

Crumbling Conditions Create Crisis in Minnesota Prisons: *Under-resourced prisons are not serving Minnesota's public safety needs.*



This brief report highlights opportunities for Minnesota to discontinue the counterproductive practice of deferring maintenance by updating facilities and replacing obsolete prisons to protect the safety and health of staff and incarcerated people.

Introduction

Minnesota prisons, under-resourced for decades, are crumbling. As a state, we must develop a strategy and dedicate resources to upgrade and maintain prisons, including replacing those that are unsafe and cannot be adequately rehabilitated.

In conjunction with a funding strategy, policymakers should continue to explore alternatives to incarceration when public safety is not compromised. For those who must remain incarcerated and for the many dedicated staff who unflinchingly report to work under less than desirable conditions, upgrading, maintaining, and in some cases building new facilities, is critical to ensure the health and safety of incarcerated people and staff.

Background

The Department of Corrections (DOC) is responsible for the safety and wellbeing of approximately 8200 adult incarcerated people and 4200 corrections staff.¹ Across the nation, county, state, and federal correctional facilities are deteriorating, creating unsafe conditions for incarcerated people and staff. In Minnesota, the Legislature requires the DOC to license and inspect local facilities and inspectors can sunset local facilities after they are beyond their useful life. There is no such oversight mechanism for state facilities.²

The Department of Justice Office of the Inspector General released a report in May of 2023 describing the dire state of the Bureau of Prisons' institutions stating that funding needs and resources do not align.³ Similarly, the Office of the Legislative Auditor (OLA) *Safety in Corrections* 2020 evaluation report included in its key recommendations, the necessity for a strategy and funding to address the infrastructure and safety needs in Minnesota prisons.⁴

Highest Needs Facilities

In particular, the OLA urged DOC to present the Legislature with long-term plans for rehabilitating or replacing the residential units at St. Cloud and Stillwater prisons. Both prisons have tiers of stacked, open front-cells four or five stories high that were built more than 100 years ago.

¹ Minnesota Department of Corrections. "Performance Report 2023." https://mn.gov/doc/assets/2023%20DOC%20Performance%20Report_Accessibility_Final_v2_tcm1089-608441.pdf.

² The [State Correctional Facilities Security Audit Group](#) was created by the Legislature in 2021 to provide a mechanism for developing and auditing security standards, and provide a layer of oversight. However, it does not have an enforcement or sunset mechanism.

³ Department of Justice Office of the Inspector General. "Audit of the Federal Bureau of Prisons' Efforts to Maintain and Construct Institutions." May 2023. https://oig.justice.gov/sites/default/files/reports/23-064_1.pdf.

⁴ Office of the Legislative Auditor. "Safety in State Correctional Facilities." 2020 Evaluation Report. auditor.leg.state.mn.us/ped/pedrep/prisonsafety.pdf.

Photos from 1908 and 1950 show tiers of cells at MCF-Stillwater as you would find them today in 2024.



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The OLA report noted that the state will have to “substantially reinvest in these facilities if it is to keep using them” and recommended that the DOC develop long-term plans for ending the use of residential units in these facilities as well as planning for the development and cost of new structures including target dates for rehabilitation or replacement. The current design features are outdated, increasing danger for both incarcerated persons and staff.⁶ A 2014 study for replacing the St. Cloud facility came in with a cost of 400 million dollars; however due to inflation, that is now likely as high as 1 billion dollars. The longer the funding for addressing these needs is delayed, the more costly they will become.

It is not only the prisons in St. Cloud and Stillwater that have significant needs. Every DOC facility has significant infrastructure needs: roof leaks, flooding, water filtration, tuckpointing for interior and exterior walls, and more. Deteriorating buildings pose significant safety risks, from loose and falling bricks that can be weaponized to staff resources focused on mitigating standing water rather than attending to primary programming and security responsibilities. Decades of under-resourcing has led to a deferred maintenance cost of \$720 million. The State needs to evaluate the benefit of preserving current structures against the cost of investing significant state resources into failing structures that do not best serve public safety needs or investment in new facilities. The DOC has committed asset preservation dollars as able

The financial and human cost of investing significant state resources into failing structures that do not best serve public safety needs must be considered.

⁵ Stitt, Anna. "Minnesota State Prison, Stillwater." MNopedia, Minnesota Historical Society.

<http://www.mnopedia.org/place/minnesota-state-prison-stillwater> (accessed February 13, 2024).

⁶ OLA.

and developed some studies to address this; however, Capitol Investment dollars cannot be used to fund these large and high need studies. Asset Preservation remains the top priority within DOC capital budget requests.

Safety

Our office is cognizant of the political realities that the State may face when evaluating corrections investment needs. Legislators may be accused of coddling incarcerated persons or alternatively, contributing to mass incarceration when investing in modernization and new facilities. It is not an overstatement that degraded prison infrastructure takes an inhumane toll on staff, incarcerated people, and community safety in Minnesota. Crumbling facilities are less desirable for staff to work in, and more staff are required to safely monitor outdated facilities. This further exacerbates issues of recruitment and retention, leading to challenges with facilitating programming, which evidence shows leads to better outcomes. Poor sightlines have led to significant bodily harm, including death. Even with the best mitigation efforts to address those issues, many facilities were designed and built in ways that do not allow for the safest and most efficient layout for safety of staff and incarcerated people. Administrators at newer and more modern prisons have fewer issues recruiting and retaining correctional officers as they are seen as more desirable workplaces. Fiscal year 2019 showed that MCF-Stillwater employed 25 percent fewer FTE when compared to its budgetary target.⁷ Staff are affected by working in the same subpar conditions in which incarcerated people reside 24 hours a day.⁸ The Bureau of Prisons cites deteriorating and aging facilities as a primary driver in its ability to recruit and retain quality staff. Prisons were not designed and built to house today's incarcerated individuals, compromising their safety as well as that of staff.⁹ Sufficient staffing is directly related to the safety of staff and incarcerated persons. OBFC does recognize the efforts the DOC had taken to increase recruitment and retention of correctional officers. However, it is important to note that the constant and increasing use of overtime poses a threat to staff and incarcerated person safety.¹⁰

Prisons are faced with the Herculean task to maintain and appropriately staff facilities due to crumbling and inefficient physical plant lay outs.

Amongst the many issues related to infrastructure regularly shared with and witnessed by OBFC staff, and one that stands out, are the extremely high and uncomfortable temperatures in living units in the summer, especially in the top tiers of antiquated facilities. These temperatures create unsafe conditions for residents and staff; staff noted the condensation from summer humidity makes the galleys more

⁷ OLA.

⁸ Lee, Joe. "America's Prisons: The Aging Infrastructure Crisis." *Correctional News March/April 2018*.
[Correctional News March/April 2018 \(zmags.com\)](#).

⁹ Hurwitz, Hugh, opinion contributor. "We Need a Well-Designed Plan to Repair or Replace Our Crumbling Federal Prisons." *The Hill*, The Hill, 20 Feb. 2023, [thehill.com/opinion/criminal-justice/3866946-we-need-a-well-designed-plan-to-repair-or-replace-our-crumbling-federal-prisons/](#).

¹⁰ OLA.

dangerous than normal because they become slippery, creating a hazardous condition.¹¹ Staffing shortages often require officers to work double shifts. Staff have reported to the OBFC that the lack of air conditioning requires them to bring a change of clothing because their uniforms become uncomfortably wet in humid, high temperatures. Staff are further disadvantaged by the heavy safety equipment that they carry (radio, handcuffs, keys, OC spray, gloves, flashlight, and duty belt), especially when temperatures soar. Factors affecting work-related heat stress include air temperature, humidity, clothing, personal protective equipment, and hydration.

The collateral consequences of poor prison conditions contribute to unsafe conditions for incarcerated persons and staff such as that experienced in MCF-Stillwater. Incarcerated persons who refused to return to their cells during the summer of 2023 cited excessive heat, limited access to showers and ice, and discolored drinking water as reasons for their refusal to return to their cells.¹² Water testing has shown there is not an issue with the water itself but there are infrastructure issues in most facilities related to water. Conditions such as these lead to unsafe working conditions for staff who are already working shorthanded, requiring some to work 16-hour shifts, whether voluntary or “forced overtime,” and challenging environments for incarcerated people who cannot escape the heat.

Increasingly rising prison temperatures have become a legal liability for some states. Texas has paid out millions of dollars in wrongful death and civil rights-related lawsuits related to unsafe temperatures.¹³ However, long before the DOC can begin to tackle any HVAC issues, there are a multitude of critical infrastructure issues that must be addressed first.

Additionally, facilities operate twenty-four hours a day, 365 days a year, and there is not a way to simply pause operations to address concerns. This adds another layer to both the complexity and the criticalness of addressing these issues.



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¹¹ OLA

¹² “Minnesota Prison on Lockdown after about 100 Inmates Refused to Return to Cells amid Heat Wave.” *USA Today*, Gannett Satellite Information Network, 3 Sept. 2023, www.usatoday.com/story/news/nation/2023/09/03/minnesota-prison-lockdown-inmates-heat-conditions/70758720007/.

¹³ McCullough, Jolie. “‘It’s a Living Hell’: Scorching Heat in Texas Prisons Revives Air-Conditioning Debate.” *The Texas Tribune*, The Texas Tribune, 24 Aug. 2022, www.texastribune.org/2022/08/24/texas-prisons-air-conditioning/.

¹⁴ Photos from Minnesota prisons showing crumbling pipes, brick walls, and ramp, and antiquated and rusting manual locks.

A long-term strategy is critical because antiquated prison facilities are not equipped to house and provide this high-level care that is increasingly in demand.

Growing Needs of Population

Particularly concerning are the most vulnerable amongst the prison population: the increased number of incarcerated individuals over the age of 50, those affected by chronic illness, mental health issues, substance use disorders, and disabilities.¹⁵ In Minnesota prisons, 11 percent of the population is over the age of 55 and 3 percent are older than 65, while the average incarcerated person is around 40 years old. Nationwide the prison population is aging as well; from 1991 to 2021 the population aged 55 or older increased from 3 percent to 15 percent.¹⁶

Research shows that people in prison have disproportionately more health problems including diabetes, HIV, high blood pressure, substance abuse issues, and mental health disorders.¹⁷ Facilities do not currently have adequate physical plant layouts to best meet the growing demands of a medically complex and aging incarcerated population. To best meet the needs of those experiencing mental health issues, quality care should include a setting that is therapeutic and does not further harm. A long-term strategy is critical because antiquated prison facilities are not equipped to house and provide this high-level care that is increasingly in demand. In many cases, prisons are providing the care that would otherwise be provided by community behavioral health hospitals, nursing homes or other long-term care settings.¹⁸ Minnesota's aging prisons were not designed to house geriatric populations or those with severe and persistent mental illness.

Population Reduction

Beyond adequate resourcing for new facilities that better meets security and therapeutic needs and maintenance of current facilities, reducing the number of incarcerated people would contribute to overall wellbeing and better use of resources. The U.S. incarcerates at the highest rate in the world with 664 people in every 100,000, even though research does not show improvement in public safety. Research, however, does show that families, communities, and incarcerated people are harmed.¹⁹ Where public safety is not at issue, alternatives to incarceration should be prioritized. In our March 2021 Covid Report,

¹⁵ Purdum, J. Carlee. "Conditions in Prisons during Heat Waves Pose Deadly Threats to Incarcerated People and Prison Staff." *The Conversation*, 14 Nov. 2023, theconversation.com/conditions-in-prisons-during-heat-waves-pose-deadly-threats-to-incarcerated-people-and-prison-staff-188272.

¹⁶ Widra, Emily. "The Aging Prison Population: Causes, Costs, and Consequences." *Prison Policy Initiative*, 2 Aug. 2023, www.prisonpolicy.org/blog/2023/08/02/aging/.

¹⁷ Prison Policy Initiative. "Public Health." *Public Health | Prison Policy Initiative*, www.prisonpolicy.org/health.html. Accessed 8 Jan. 2024.

¹⁸ Widra, Emily. "The Aging Prison Population: Causes, Costs, and Consequences." *Prison Policy Initiative*, 2 Aug. 2023, <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

¹⁹ Gabbatt, Adam. "Billion-Dollar Prisons: Why the US Is Pouring Money into New Construction." *The Guardian*, Guardian News and Media, 28 Oct. 2023, <https://www.theguardian.com/us-news/2023/oct/28/states-spending-money-build-prison-republican>.

OBFC recognized the value of population reduction by the DOC through work release, medical release, and release revocation reduction. This holds true for individuals who pose little public safety risk because of age or health conditions. Efforts to reduce the prison population through work release, medical release, and release revocation reduction all present lessons that could help in reducing the prison population outside of a pandemic. This would save resources that could be put to other uses and limit the known harms of incarceration while still providing accountability.²⁰

With the implementation of the Minnesota Rehabilitation and Reinvestment Act (MRRRA) there will be additional opportunities to envision how reducing population will better serve the safety needs of the state while better prioritizing resources.²¹

Despite the best efforts of staff and incarcerated people to manage a difficult situation, decades of under-resourcing have led to a public safety crisis. As a state, we cannot continue to fail to address these infrastructure needs.

Recommendations

Despite the best efforts of staff and incarcerated people to manage a difficult situation, decades of under-resourcing have led to a public safety crisis. As a state, we cannot continue to fail to address these infrastructure needs.

We must prioritize significant resources to meet the safety and security needs that preserve health and human dignity. This brief report is an opportunity to highlight and expand the ongoing conversation about corrections safety, and these recommendations are made to amplify that conversation:

- **Population Reduction:** Although Minnesota has the third lowest rate of incarceration in the nation, there is more that could be done to reduce the prison population.²² The United States is a world leader of the rate of incarceration amongst industrialized nations.²³ Reducing Minnesota's prison population will require a multi-pronged, bipartisan approach. Consideration should be given to reducing the length of sentences, a key driver of mass incarceration.

²⁰ Office of the Ombuds for Corrections. *Covid 19 Report.* 1 Mar. 2021.

https://mn.gov/obfc/assets/Ombuds%20for%20Corrections%20COVID%20Report%20March%202021_tcm1157-470322.pdf.

²¹ *Minnesota Rehabilitation and Reinvestment Act*, Minnesota Department of Corrections, mn.gov/doc/about/legislative-info/mrra/. Accessed 1 Feb. 2024.

²² "Minnesota's Crime Problem - Center of the American Experiment." *American Experiment Policy Briefing*, July 2022, files.americanexperiment.org/wp-content/uploads/2022/08/PB12_StateofCrime2022_8-Final.pdf.

²³ Ghandnoosh, Nazgol. "Ending 50 Years of Mass Incarceration: Urgent Reform Needed to Protect Future Generations." *The Sentencing Project*, 8 Feb. 2023, www.sentencingproject.org/policy-brief/ending-50-years-of-mass-incarceration-urgent-reform-needed-to-protect-future-generations/.

- **Comprehensive Infrastructure Plan:** There is an urgent need for targeted funding for a comprehensive review and long-term corrections planning in Minnesota. This may be best accomplished by developing a legislative task force to direct any plan or study. This should include not just the two highest needs facilities highlighted in the OLA report but a comprehensive master plan to address security, safety, and programming needs and the long-term infrastructure plan to address them.

Conclusion

Overwhelmingly, the most significant challenge for health and safety in prison facilities is crumbling infrastructure which requires a significant investment to address.

Creative problem solving and intentional planning are critical and must be urgently prioritized to ensure safe facilities and safe communities.

In conjunction with a funding strategy, policymakers should continue to explore alternatives to incarceration when public safety is not compromised. For those who must remain incarcerated and for the many dedicated staff who unfailingly report to work under less than desirable conditions, upgrading, maintaining, and in some cases building new facilities, is critical to ensure the health and safety of incarcerated people and staff.

It is critical to upgrade facilities and, as needed, build new facilities, to ensure the health and safety of incarcerated people and staff.