent were incarcerated in a local jail. But most felons spent relatively short periods in jail after sentencing, averaging 40 days in 1995.

<sup>5</sup> The 1978 Legislature authorized a system of sentencing guidelines for felons. The guidelines replaced an indeterminate sentencing system with presumptive, fixed sentences.

depart from the guidelines in cases involving “substantial and compelling circumstances.”<sup>6</sup> As shown in Table 1.1, 30 percent of offenders convicted of violent felonies in 1994 were sentenced to prison, compared with 17 percent of offenders convicted of property and drug felonies. Table 1.2 shows that the percentage of violent felons who went to prison ranged from 17 percent for felons with no “criminal history points” to 50 percent and higher for felons with three or more such points.

**Twenty-one percent of convicted felons went to prison in 1994.**

**Table 1.1: Percentage of Felons Sentenced in 1994 Who Were Imprisoned, By Offense Type**

| Type of Offense<br>For Which<br>Person Was<br>Convicted | Number<br>Sentenced | Percentage<br>Sentenced<br>To Prison |
|---|---------------------|--------------------------------------|
| Violent   | 2,881               | 30%                                  |
| Property  | 4,777               | 17                                   |
| Drug  | 1,692               | 17                                   |
| Other   | 437                 | 22                                   |
| TOTAL   | 9,787               | 21%                                  |

Source: Program Evaluation Division analysis of Minnesota Sentencing Guidelines Commission data.

**Table 1.2: Percentage of Violent Felons Sentenced in 1994 Who Were Imprisoned, By Prior Criminal History**

| Offender's<br>Criminal<br>History Score <sup>a</sup> | Number of<br>Violent Felons<br>Sentenced in 1994 | Percentage<br>Sentenced<br>to Prison |
|--|--|--------------------------------------|
| 0  | 1,519  | 17%                                  |
| 1  | 447  | 24                                   |
| 2  | 353  | 32                                   |
| 3  | 231  | 50                                   |
| 4  | 138  | 71                                   |
| 5  | 73   | 77                                   |
| 6+   | 120  | 88                                   |
| All violent felons                                   | 2,881  | 30%                                  |

Source: Program Evaluation Division analysis of Minnesota Sentencing Guidelines Commission data.

<sup>a</sup>Until August 1989, the Sentencing Guidelines Commission counted each prior felony as one point when computing criminal history scores. Since then, the commission has weighted prior felonies from one-half to two points, based on seriousness. In addition, offenders usually receive one point if they were under criminal justice supervision for a felony or gross misdemeanor when they committed the current offense. Previous misdemeanors and gross misdemeanors count for one-quarter of a criminal history point. When the points are totalled, any fractions of points in the sum are disregarded. Thus, 1.5 criminal history points would result in a criminal history score of one.

<sup>6</sup> Minnesota Sentencing Guidelines Commission, *Minnesota Sentencing Guidelines and Commentary* (St. Paul, August 1, 1995), 20.

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**Minnesota  
prison costs per  
state resident  
are low, but  
costs per  
inmate are high.**

Increases in the number of felony convictions and the length of sentences have led to growth in Minnesota's prison population. According to the state planning agency, Minnesota's prison population more than doubled over the last ten years, and it is expected to increase 45 percent by the year 2005.<sup>7</sup> Despite this increase,

- **Minnesota has had relatively low imprisonment rates and low prison costs per capita, compared with other states.**

According to the Bureau of Justice Statistics, Minnesota had 4,863 inmates in state prisons at the end of 1995, or 105 prisoners per 100,000 residents. This rate was lower than all states except North Dakota. The national rate (excluding federal prisons) was 378 prisoners per 100,000 population.<sup>8</sup>

Various organizations produce information on state prison costs by surveying state corrections departments. The surveys do not require uniform methods of reporting costs and are not independently verified, so the costs and relative rankings of individual states vary somewhat from one survey to the next.<sup>9</sup> Based on information gathered by one national publication (*The Corrections Yearbook*), we determined that Minnesota budgeted about \$40 per adult citizen for adult prisons in fiscal year 1995, while the national median was \$82 per adult citizen.<sup>10</sup> But data from this publication and others also indicated that:

- **Minnesota's prison costs per inmate were above the national average.**

For example, *The Corrections Yearbook* reported that Minnesota budgeted \$133 million to operate its adult institutions in 1995, or \$81 per day for each of the state's inmates on January 1, 1995.<sup>11</sup> This ranked Minnesota tenth highest among the 50 states and District of Columbia; the national median was \$59 per day per inmate.<sup>12</sup>

Several factors help explain Minnesota's higher cost per inmate. Because Minnesota imprisons a relatively small percentage of convicted felons, its inmate popula-

7 Minnesota Planning, *Paying the Price: The Rising Costs of Prison* (St. Paul, March 1996), 7.

8 Darrell K. Gilliard and Allen J. Beck, *Prison and Jail Inmates, 1995* (Washington, D.C.: U.S. Bureau of Justice Statistics, August 1996), 3.

9 Some states include capital costs in their survey responses, and others account for capital expenditures separately. States also differ in the ways they report expenditures for administration, contracted services, and housing for offenders in local jails (or jail inmates in prisons) to ease overcrowding.

10 Camille G. Camp and George M. Camp, *The Corrections Yearbook, 1995: Adult Corrections* (South Salem, NY: The Criminal Justice Institute, 1995), 48-49. Population data are from the U.S. Census Bureau. Minnesota ranked 47th among the states and District of Columbia, ahead of Rhode Island, West Virginia, North Dakota, and Idaho.

11 *The Corrections Yearbook, 1995*, 2-3 and 48-49. Information we obtained from the Minnesota Department of Corrections indicated that the fiscal year 1995 daily cost per inmate in adult institutions was \$82.65, or slightly higher than the Minnesota information reported in this publication.

12 Another survey listed Minnesota's fiscal year 1995 prison expenditures at \$138.9 million, or a daily cost per inmate of \$84.79. The median per diem cost for the 43 reporting states was \$51. See Amanda Wunder, "Corrections Budgets, 1994-1995," *Corrections Compendium* (January 1995), 5-16.

**High staffing and salary levels contribute to higher costs.**

tion contains a relatively high proportion of violent offenders who may require high levels of security. Thirty-seven percent of Minnesota offenders released in 1992 for the first time from their current prison sentence were in prison for a violent offense, compared with 26 percent of offenders released from other states' prisons.<sup>13</sup> Furthermore, 56 percent of Minnesota's prisoners on January 1, 1995 were in maximum or close security facilities, compared with 22 percent of other states' inmates.<sup>14</sup> The box at the right shows the security level for the majority of inmates at each of Minnesota's eight adult prisons.

Prisons with higher levels of security have higher costs, especially for prison staff. As of January 1995, Minnesota had 3.2 inmates per prison correctional officer, while the median state had 5.1 inmates per correctional officer.<sup>15</sup> In addition, Minnesota's entry level salary for its correctional officers was \$24,618 in January 1995, compared with a median of \$18,589 for all 50 states and the District of Columbia.<sup>16</sup>

| State<br>Correctional<br>Facility | Security<br>Level |
|-----------------------------------|-------------------|
| Oak Park Heights                  | Maximum           |
| Stillwater                        | Close             |
| St. Cloud                         | Close             |
| Faribault                         | Medium            |
| Lino Lakes                        | Medium            |
| Moose Lake                        | Medium            |
| Shakopee                          | Medium            |
| Red Wing                          | Minimum           |

Department of Corrections officials told us that Minnesota prisons provide a greater range of programs than other states' prisons, contributing to higher costs. There is no uniform national reporting on program expenditures, so we could not verify this.<sup>17</sup> Program costs accounted for about 13 percent of Minnesota's prison operating expenditures in fiscal year 1995.<sup>18</sup>

<sup>13</sup> The Minnesota percentages were based on data provided to us by the Department of Corrections. The national data were from Craig Perkins, *National Corrections Reporting Program, 1992* (Washington, D.C.: U.S. Bureau of Justice Statistics, October 1994), 41. The data excluded previously-released offenders who returned for violating the terms of their prison release. Thirty-six states reported on 199,149 first-time releasees in 1992. Minnesota also had a higher proportion of property offenders (47 vs. 34 percent) and a lower proportion of drug and "other" offenders (16 vs. 40 percent) than other states.

<sup>14</sup> *Corrections Yearbook, 1995*, 42-43. Security levels for California prisons were missing. Twenty-three percent of the nation's inmates and 6 percent of Minnesota's inmates were in "multi-level" facilities. Even if most of the multi-level beds were maximum or close security, Minnesota would still have a higher percentage of secure prison space.

<sup>15</sup> *Corrections Yearbook, 1995*, 83. The correlation between inmate-correctional officer ratio and inmate per diem costs for the 50 states and District of Columbia was  $r = -0.55$ .

<sup>16</sup> *Corrections Yearbook, 1995*, 80-81. Starting salaries can be misleading since the actual correctional officer payroll also depends upon the range of salaries, the length of time it takes to progress to the top of the range, and the length of tenure of current employees. Also, fringe benefits may differ among states. Nevertheless, the correlation between starting salary and per diem costs was  $r = 0.59$ .

<sup>17</sup> Based on information reported in a recent survey of state corrections agencies, Minnesota spent more per inmate (\$1,440) for prison education programs than any other state. See *Corrections Compendium* (December 1995), 12-17.

<sup>18</sup> Includes education, sex offender, chemical dependency, parenting, religious, independent living, recreation, American Indian, anger management, and prison industry (and other work) programs.

Among all Minnesota felons sentenced to prison in 1994, the median sentence was 30 months, and the average sentence was 51 months.<sup>19</sup> According to a recent national study,

- **The amount of time that Minnesota’s violent offenders spend in prison is above the national average.**

Minnesota’s average sentence length for violent offenders sentenced in 1994 was about the same as the national average, but Minnesota offenders have historically served a longer portion of their sentences in prison than offenders in most states. Minnesota violent offenders released from prison in 1994 had been incarcerated for an average of 52 months before release, compared with a national average of 43 months. A recent study estimated that the average Minnesota violent offender sent to prison in 1994 would serve a minimum of 88 months before release, which was the second longest among 27 reporting states.<sup>20</sup> The length of Minnesota’s felony sentences has grown significantly since 1987, largely reflecting legislative actions.<sup>21</sup>

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**The number of felons on probation has grown considerably.**

Minnesota relies on community-based corrections services for supervision of felony probationers and offenders on “supervised release” from prison. As of December 1995, there were 26,114 adult felons under community supervision in Minnesota, an increase of 60 percent in the past decade.<sup>22</sup> Most of the state’s adult felony probationers (78 percent) were supervised by county agents in the 31 counties that participate in the Minnesota Community Corrections Act.<sup>23</sup> In the remaining 56 counties, agents from the Department of Corrections supervised felons on probation and supervised release.<sup>24</sup> There are no statewide rules governing services for these offenders, so the types of programs and supervision vary considerably among Minnesota counties.

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<sup>19</sup> This does not include offenders who received life sentences. The median sentence better reflects the “typical” sentence length because it is not skewed by a relatively small number of very long sentences.

<sup>20</sup> Allen J. Beck and Lawrence A. Greenfeld *Violent Offenders in State Prison: Sentences and Time Served* (Washington, D.C.: U.S. Bureau of Justice Statistics, July 1995), 4-5. The average sentence length for offenders sent to prison in 1994 was 125 months in Minnesota, compared with 162 months nationally. Minnesota prisoners released in 1994 served 73 percent of their sentences, compared with a national average of 46 percent. There have been no recent national studies of prison time served by non-violent offenders.

<sup>21</sup> For example, in 1989 sentence durations in the guidelines were doubled for offenders who committed more serious felonies.

<sup>22</sup> Minnesota Department of Corrections, *1995 Probation Survey* (St. Paul, April 8, 1996), 7.

<sup>23</sup> *Minn. Stat.* §401.

<sup>24</sup> Office of the Legislative Auditor, *Funding for Probation Services* (St. Paul, January 1996), 31-69, discusses variations in the types of probation services provided throughout Minnesota. Based on a survey of service providers, the study found that a median of 90 percent of felony person offenders meet monthly with a probation officer, and a median of 60 percent of felony property offenders meet monthly with an officer. Most felons who are placed on probation receive stayed sentences of five years or less.

## RECIDIVISM AS A MEASURE OF PUBLIC SAFETY

**Public safety is one of several goals of Minnesota's criminal justice system.**

Minnesota's criminal justice system serves a variety of goals. For instance, Minnesota's sentencing guidelines for felons are built upon a **"just deserts"** philosophy: that the severity of an offender's punishment should be proportional to the severity of the crime committed (as well as the length of the offender's prior criminal record). Also, state law explicitly says that **punishment** is a goal of Minnesota's intensive community supervision and "challenge incarceration" (or "boot camp") programs.<sup>25</sup> In addition, the law authorizes Minnesota courts to require that convicted offenders pay restitution to their victims, consistent with a goal of **"restorative justice."**<sup>26</sup> **Through goals such as these, policy makers have attempted to develop a criminal justice system that holds criminals accountable for past offenses and imposes sanctions that fit the crimes.**

But Minnesota's laws also set goals related to criminals' future behaviors, not just sanctions for their past behaviors. In particular,

- **Protection of public safety is an important goal of Minnesota's criminal laws.**

According to state law, the Minnesota Sentencing Guidelines Commission's "primary consideration. . . shall be public safety" as it sets sentencing guidelines for the courts to follow.<sup>27</sup> Similarly, one of the two stated purposes of Minnesota's criminal code is:

To protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentences authorized, the rehabilitation of those convicted, and their confinement when the public safety and interest requires.<sup>28</sup>

As the criminal code indicates, public safety may be protected by various means. Incarceration is the most certain way to protect the public from convicted offenders, but it is also the most expensive sanction. Furthermore, incarceration protects the public during the period of time that an offender is locked up, but nearly all incarcerated offenders are eventually released back to the community. Among Minnesota felons sentenced to prison in 1994, the median sentence length was

<sup>25</sup> *Minn. Stat.* §244.14, Subd. 1; *Minn. Stat.* §244.171, Subd. 1.

<sup>26</sup> *Minn. Stat.* §609.10; *Minn. Stat.* §611A.04.

<sup>27</sup> *Minn. Stat.* §244.09, Subd. 5.

<sup>28</sup> *Minn. Stat.* §609.01, Subd. 1. The second purpose is "to protect the individual against the misuse of the criminal law by fairly defining the acts and omissions prohibited, authorizing sentences reasonably related to the conduct and character of the convicted person, and prescribing fair and reasonable postconviction procedures."



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**Public safety  
can be  
protected  
through  
incarceration,  
deterrence, and  
offender  
rehabilitation.**

30 months, and an offender with such a sentence who behaved well in prison could have been released after 20 months.<sup>29</sup>

The criminal code also aims to protect public safety through the “detering effect” of its sanctions. In other words, policy makers have hoped that citizens will abide by the law partly because they know (and fear) the serious consequences of criminal actions. For persons who have already committed criminal acts, policy makers hope that the threat of increasingly severe sanctions for repeated offenses will deter future crimes.<sup>30</sup>

In addition, Minnesota lawmakers have stated their desire to protect public safety through rehabilitative programs for offenders in prison and in the community. State law requires that the commissioner of the Department of Corrections “have wide and successful administrative experience in correctional programs embodying rehabilitative concepts,” and that the commissioner accept persons committed by the courts “for care, custody, and rehabilitation.”<sup>31</sup> By law, the commissioner must establish training programs that develop “more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes.”<sup>32</sup> The commissioner is authorized to establish prison industries that are “consistent with the proper training and rehabilitation of inmates.”<sup>33</sup> And the law requires the commissioner to develop model programs for female offenders, with the highest priority given to programs that “respond in a rehabilitative way to the type of offenses female offenders generally commit.”<sup>34</sup> Thus, while some people may question whether it is possible to help serious criminals to change their behavior, Minnesota law requires the Department of Corrections to strive for rehabilitation.

Recidivism rates—or the extent to which convicted offenders commit subsequent offenses—are an important and widely-used measure of the criminal justice system’s success in protecting public safety. Generally, policy makers and corrections officials hope that recidivism rates will be low, perhaps reflecting successful efforts to rehabilitate and deter offenders.

Recidivism rates should be interpreted with caution. They may be affected by factors beyond the control of a corrections agency (such as sentencing practices, law enforcement activities, and the speed of the court system), and they are not the

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29 Minnesota offenders sentenced to prison for offenses committed since August 1993 serve a “term of imprisonment” equal to two-thirds of their sentence, and they may serve additional time for discipline violations. The remainder of the sentence is spent in the community, on supervised release.” Offenders sentenced for crimes before August 1993 serve terms of imprisonment equal to the sentence length minus “good time” earned for good behavior. Offenders can earn one day of good time for each two days that disciplinary rules are not violated.

30 An offender’s criminal history is one of two factors used to determine the presumptive sentence under Minnesota’s sentencing guidelines. For instance, the guidelines presume that a house burglar convicted for three prior burglaries will be imprisoned, while a burglar with fewer such convictions will not.

31 *Minn. Stat.* §241.01, Subd. 1, 3a.

32 *Minn. Stat.* §241.01, Subd. 5.

33 *Minn. Stat.* §243.88, Subd. 1.

34 *Minn. Stat.* §241.70, Subd. 2.

only important measures of the criminal justice system's performance or the public's safety from crime.<sup>35</sup> Furthermore, higher recidivism **might** be desirable in cases where recidivism is measured by "technical violations" rather than new offenses. For example, a court may choose to imprison a probationer for repeatedly failing drug tests, even if the probationer has been convicted of no new crimes. If the probation agency measured recidivism as the percentage of probationers who were subsequently imprisoned for any reason (including technical violations), the court's action would increase the recidivism rate--but with the intent of holding the offender accountable and preventing him from committing serious crimes.

In general, however, measures of repeated criminal behavior can help decision makers evaluate the adequacy of criminal sanctions and correctional programs. As the head of a large Minnesota community corrections agency recently wrote:

It is [correctional agencies'] own behaviors, attitudes, and priorities that ultimately make a difference over whether an offender is likely to decide to change his/her behavior, and whether he/she can succeed in making it happen over time. To suggest that our responsibility begins and ends with providing the offender with the opportunity for change minimizes our obligation to alter our interventions for better results.<sup>36</sup>

## PROGRAMS IN MINNESOTA PRISONS

**Prison programs are intended to keep offenders busy and reduce their risk of reoffending after release.**

Most Minnesota inmates participate in work, education, treatment, or other programs during their prison terms. Early in our study, top officials in the Department of Corrections told us that an important goal of prison programs is to reduce recidivism. In fact, the department has told legislators that one of the reasons that Minnesota spends more per prison inmate than most states is "programs that reduce. . . the risk inmates present to the public upon release."<sup>37</sup> Prison programs also serve purposes besides recidivism reduction. For instance, some department staff told us that prison programs are valuable mainly because they keep inmates busy in constructive activities, thus reducing the number of disciplinary problems that might endanger the safety of inmates or prison staff.

We did not study the impact of prison programs on inmate discipline or prison safety, but we examined research literature regarding the impact of programs on recidivism (Chapter 2) and analyzed the recidivism rates of selected groups of Minnesota program participants (Chapter 3). To provide a context for these discussions, this section briefly describes Minnesota's prison programs.

<sup>35</sup> For instance, recidivism rates do not measure whether punishments are fair and appropriate whether sanctions adequately compensate victims and communities for the harm caused by offenders. In addition, there are better measures of the overall level of public safety, such as rates of crime and arrests per capita.

<sup>36</sup> Mark Carey, "Recidivism--Let's Reduce It!," *Perspectives* (Summer 1995), 7.

<sup>37</sup> Memorandum, Commissioner Frank W. Wood to Senator Tracy Beckman, "Per Diem Information," March 28, 1995, 1. The memo also cited staff salaries, utility costs, and the high percentage of inmates in maximum and close custody facilities as possible reasons for high per diem expenditures.

We surveyed the wardens of each Department of Corrections prison to determine the number of inmates in prison programs, as of October 1, 1996. In order to focus the survey on those activities that consume the most staff and inmate time, we asked wardens to indicate the number of offenders who participated in programs for at least 10 hours a week. As shown in Table 1.3,

- More than 40 percent of inmates were employed, making prison employment the most common inmate activity.

**Table 1.3: Inmate Participation in Correctional Facility Programs, As of October 1, 1996**

| PROGRAM <sup>a</sup>   | Inmates Engaged in Activity At Least 10 Hours Per Week |                       |
|--|--|-----------------------|
|  | Number of Inmates <sup>b</sup>                         | Percentage of Inmates |
| Employment in prison industry, prison services, or other work    | 2,130  | 42.4%                 |
| Vocational education   | 496  | 9.9                   |
| GED/high school preparation, ESL, or other adult basic education | 405  | 8.1                   |
| Literacy education   | 358  | 7.1                   |
| Residential chemical dependency program                          | 237  | 4.7                   |
| Residential sex offender program                                 | 196  | 3.9                   |
| Academic postsecondary education                                 | 180  | 3.6                   |
| Challenge incarceration program                                  | 55   | 1.1                   |
| Non-residential chemical dependency program                      | 46   | 0.9                   |
| Work release   | 36   | 0.7                   |
| Residential mental health program                                | 27   | 0.5                   |
| Non-residential sex offender program                             | 19   | 0.4                   |
| REASON FOR NOT PARTICIPATING IN A PROGRAM AT PRISON              |  |                       |
| Idle, due to institution's lack of a work assignment             | 422  | 8.4                   |
| Assigned to "receiving and orientation" status                   | 278  | 5.5                   |
| In segregation for disciplinary reasons                          | 278  | 5.5                   |
| Housed at other facilities due to lack of space at the prison    | 262  | 5.2                   |
| Refused to work or participate in programs                       | 214  | 4.3                   |
| Not expected to work due to age or disability                    | 75 <sup>c</sup>  | 1.5                   |

Note: Inmates in this table may be double-counted if they participated in multiple activities for more than 10 hours a week each. In addition, prison staff told us that a relatively small number of the 214 inmates who "refused to work" were among the 278 inmates "in segregation for disciplinary reasons."

Source: Program Evaluation Division survey of institution wardens, October 1, 1996.

<sup>a</sup>"Residential" programs are those in which offenders live in units that are separate from the institution's general population.

<sup>b</sup>The wardens reported that 5,021 inmates were assigned to their institutions, as of October 1, 1996. This included the 262 inmates who were incarcerated in local or private facilities due to crowding at Department of Corrections facilities. Some local or private facilities offer very limited programs for inmates, while others provide more options.

<sup>c</sup>All 75 inmates are from the Faribault facility's Linden Unit, which houses inmates who are over age 55 or have health problems. We did not ask institutions other than Faribault to identify persons excused from work for these reasons, but the numbers are probably small.

**Most inmates participate in prison programs.**

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**New inmates  
are assessed  
and may be  
assigned to  
programs.**

According to the wardens, about 20 percent of inmates did not work or participate in other prison programs. Reasons included a lack of sufficient jobs for inmates, inmates' refusal to participate in prison programs, and the segregation of inmates who violated facility rules. Due to shortages of prison space, the department housed another 5 percent of inmates at local or private correctional facilities, and some of these facilities offered programs or work opportunities for inmates while others did not.

In addition, nearly 6 percent of inmates were in "receiving and orientation" status--that is, they were newly imprisoned and undergoing staff assessment and evaluation. All newly-admitted inmates receive psychiatric evaluations and have their education skills assessed. Selected inmates are given sex offender and chemical dependency assessments, and the assessors may require offenders to participate in prison treatment programs.<sup>38</sup> All inmates are required by law to work, except for inmates who are ill, physically disabled, or in education or treatment programs.<sup>39</sup> Inmates whose commitment offenses occurred after August 1, 1993 may have to serve a period of "disciplinary confinement"--in addition to their "term of imprisonment"--if they refuse to participate in work, treatment, or other rehabilitative programs.<sup>40</sup>

As shown in Table 1.4, five prisons operate **chemical dependency (CD) programs** in which participants live in a separate unit of the prison. By housing inmates separately, the facilities hope to produce a more supportive, therapeutic environment that helps keep offenders focused on their treatment goals. These programs range in length from three months to about a year, provide up to about 33 hours of CD-related services weekly, and rely largely on a group therapy model. Generally, these programs have operated at capacity and have had waiting lists for admission. For instance, staff at the Stillwater correctional facility told us that about 400 inmates were on a waiting list for the prison's 28-bed CD treatment program in mid-1996. A new treatment facility opened at the Lino Lakes facility in late 1996, and department staff expect that its 232 beds will significantly reduce inmate waiting lists. In addition to the treatment programs shown in Table 1.4, all Minnesota prisons except Oak Park Heights have CD counseling or support groups for inmates with chemical use problems who have been through the more intensive treatment programs or who do not require intensive treatment.

Four Minnesota prisons--shown in Table 1.4--have **sex offender treatment programs** whose participants live together in a separate unit of the prison. Staff told us that the programs at St. Cloud and Stillwater tend to serve sex offenders with relatively short sentences or those imprisoned for less serious offenses, and these programs emphasize classroom instruction more than group therapy. In contrast, the Lino Lakes correctional facility offers a self-described "intensive" sex of-

38 Memorandum, Deputy Commissioner James H. Bruton to all institution heads; "Guidelines for Programming Directives," October 9, 1995. The memo requires evaluations for (1) sex offenders, (2) "public risk monitoring" offenders, and (3) selected offenders who are not "public risk monitoring" cases but whose offense involved death, substantial bodily harm, a weapon, or terrorizing behavior, and offenders for whom the institution's review team believes there is reason for intervention.

39 Minn. Stat. §243.18, Subd. 2.

40 Minn. Stat. §244.05, Subd. 1b. For an explanation of "term of imprisonment" and practices before 1993, see footnote 29.

**Table 1.4: “Residential” Chemical Dependency and Sex Offender Programs in Minnesota Prisons**

| Facility   | Program Type        | Capacity | Typical Length (months) | Percent of Those Who Left Program in 1995 Who Completed It |
|------------|---------------------|----------|-------------------------|--|
| Stillwater | Chemical dependency | 28       | 3                       | 65%  |
| Lino Lakes | Chemical dependency | 232      | 2 to 12                 | NA   |
| St. Cloud  | Chemical dependency | 25       | 3                       | 67 <sup>a</sup>  |
| Faribault  | Chemical dependency | 92       | 9                       | 92 <sup>b</sup>  |
| Shakopee   | Chemical dependency | 32       | 3                       | NA   |
| Stillwater | Sex offender        | 36       | 8 to 10                 | 49   |
| Lino Lakes | Sex offender        | 110      | 9 to 18 <sup>c</sup>    | 64   |
| St. Cloud  | Sex offender        | 20       | 12                      | 31   |
| Moose Lake | Sex offender        | 50       | 18 to 20                | 34   |

NA = not available.

Source: Program Evaluation Division interviews with Department of Corrections staff. "Residential" programs are those in which offenders live in units that are separate from the institution's general population.

<sup>a</sup>Staff's rough estimate of the percentage of inmates who completed the program on their first try.

<sup>b</sup>Based on those who left program in June to December 1995.

<sup>c</sup>Nine months for inmates who only participate in the "transitional" program; 18 months for those who take the "transitional" program after participating in the "intensive" program.

fender program with emphasis on group therapy, in addition to a "transitional" program aimed at helping graduates of treatment programs to prepare for their return to the community. The Moose Lake facility's program specializes in sex offenders who have low intelligence, mental illness, or poor social skills. The content of this program is similar to the "intensive" program at Lino Lakes, except that it proceeds at a slower pace and uses an approach known as "plethysmography" to test the sexual arousal patterns of offenders. In addition to these programs, the Shakopee prison has a three-year curriculum for female sex offenders that involves group therapy and three hours of coursework per week, plus individual therapy as needed. Participants in this program do not live in a separate unit of the prison.

All of Minnesota's prisons offer **education services** to inmates.<sup>41</sup> Among offenders released from Minnesota prisons in 1992, 35 percent had entered prison without a high school degree or equivalent. According to Department of Corrections policy, *literacy programs* are to be "a first priority" among prison education programs.<sup>42</sup> Inmates who cannot read at the eighth grade level are encouraged to enroll in literacy programs and can lose privileges--such as pay raises for prison employment--for failing to do so. Inmates may also study for *general educational development* (GED) certificates while in prison; 309 inmates obtained their

<sup>41</sup> One facility (Lino Lakes) did not offer education programs other than evening literacy tutoring until 1992.

<sup>42</sup> Department of Corrections Policy 3-504.8.

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**Prisons provide  
a variety of  
education  
options.**

GED certificates in fiscal year 1995.<sup>43</sup> Inmates at six of the prisons can earn diplomas, certificates, or associate degrees in *vocational education*, as shown in Table 1.5, and inmates at the other two prisons can take individual vocational courses. Some vocational courses are taught by prison staff, while others are taught at the prison by contracted instructors from nearby colleges or other organizations. In fiscal year 1994, 53 inmates received vocational diplomas or certificates from Minnesota technical colleges, and others earned credits that could be used toward such awards. A limited selection of *academic post-secondary education* courses are provided on-site at five prisons (Lino Lakes, Oak Park Heights, St. Cloud, Shakopee, and Stillwater), and inmates at any prison can arrange to take correspondence courses for college credit. A non-profit organization provides a six-month course in *computer programming* for interested offenders at the Lino Lakes facility and subsequently hires inmates to provide programming services to local businesses. In addition to the education programs mentioned above, the correctional facilities offer a variety of individual classes in areas such as critical thinking skills, anger management, and parenting.

The amount of time that inmates spend in school ranges from about one to seven hours each weekday.<sup>44</sup> Only one prison (Oak Park Heights) has a separate living unit for persons enrolled in education programs. Inmates are paid \$0.40 to \$1.00

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**Table 1.5: Vocational Education Programs and Prison Industries in Minnesota Prisons**

| <u>Institution</u> | <u>Vocational Programs<br/>Offering Diplomas,<br/>Certificates, or Degrees</u>  | <u>Prison Industries</u>   |
|--------------------|---|--|
| Shakopee           | Electronic office<br>Desktop publishing<br>Horticulture <sup>1</sup><br>Construction technology   | Data entry<br>Textiles<br>Telemarketing<br>Computer-aided drafting<br>Assembly<br>Market research  |
| Stillwater         | Welding <sup>1</sup><br>Machine technology <sup>1</sup><br>Carpentry <sup>1</sup><br>Horticulture <sup>1</sup><br>Building cleaning, repair <sup>1</sup><br>Microcomputer specialist <sup>1,2</sup> | Metal products<br>Furniture<br>Modular office furniture<br>Upholstery<br>Wood products<br>Truck and auto repair<br>Delivery and installation |
| Lino Lakes         | Accounting<br>Computer information processing<br>Presentation graphics<br>Small business management<br>Culinary arts <sup>1</sup>   | File folders<br>Copy machine ink cartridge<br>recycling  |

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<sup>43</sup> To receive a GED certificate, a person must demonstrate proficiency in five areas--social studies, science, literature, writing, and math. Some inmates who already have high school diplomas or GEDs enroll in adult basic education courses to improve their skills in particular areas.

<sup>44</sup> At Shakopee, inmates spend no more than two hours per day in education, and one hour is typical. At Faribault, nearly all inmates in the education programs attend school for seven hours a day.

**Table 1.5: Vocational Education Programs and Prison Industries in Minnesota Prisons, continued**

| <u>Institution</u> | <u>Vocational Programs<br/>Offering Diplomas,<br/>Certificates, or Degrees</u>   | <u>Prison Industries</u>   |
|--------------------|--|--|
| St. Cloud          | Auto body repair<br>Auto mechanics<br>Baking<br>Barbering<br>Graphic arts (printing)<br>Furniture finishing<br>Masonry<br>Meat cutting<br>Painting and decorating<br>Small engine repair<br>Upholstery<br>Welding  | Printing<br>Upholstery<br>Graphics (license plate stickers)<br>Furniture<br>Mattress manufacturing<br>License plates   |
| Faribault          | Building care <sup>1</sup><br>Cabinetmaking <sup>1</sup><br>Landscape design <sup>1</sup><br>Greenhouse technology <sup>1</sup><br>Small business management <sup>1</sup><br>Upholstery <sup>1</sup><br>Mechanical engineering drafting <sup>1</sup><br>Wood carving | Wood furniture<br>Vehicle refurbishing   |
| Moose Lake         | Barbering <sup>1</sup><br>Horticulture <sup>1</sup>  | Printing<br>Garment-making<br>Sign-making<br>Wood products<br>Fishing tackle assembly  |
| Oak Park Heights   | None   | Sewn products<br>Turned-edge products<br>Vinyl binders   |
| Red Wing           | None   | No prison industries operated by MINNCOR, but inmates must work full-time in one of the following work programs: land management, grounds maintenance, carpentry, food preparation, janitorial services, building maintenance. |

Source: Program Evaluation Division interviews with Minnesota Department of Corrections facility staff; list of active programs from Minnesota State Colleges and Universities.

<sup>1</sup>Indicates a program that has been approved by the board of Minnesota State Colleges and Universities and can be completed at the correctional facility.

<sup>2</sup>Facility offers an Associate of Applied Science degree program.

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**Employment is  
the most  
common  
inmate activity.**

for each hour that they participate in education programs. Inmates pay no tuition for literacy, adult basic, and vocational education, and the amounts charged for academic college courses vary by prison. For instance, inmates taking college courses at the St. Cloud facility paid for 50 percent of their tuition in fiscal year 1996, while inmates at other facilities paid little or no tuition for such courses.<sup>45</sup>

State law authorizes the Commissioner of Corrections to establish **correctional industries** in state prisons “for the primary purpose of providing vocational training, meaningful employment and the teaching of proper work habits to the inmates.”<sup>46</sup> Many inmates work in the prison industries shown in Table 1.5, which are administered by a private firm (MINNCOR). MINNCOR develops industries in the prisons, oversees their operations, and markets their products.<sup>47</sup> In addition, some inmates are employed by the correctional facilities in non-MINNCOR jobs, such as preparing prison meals and cleaning prison buildings.<sup>48</sup> Most inmates receive wages between \$0.40 and \$1.00 an hour, but inmates who receive favorable job evaluations may be eligible for wages up to \$2.20.<sup>49</sup>

State law requires the Department of Corrections to provide “appropriate **mental health programs**” for inmates.<sup>50</sup> All inmates are evaluated by mental health staff within five days of admission to the department’s custody, and they may be referred for services or additional evaluations by staff or themselves. The facilities have licensed psychologists and psychiatric social workers on staff, and most contract for the services of psychiatrists. A 22-bed inpatient unit at the Oak Park Heights facility accepts referrals of adult males from any of the state prisons and aims to stabilize inmates in crisis so they can be returned to their “home” facility.<sup>51</sup> For female inmates, there is a ten-bed residential mental health unit at the Shakopee prison. A 1994 report by the state ombudsman for corrections concluded that the department lacked adequate policies and practices for the diagnosis and emergency treatment of severely mentally ill inmates.<sup>52</sup> Subsequently, a committee appointed by the Commissioner of Corrections developed recommenda-

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45 Inmates paid \$5 per course at Oak Park Heights, and Shakopee inmates paid no tuition. At Lino Lakes, inmates admitted into the privately-operated “Insight” program work 32 to 40 hours per week doing telemarketing, and the company uses revenues from this activity to pay for inmate wages plus one or two college courses per quarter. The U.S. Congress recently made prison inmates ineligible to receive Pell grants, one of the primary forms of higher education financial aid.

46 *Minn. Stat.* §241.27, Subd. 1.

47 The institutions are responsible for placing inmates in industry work assignments. Some institutions have competitive hiring processes for specific industry positions, while other institutions have general waiting lists from which they assign inmates to the next available job openings.

48 All inmates at the Red Wing facility work full-time for the prison, not MINNCOR, in one of six job categories, and they live in residential units with their co-workers.

49 In addition, inmates who produce goods that are sold across state lines earn wages that are at or above minimum wage. For instance, some industry workers at the Stillwater prison earn \$5.00 an hour, and inmates who do telemarketing for a private company at the Lino Lakes prison earn as much as \$7.00 an hour.

50 *Minn. Stat.* §244.03.

51 Oak Park Heights staff told us that the unit serves offenders (1) with a major mental illness, (2) experiencing a “situational crisis,” or (3) who are “socially inadequate.”

52 Patricia Seleen, *Ombudsman for Corrections Investigative Report 94-1* (St. Paul, August 9, 1994), 43.



tions for improving mental health services, and department staff told us that most have been implemented.<sup>53</sup>

Inmates may apply to participate in a **work release program** when they are within eight months of their date of supervised release from prison. The program mainly serves inmates whose conviction offense was a property or drug offense.<sup>54</sup> Inmates accepted into the program live in county jails, halfway houses, or at home under electronic monitoring. Participants find unsubsidized jobs in the community, preferably the community where they will be released. Fifty-two percent of inmates admitted to work release in 1994 did not complete the program successfully, mainly because they absconded or violated program rules.<sup>55</sup>

In addition to these programs, all facilities provide inmates with opportunities to participate in recreation and religious activities. Also, one warden told us that the loss of freedom that inmates experience in prison can, itself, be a sort of “program” that influences the thinking and behavior of inmates. At the Oak Park Heights maximum security prison, for example, new inmates are initially assigned to their cells for 23 hours a day, have little contact with other offenders, and do not participate in education, work, or other therapeutic programs.<sup>56</sup>

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### Some inmates receive special monitoring after release.

Most inmates are released to the community from minimum or medium custody facilities, but some are released from more secure facilities. Prior to release, department staff consider whether an inmate’s release should be subject to any “special conditions.” For instance, offenders with histories of drug abuse might be required to submit to periodic drug testing, and sex offenders might be barred from contact with minors. Inmates who are considered threats to public safety may be designated by the department as “public risk monitoring” (PRM) cases. PRM cases are presumed to require more supervision and control than other offenders, perhaps with additional programming. Since 1990, probation offices in certain Minnesota counties have received special state funding for “intensive supervised release” programs that are specifically intended for PRM offenders, but PRM cases can also be supervised through day programming or electronic monitoring.<sup>57</sup> The Department of Corrections has kept no central list of offenders who have been designated as PRM cases, but staff estimated for us that 31 percent of offenders released during fiscal year 1996 were PRM offenders.

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53 Mental Health Services Review Committee *Mental Health Services for Adult Inmates in Minnesota Correctional Facilities* (St. Paul, September 14, 1995); Department of Corrections Implementation Committee, *Implementation of Recommendations From Report on Mental Health Services for Adult Inmates in Minnesota Correctional Facilities* (St. Paul, July 1, 1996).

54 In 1994, the Department of Corrections denied admission to 63 percent of work release applicants.

55 According to department records, only 3 of 492 inmates admitted to the program in 1994 were terminated because of a new offense. In contrast, 119 absconded, and 131 failed due to technical violations.

56 Facility staff told us that the typical stay in this type of segregation is about three months.

57 By law, the caseloads of intensive supervised release (ISR) agents may not exceed 15 offenders. Four of the department’s nine district offices have ISR agents, as do Hennepin, Ramsey, Anoka, Washington, and Dakota counties. The department places high risk offenders in halfway houses, but only for as long as it takes for them to find employment and housing.

If an inmate on supervised release violates the conditions of release or commits a new offense, the inmate's supervising agent is supposed to report this to the Department of Corrections. The department may revoke the supervised release, thus returning the offender to prison. According to department staff, the duration of most reimprisonments following revocation is 120 days or less. If the department does not revoke supervised release, it may "restructure" the terms of release and return the offender to the community.