

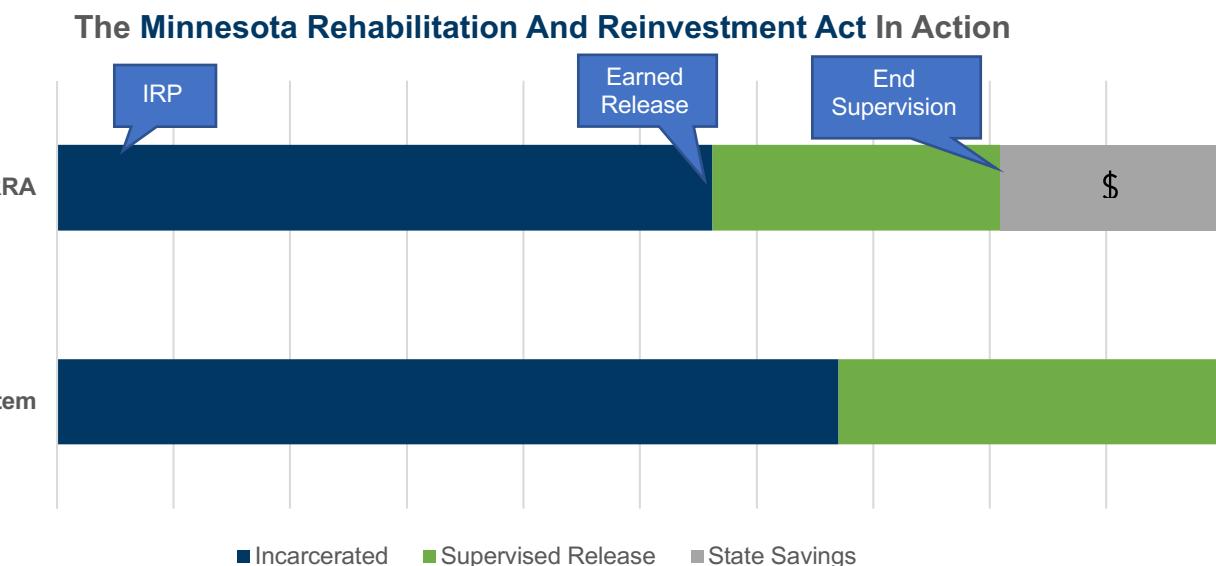
Minnesota Rehabilitation and Reinvestment Act

The Minnesota Rehabilitation and Reinvestment Act (MRRA) offers smart sentencing reforms based on how people spend their time in prison – *not just how much time they spend*.

The proposal has four components:

- **Individualized Rehabilitation Plan (IRP).** Each person will receive a robust assessment that is used to set concrete, personalized rehabilitation goals.
- **Earned Release.** People can earn earlier release by participating in rehabilitation prescribed by their Plan. Example activities include substance abuse treatment, mental health counseling, vocational skills training and education.
- **Earned Supervision Abatement.** Once released, people can again earn a shortened period of community supervision, known as Supervision Abatement, by meeting goals of a personalized plan. Examples of these tailored goals include maintaining employment, chemical health aftercare programming and mental health follow-up counseling, and positive family and community reintegration.
- **Justice Reinvestment Fund.** Savings will be reinvested equally across four areas: victim support services; strategic investments in crime prevention and intervention initiatives; reinvestment in community-based correctional programs; and the state general fund.

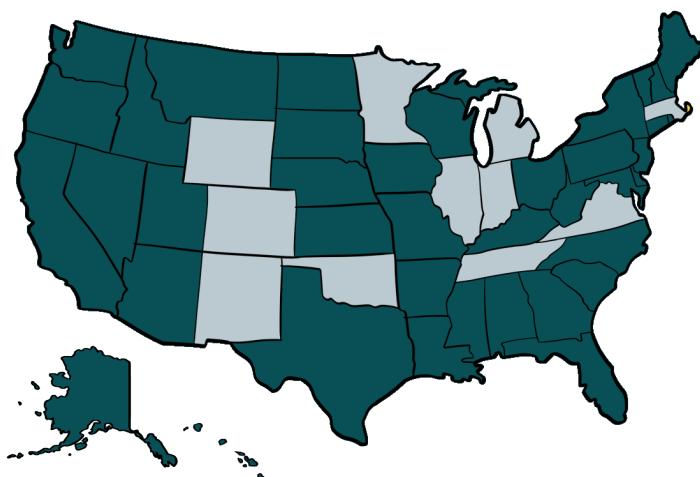
The graph below illustrates how these features will come together for a person sentenced to 100 months.



Minnesota's Challenge Incarceration Program (CIP) evaluation data show that a rehabilitative approach works.



38 other states have earned release policies





Frequently Asked Questions about Minnesota Rehabilitation and Reinvestment Act (MRRA)

Current System: Today, in Minnesota, when the court imposes a prison sentence, with the exception of “life” sentences, a person is expected to serve two-thirds of their sentence in prison and one-third on supervised release in the community (formerly known as parole).

Example: Two people report to prison the same day with the same sentence. While in prison, one engages in an array of transformative programming, the other engages in NO rehabilitative programming. Despite the differences in their self-improvement efforts, in the current system, they both will walk out of prison on the same day, we will expend the same amount of supervision resources on both, and they both will complete their sentence on the same date. Research shows that the person who engaged in programming will have a higher likelihood of positive community reintegration and long-term success. By treating these two people in the same way, we waste our limited resources with no discernible public safety benefit.

Proposed System: The Minnesota Rehabilitation and Reinvestment Act (MRRA) is a new approach to Minnesota’s sentencing that allows people committed to the Department of Corrections (DOC) to earn early release and earned supervision abatement by successfully completing goals identified in their Individualized Rehabilitation Plan. The money saved will be reinvested in our corrections system, victim and crime prevention programs, and the state’s general fund.

Under MMRA, individuals committed to the Commissioner of Corrections will undergo robust assessment at intake and be assigned a multidisciplinary team which will work with them to create an individualized rehabilitation plan. The Plan will include requirements to meet programming needs such as treatment, therapy, cognitive behavioral skills, and education. If an individual successfully completes the requirements of their plan and remains discipline free, they may earn credits to reduce their time in prison after serving 50% of their sentence.

At its core, the Rehabilitation and Reinvestment Act is about moving from measuring success by *the time people spend* in prison to *how they spend their time*. Rewarding those who invest in themselves with shorter sentences is good for public safety and it is smart management -- and proven strategy that is good for people under DOC care and the Minnesota communities they return to.

Frequently Asked Questions

Q: Would earning release at 50% of their sentence mean that individuals must complete the other 50% of executed sentence on supervision out in the community? Put another way, what impact does earning release earlier than the typical 2/3 of sentence have on the rest of the time an individual must spend on supervision?

A: MRRA offers two opportunities for individuals to earn benefits.

1. **Earned Incentive Release (EIR):** People can earn earlier release by participating in rehabilitation prescribed by their Plan. Example activities include substance abuse treatment, mental health counseling, domestic abuse programming, vocational skills training, and education. EIR credit will never reduce the term of imprisonment to less than 50% of executed sentence.
2. **Earned Supervision Abatement:** Once released, people can again earn a shortened period of active community supervision, known as Supervision Abatement, by meeting goals of a personalized plan. Examples of these tailored goals include maintaining employment, chemical health aftercare programming and mental health follow-up counseling, and positive family and community reintegration. Supervision abatement status is an end to active supervision without effect on expiration date of a person's executed sentence (after any EIR credit is deducted from the executed sentence).

If someone is charged with a new felony-level crime against a person while on supervision abatement status, the Commissioner may return the individual to active supervision and/or impose other sanctions, including revoking supervised release and returning to confinement.

Q: Is the program available to everyone under DOC's care?

A: No, a majority of people under DOC's care would be eligible for earned release and earned supervision abatement under the policy. People convicted of violent crimes such as homicide and criminal sexual conduct would not be eligible to participate.

Q: Does a crime victim have any say whether a person should get the earned incentive credit?

A: Yes. Crime victim survivors have a right to provide input and information to the DOC, which must be fully considered the department during the development of the incarcerated person's program plan. A crime victim may also request that specialized victim safety conditions be considered and implemented during term of imprisonment and/or supervision.

The DOC is also required to provide the victim with information regarding earned incentive release along with contact information for DOC and community-based victim service providers. Lastly, the four different coalitions of crime victim advocacy programs are specifically included

in the group of stakeholders that will develop the policy implementing this proposal if it were to become law.

Q: What if someone on supervision abatement commits a new crime?

A: If someone is charged with a new felony-level crime against a person while on supervision abatement status, the Commissioner may return the individual to active supervision and/or impose other sanctions, including revoking supervised release and returning to confinement.

Q: How does this program benefit the typical Minnesota taxpayer?

A: The proposed program includes a reinvestment mechanism that creates a special revenue fund based on the savings realized through reduced imprisonment. The savings realized by earned incentive release is to be distributed as follows:

- 25% percent of the cost savings realized shall be used for crime victim services;
- 25% percent of the cost savings realized shall be used for supervised release and intensive supervision services;
- 25% percent of the cost savings realized shall be used for grants for community-based services that support the identified needs of correctionally-involved individuals or those at risk of criminal justice system involvement and sustaining operation of evidence-based programming in agency operated correctional facilities; and
- 25% percent of the cost savings shall be converted to the state's general fund as a dividend to Minnesota taxpayers.

Q: How will evaluation for sufficient participation be conducted for individuals actively engaged in programming? In other words, is at a "pass- fail" for earned incentive release, or will it be graduated depending on involvement?

A: DOC has established multiple working group of experts working through these issues right now. Groups are creating the comprehensive intake and assessment process which will focus on all components of the person's life, developing the process for a multi-disciplinary team of supporters to help the person understand their strengths along with their challenges, and articulating the way in which DOC will collaborate with the person to develop an individualized and front-end loaded program-plan that is uniquely tailored to address the needs of that person.

As this work continues and if this legislative proposal is passed into law, it requires the DOC to create policy providing for earning incentive release credit and forfeiture of credit, in consultation with a variety of system's partners, including the Minnesota County Attorney's Association, Minnesota Board of Public Defense, Minnesota Association of Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition, Violence Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association.

Q: How will MRRA impact participation in the Challenge Incarceration Program or any other statutorily created release programs?

A: MRRA is separate and distinct from other legislatively authorized release programs, including the challenge incarceration program. All statutorily authorized programs have unique requirements and obligations and will remain as available options to individuals committed to the custody of the DOC. People will be assessed for eligibility and whether participation will be beneficial on an individualized basis.

Q: What programs will be offered by the DOC to assist someone in rehabilitation? Will volunteer type programs be considered as part of this person-centered plan?

A: All programming (pre-COVID) is being inventoried now. Once compiled, the next step is to look for gaps in services and supports. In the future, DOC expects that community-based programming and service providers will play a role as part of the planning teams and in delivery of services.

Q: Why would we want to release people early from prison?

A: The fundamental objective of this reform is to promote public safety and to be “smart on crime.” There are a number of important reasons for incentivizing participation in transformational programming. Importantly, 95% of the people sent to prison will one day be released. As such, successful rehabilitation represents the best interest of Minnesota communities who will receive those releasing from the state’s prisons.

Smart criminal justice reform efforts nationally and across the county have been embraced by elected leaders on both sides of the aisle (Republican and Democrat). In addition, criminal justice reform efforts have increasingly become the focus of conservative public policy philanthropists and reformers who recognize that the massive growth in incarceration and correctional supervision is creating economic strain with little public safety benefit. When people in the system become fully engaged in their communities as successful contributors, we all benefit.

Below, are a few additional reasons to incentivizing successful program participation:

- Research shows that motivating factors, ranging from encouragement and support to early release opportunities, positively influences an incarcerated person’s successful engagement and fulfillment of rehabilitative programs that are proven to reduce the risk of reoffending. *See the below question and answer for more information on this.*
- While it is important that we hold people accountable for violating our laws, imprisonment is expensive and itself does little, if anything, to reduce the risk of reoffending. Incentivizing system-involved people to take full advantage of the system’s rehabilitative programs is smart policy because they are less likely reoffend.

- When we release those who positively work their individualized program plan, the Department of Corrections can expand programming capacity for those who require more intensive intervention services. It makes the most sense for us to investment our limited correctional resources on those who reflect the highest risk to community safety.
- Importantly, Earned Incentive Release and Earned Compliance Provisional Discharge maintains public safety at reduced cost, which creates system sustainability.

Q: Why do you think this is the right approach for Minnesota?

A: The MRRA approach is innovative and also firmly rooted in evidence. First, it proposes providing people with programming that is tailored to their risk and needs. Research shows that providing people with more effective interventions prior to release yields better recidivism outcomes.¹

Second, MRRA offers an incentive through early release that motivates people to participate in programming. When early release is paired with participation in effective programming, we have a number of examples of success:

- Minnesota examples – the Challenge Incarceration Program² and work release program – that show better outcomes. Importantly, these outcomes not only include reduced recidivism but also reduced costs.
- The First Step Act on the federal level, supported and signed into law by a Republic president, is another such example. The First Step Act has an early release component connected to participation in programming, designed to reduce the size of the federal prison population while also lowering recidivism.
- A literature review of studies on state “accelerated release” policies over a 23-year period showed that, of the 13 research reports reviewed, none found a statistically significant increase in rates of recidivism for those offenders who reduced their length of incarceration. A few studies instead found a decrease in recidivism rates. An evaluation of Wisconsin’s earned time policy, for example, found that 17 percent of inmates released early returned to prison after the first year, compared to 28 percent of those freed on their mandatory release date.

¹ Grant Duwe & Valerie Clark (2017) The Rehabilitative Ideal versus the Criminogenic Reality: The Consequences of Warehousing Prisoners, Corrections, can be found [here](#). Grant Duwe (2018) The effects of the timing and dosage of correctional programming on recidivism, Journal of Offender Rehabilitation, can be found [here](#).

² People who participated in CIP were:

- 32 percent less likely to reoffend with a new felony conviction.
- 35 percent less likely to be reincarcerated for a new crime.
- And the state spent, on average, \$4,600 less per participant.

More information about CIP can be found [here](#).

Third, MRRA's use of supervision abatement for individuals who comply with conditions of release and successfully integrate into our communities is supported by research and examples around the country. Missouri uses earned compliance credits that allow individuals to shorten their time on probation or parole by 30 days for every month they comply with conditions. [Research](#) found that in the first three years more than 36,000 individuals reduced their supervision term by an average of 14 months, leading to an 18 percent drop in the supervised population. Crime rates for those released early were the same rate as those released before the policy went into effect.

Fourth, the MRRA approach is more cost-effective. The current corrections system is wasteful of tax dollars in that it employs a one-size fits all approach to incarceration time. We currently treat individuals who engage in rehabilitative and transformational programming the same as individuals who refuse to engage. Studies of earned time compiled by the [National Conference of State Legislatures](#) have examined the effect on crime rates, recidivism, and costs.

- In New York, for example, the Department of Correctional Services reviewed the state's merit time program from 1997 through 2006. During that time, 24,000 inmates received six-month reductions in their minimum term, resulting in a savings of \$369 million. Another \$15 million in savings during a three-year period can be attributed to the need for less capital construction. The recidivism rate for the early-release group was lower (31 percent) than that for inmates serving the full term (39 percent) after three years.
- In 2003, the Washington Legislature increased the amount of good time from 33 percent of the total sentence to 50 percent of the total sentence for certain nonviolent drug and property offenders. The Washington State Institute of Public Policy analyzed the public safety and cost benefits of the increase in good time. Considering both taxpayer and victim costs and benefits, the study found an overall net benefit of \$7,179 per offender.³

MRRA can reduce the prison population and reduce recidivism without spending more money. Put another way, in order to achieve better outcomes with the resources we currently have, we need to provide more resources to those in prison and we need to downsize in order to do that. Without downsizing, providing the level of resources that people need would require a significant increase in funding.

By giving people the tools to leave prison and never return, public safety and prison budgets are improved, and that funding can be invested in crime reduction, victim services, corrections, and the general fund.

³ See "Expanding Earned Time Pays Off in Washington" on page 5 of [National Conference of State Legislatures](#) report.



Minnesota Rehabilitation & Reinvestment Act

HF2349 / SF2295

The Minnesota Rehabilitation and Reinvestment Act (MRRA), included in the Governor's budget, offers smart sentencing reforms based on how people spend their time in prison – **not just how much time they spend** and reallocates savings for critical needs and services across Minnesota.

The proposal has four components:

- 1. Individualized Rehabilitation Plan.** Each person will receive a robust assessment that is used to set concrete, personalized rehabilitation goals because we know one size does not fit all.
- 2. Earned Release.** People can earn earlier release by participating in rehabilitation prescribed by their Plan. Example activities include substance abuse treatment, mental health counseling, domestic abuse programming, vocational skills training, and education.
- 3. Earned Supervision Abatement.** Once released, people can again earn a shortened period of community supervision, known as Supervision Abatement, by meeting goals of a personalized plan and staying compliant with their terms of supervision. Examples of these tailored goals include maintaining employment, chemical health aftercare programming and mental health follow-up counseling, and positive family and community reintegration.
- 4. Justice Reinvestment Fund.** Savings will be reinvested equally across four areas: victim support services; strategic investments in crime prevention and intervention initiatives; reinvestment in community-based correctional programs; and the state's general fund.

Summary of Bill Sections

SECTION	DESCRIPTION
1 – Amends section 244.03	Rehabilitative programs for individuals committed to commissioner's authority: <ul style="list-style-type: none">• Expands required programming to explicitly include:<ul style="list-style-type: none">○ Substance abuse treatment programs;○ Sexual offender treatment programming;○ Domestic abuse programming;○ Medical and mental health services; and○ Vocational, employment and career, educational, and other rehabilitative programs
2 – Adds section 244.031	Need assessment and individualized program plan: (a) Directs commissioner to develop comprehensive needs assessment for those with 365 days or more remaining on their fixed sentence after August 1, 2021

SECTION	DESCRIPTION
	<p>(b) Requires an individualized program plan with goals for every person committed to the authority of the DOC, including identified outcomes, identified strengths, and community supports, including victim safety considerations</p> <p>(c) Provides victims opportunity for input if crime resulted in harm against a person and may include safety concerns and requests for conditions of confinement or release</p> <p>(d) Requires Commissioner to consider victim input in program planning and conditions of confinement or release</p> <p>(e) Requires Commissioner to develop a transition and release plan in consultation with the incarcerated person for those with less than 365 days of term of imprisonment</p>
3 – Adds section 244.032	<p>Earned Incentive Release:</p> <p>(a) Defines earned incentive release (EIR) as release earned by acquiring credits received for completing individualized program plan objectives, resulting in subtracting that credit from the term of imprisonment</p> <p>(b) Requires Commissioner, after consulting with listed stakeholders, to create policy for earning EIR and forfeiture of EIR</p> <p>(c) Requires Commissioner to develop policy for addressing systemic and programmatic gender and racial disparities in EIR</p>
4 – Adds section 244.033	<p>Application of EIR:</p> <p>(a) Establishes that EIR credits are subtracted from term of imprisonment and not added to supervised release term, but never reducing term of imprisonment to less than 50% of executed sentence</p> <p>(b) Establishes EIR as distinct from other legislatively authorized release programs, which may have unique statutory requirements</p>
5 – Adds section 244.034	<p>Exclusions for EIR Eligibility:</p> <p>(a) Creates a list of exclusionary criteria for EIR to include the following:</p> <ol style="list-style-type: none"> 1. 1st or 2nd degree murder 2. 3rd degree murder or 1st degree assault 3. 1st or 2nd degree criminal sexual assault or 3rd degree criminal sexual assault if committed with force or violence 4. Statutory dangerous sex offenders with minimum term of imprisonment that must be served before considered for supervised release

SECTION	DESCRIPTION
	<p>5. Crimes committed for the benefit of a gang with statutory requirement that they serve full term of imprisonment before eligible for release</p> <p>6. Individuals with mandatory minimum sentences for 1st or 2nd degree controlled substance crimes with statutory requirement that they serve full term of imprisonment before eligible for release</p> <p>7. Individuals who were convicted in other jurisdictions and whose supervision was transferred to Minnesota</p> <p>8. Predatory offender registration crimes</p> <p>9. Use of firearm or dangerous weapon during certain offenses</p> <p>10. Use of deadly force against a peace officer, prosecutor, judge, or correctional employee</p> <p>11. Assault against secure treatment personnel</p> <p>12. Individuals subject to a conditional release term</p> <p>(b) Individuals serving life sentences or given indeterminate sentences for crimes committed on or before April 30, 1980 or subject to good time</p>
6 – Amends section 244.05, subd. 1b	<p>Supervised release:</p> <p>(a) Supervised release term is reduced by any EIR credit</p> <p>(b) Replaces the term “segregation” with “restrictive housing”</p>
7 – Adds section 244.0551	<p>Earned Compliance Credit and Supervision Abatement:</p> <p>(a) Defines:</p> <ul style="list-style-type: none"> “supervision abatement status” as an end to active supervision without effect on expiration date of executed sentence less any EIR credit “earned compliance credit” as a 1-month reduction from active supervision for every 2 months of compliance with conditions and goals while on supervised release <p>(b) Mandates Commissioner to create policy for earning compliance credits and forfeiture of the credit, requiring that once a combination of time served, EIR, and supervision term plus compliance credits equal the supervised release term, the person is placed on abatement status.</p> <p>(c) Provides that, once on supervision abatement status, if someone is charged with a new presumptive commit felony-level crime against a person, the commissioner may return the individual to active supervision and/or impose other sanctions, including revoking supervised release and returning to confinement</p> <p>(d) Provides that once someone is on supervision abatement status, they will not be required to report to a supervision agent or</p>

SECTION	DESCRIPTION
	pay supervision fees, but must report any new criminal charges and seek written authorization to relocate to another state (e) Establishes that individuals serving life sentences or given indeterminate sentences for crimes committed on or before April 30, 1980 or subject to good time cannot earn compliance credit or be placed on supervision abatement status
8 – Adds section 244.0552	Victim Input: Requires that when an individual is committed for a crime of violence and eligible for EIR, commissioner shall make efforts to notify the victim of eligibility, solicit input on concerns about EIR eligibility, safety concerns and requests for conditions of confinement or release, and provide information for a local victim agency serving the jurisdiction of release
9 – Adds section 244.0553	Victim Notification: Establishes that the Commissioner shall fulfill any other statutory victim notification requirements as well.
10 – Adds section 244.0554	Interstate Compact: Authorizes eligibility for supervision abatement status to individuals serving Minnesota sentences in other states under the Interstate Compact for Adult Offender Supervision
11 – Adds section 244.0555	Reallocation of Earned Incentive Release Savings: Subd. 1: Definitions Subd. 2: Establishes reallocation revenue account Subd. 3: Requires MMB to certify any savings from prior fiscal year Subd. 4: Requires savings to be transferred to reallocation revenue account Subd. 5: Prescribes that any savings resulting from EIR (based on reduction in incarcerated days), shall be distributed as follows: <ul style="list-style-type: none"> • 25% for crime victim services • 25% for supervised release and intensive supervision services • 25% for grants to community-based services supporting criminal justice involved individuals and those at risk of being involved, and for correctional facility programming • 25% to the general fund
12 – Adds section 244.0556	Report: (a) Creates reporting obligations for DOC to legislature and partners, including: <ul style="list-style-type: none"> • Program development and status, challenges, strategies, disparities, information on those deemed ineligible, and mechanism for projecting future savings

SECTION	DESCRIPTION
	<ul style="list-style-type: none"> • Information, metrics, and demographic data on those granted EIR and those eligible but for whom EIR was unearned or denied • Information, metrics, and demographic data on those who earned supervision abatement status, those ineligible, and those eligible but for whom supervision abatement status was unearned or denied • Aggregate information on victim input submissions, services, and referrals <p>(b) Requires that feedback must be submitted from victim coalitions on operational concerns related to EIR and supervision abatement status</p> <p>(c) Requires DOC to perform regular evaluations of EIR program and publish findings on DOC website and in annual report</p>

For additional information or questions, please contact Safia Khan, Director, Government and External Relations Unit for the DOC at safia.khan@state.mn.us or Amy Lauricella, Specialist, Government and External Relations Unit for the DOC at amy.lauricella@state.mn.us.



Depositphotos.com image

Schnell pitches early-release plan

Offenders could get out after serving half their time

By: Kevin Featherly ⚒ March 31, 2021

It sets up like a joke, but to Corrections Commissioner Paul Schnell, the punchline is nothing to be amused about.



Paul Schnell

It goes like this: Two guys walk into a prison. Sixty-seven months later, they walk out again — together.

The fellows in this fictitious scenario, Schnell's creation, both got sentenced to 100 months in prison. By Minnesota's determinate sentencing scheme, both served 67 months in custody and were released to 33 months' supervised release.

But here, for Schnell, is the rub.

One guy took the admonitions of his trial judge, prosecutors, clergy and family seriously. He wants to change, recover from his addictions, get some mental health help and find his way away from crime. He puts in considerable effort inside the walls, completing restorative justice programming and critical thinking skills training. By the time he gets released, he is primed to make something of himself.

The other guy couldn't care less. Worse, he makes trouble in prison, gets into fights, gets himself stuck in isolation once or twice. He takes no training, completes no treatment. He just bides his time waiting to get out and start right back where he left off.

To Schnell, it's a problem that both those men would get released to probation on the same day — despite one clearly posing less risk to public safety than the other. But that is what happens every day in Minnesota's prisons. "This is the part that is nuts," the commissioner said.

Schnell, the reform-minded commissioner who — controversially — convinced the Sentencing Guidelines Commission to cap most felony probations at five years, now has new ambitions.

His Minnesota Rehabilitation and Reinvestment Act (MRRA) might sound like an economic development program, but it's all about rewarding inmates for good conduct.

Those who do well, strive to improve and work to become decent neighbors upon release could earn shorter sentences. They would even be able to nibble time off the end of their post-custody probations.

On the other hand, the guy who behaves poorly would get no benefit. He would simply serve out his normal term, Schnell said.

"This isn't soft on crime," Schnell said in a March 26 interview. "It's a smart-on-crime issue. Because ultimately, our sentencing is our sentencing — we lock people up. If they're not going to earn it, they should stay there."

The initiative, included as a fiscally neutral entry in Gov. Tim Walz's supplemental budget, went before House Public Safety on March 26. Its vehicle, House File 2349, is a bill authored by Rep. Jamie Becker-Finn, DFL-Roseville, the House Judiciary chair.

Four components

The initiative has four main features. They include:

- **Individualized rehabilitation plans.** Each incoming inmate would receive a complete assessment to help set concrete, personalized rehabilitation goals during their time in prison.
- **Earned early release.** Those in custody could earn earlier release — as much as 50% off their nominal prison sentence — by participating in the rehabilitation process identified during their assessments. Those programs could include substance abuse treatment, mental health counseling, vocational skills training and education.

While such programs are available now, Schnell hopes to "front-load" them. Inmates would participate in rehabilitative programming sooner, rather than wait until their final months in custody, which Schnell said is the norm today. He thinks all that can be accomplished with no additional budget.

- **Earned supervision abatement.** Once released, probationers could work their way toward shortened community supervision by meeting personalized goals. They would have to maintain employment, attend addiction aftercare or mental health treatment, or do whatever else their plans require. For every two months of successful compliance, probation would be shortened by one month. "Which essentially reduces the term by as much as one-third," Schnell said.
- **Justice Reinvestment Fund.** DOC estimates that between 40% and 60% of the prison population would be eligible for the program. Because of that, the program likely would empty some prison beds and Schnell expects it could save the state \$10 million a year.

"This is how we do the business of redemption," Schnell said.

The Walz administration says it would redistribute any savings realized through the program equally, across four areas: victim support services; crime prevention and intervention initiatives; community-based correctional programs; and the state's general fund.

In its updated budget documents, the administration wagers that effective programming pre- and post-release would reduce recidivism and ensure that "correctly involved people have the opportunity to maintain connections with their families, including children."

That's an idea with resonance for the bill's author. Becker-Finn was in junior high school when her father, former Sen. Skip Finn, DFL-Cass Lake — the first Native American to serve in the post-territorial Minnesota Senate — was imprisoned after a fraud conviction.

Allegedly, he committed the offenses while he was working as the Leech Lake Band's legal counsel, though Becker-Finn notes that he always maintained his innocence. He was released just as she was entering college. He died in 2018.

"I know firsthand what it means when a family member is incarcerated," Becker-Finn told committee members while presenting her bill. "The impact is not just on that individual but on their children, their siblings, their parents, their friends and their entire community."

To Becker-Finn, who is on leave from her county prosecutor's job while serving in the Legislature, incarceration "impacts a person's humanity." It should only be used when absolutely necessary, she said, not as the long-term, default solution for holding people accountable.

House Republicans during the March 26 hearing were relatively muted, either in praise or criticism for Schnell's proposal. Most of the GOP commentary dwelt on the bill's tardy introduction, well after the ostensible policy-bill deadline.

"I have some concerns on this bill," said Rep. Brian Johnson, R-Cambridge. "We do not have a lot of time to go through this or digest it, with all the committee meetings we've been having this week after deadline with a lot of policy issues."

Johnson noted the numerous crimes listed in the bill that would disqualify inmates from participation, including murder, major sex offenses and crimes committed to benefit gangs. But other crimes are not listed, some involving mandatory minimum sentences, Johnson said. He asked Schnell if those prisoners would qualify for early release under the program.

"Generally, that is not the case," Schnell said. "There are some mechanisms where certain offenses may be able to be involved or included because of those mandatory minimums, but generally speaking, no."

Rep. Marion O'Neill, R-Maple Lake, said she supports the plan's front-end-loading of treatment and programming. But she said she had not heard whether domestic violence treatment, which she regards as high priority, is involved. "What will you build out?" she asked.

Schnell said the DOC shares that concern and has already begun developing an intimate-partner violence treatment program among its behavioral health services. "We are now working with the [DOJ's] Office on Violence Against Women to develop some models that have been validated as evidence-based," he said.

If the Legislature adopts his plan and the governor signs it into law, Schnell said that Minnesota would become the 40th state to offer inmates similar early-release incentives to prisoners.

The effort's companion bill is being carried in the upper chamber by Sen. Ron Latz, DFL-St. Louis Park. That version, introduced on March 25, had not been given a hearing before the Legislature's holiday break.

Nor did House Public Safety take any action on the legislation. Instead, its chair, Rep. Carlos Mariani, DFL-St. Paul, laid it aside to be rolled into a forthcoming budget omnibus package.

ABOUT KEVIN FEATHERLY



Kevin Featherly, who joined BridgeTower Media in mid-2016, is a journalist and former freelance writer who has covered politics, law, business, technology and popular culture for publications and websites in the Twin Cities and nationally since the mid-1990s.



Proposed early-release bill smacks of common sense

Times Editorial Board

Everyone wants to be safe. That's why countless elections have been won or lost based on the public's perception of the candidate as "tough on crime."

And voters aren't satisfied to take a candidate's word for it. They want to hear a plan. (That's a truly commendable instinct that should be extended to fiscal claims as well). And for decades, those plans have generally been to up the ante on punishment of offenders.

First, because "lock 'em up" is a simple concept to articulate in a short stump speech. Second, because that solution is easier than providing mental health care, quality early childhood programs, solid K-12 education even in "bad" neighborhoods, affordable child care for working parents, drug treatment, diversion programs for at-risk youth, career training for low-level offenders and living wages.

Easier, although often not cheaper in the long run.

The result of this long tough-on-crime era has been this nation's disastrous and inequitable long-term prison sentences for relatively minor drug crimes, and three-strikes laws and mandatory minimums that leave little leeway for judges and prosecutors to adjust the punishment to fit the crime.

A bill introduced in the Minnesota House of Representatives this month by 42B Rep. Jamie Becker-Finn, DFL-Roseville, just might point the way out of this quagmire —without compromising safety and while saving the state a considerable amount of tax money.

[HF 2349/SF2295](#), the Minnesota Rehabilitation and Reinvestment Act, would align Minnesota with more than 30 other states where imprisoned people can earn their way to shorter prison sentences.

It would work like this: All offenders would be individually assessed upon intake to the state's corrections system. A plan is created with measurable goals and outcomes that can include substance abuse rehabilitation, training or other goals. If the offender meets them, their prison term or their time on supervised release is reduced by up to 17%.

The program is not for every offender. As the bill is written now, people convicted of first-, second- or third-degree murder would not be candidates, nor would anyone committing a crime for the benefit of a gang. People convicted of first-, second- or third-degree sex crimes with force would be ineligible, as would dangerous sex offenders, anyone who committed first-degree assault, anyone who used a firearm or other deadly weapon in some crimes, or anyone who attacks a police officer, corrections officer, judge or prosecutor. No one sentenced to life in prison will be able to earn a break.

One of the most encouraging facets of the proposal is who would be keeping watch to make sure things go well. The bill mandates the participation of a wide range of stakeholders to set the standards for earning early-release credits and, notably, to receive and review annual reports on the program's performance once implemented. The bill sagely demands accountability for equity of implementation among offenders of different races, ethnicities, and genders.

Who are those stakeholders? The bill demands that the commissioner of corrections work with the Minnesota County Attorney's Association, the Minnesota Board of Public Defense, the Minnesota Association of Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition, Violence-Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association to establish the policy. Victims, too, will be involved in the process.

A similar, small-scale program here in Minnesota called the Challenge Incarceration Program already allows some offenders to earn early release. It has shown that such incentives work. And a similar Missouri program reduced its prison population by 18% in the first three years with no rise in recidivism, according the DOC.

If those results could be replicated in Minnesota, there's little downside and the upside is substantial: Minnesota taxpayers could save \$10 million per year when it is fully implemented, according to a DOC estimate — or \$38 per person, per day of earned early release.

And then there are the less-measurable, but even more valuable advantages: Some offenders will come out of the system having built skills to reach goals and with better tools to turn their lives in a productive direction — another step toward safety for all of us. Some kids will spend less time visiting a parent behind prison walls. And people working toward early release are more likely to reconsider the impulses that endanger corrections officers, prison staff and fellow offenders.

The money saved by housing offenders for shorter periods of time would, backers say, go to victim support services, crime prevention, community-based correctional programs, and the state's general fund. We would advocate putting some of it toward resolving the state's admitted \$612 million maintenance backlog at state correctional facilities as well.

This bill smacks of common sense after long-term oversimplification of crime control has made an American citizen the most likely person in the world to be imprisoned — more likely to be an inmate than citizens of Russia, China, El Salvador, Rwanda or Cuba. We can do better.

— This is the opinion of the Times Editorial Board, which includes News Director Lisa Schwarz and Content Coach Anna Haecherl.

Minnesota prison proposal would reduce time behind bars, aid community re-entry

Paul Schnell, Minnesota commissioner of corrections, said some may think that the proposal is being soft on crime, but he said it should prevent individuals from reoffending and winding up back in prison after being released.

Written By: Katrina Pross / St. Paul Pioneer Press | 1:39 pm, Mar. 21, 2021



The Minnesota Correctional Facility-Stillwater, which is in Bayport, is pictured in January 2019. Jean Pieri / St. Paul Pioneer Press

ST. PAUL — The Minnesota Department of Corrections is proposing a new policy to reduce the amount of time convicted individuals spend in prison, and direct the money saved back into communities.

The Minnesota Rehabilitation and Reinvestment Act is included in Gov. Tim Walz's revised budget. The proposal is scheduled to be heard in the House Public Safety Committee in April, when the state Department of Corrections presents its budget.

Instead of asking for more funding, the department is asking to reallocate resources they already have. A goal is to encourage inmates to participate in programming and rehabilitation efforts to earn an early release.

"We're reducing their system involvement as much as possible and that's both a benefit to the public, as well as to the individuals involved in the system," said Paul Schnell, Minnesota commissioner of corrections.

How would it work?

Currently, most inmates serve two thirds of their sentence in prison and the last third under supervised release. Under the new policy, inmates can leave prison earlier if they show progress toward their rehabilitation.

Most Minnesota inmates will be eligible, except for those convicted of especially violent crimes like homicide and criminal sexual conduct.

Inmates will have an individualized plan to identify goals and needs to complete to be released from prison early. Plans may include undergoing substance abuse treatment, mental health therapy and vocational skills training.

Under the current system, these programs are done toward the end of an inmate's sentence. The new policy will prioritize them from the start.

Schnell said there will be scheduled check-ins to make sure inmates are achieving their goals. How much earlier an inmate is released will be determined by each individual's needs and circumstances.

"We want to be able to track and know how a person's progressing, how they're doing and how they're meeting the objectives that are put into their plan," he said.

'A sense of hope'

Antonio Espinosa, a correctional officer at the Stillwater correctional facility, said having personalized plans is crucial, as every inmate is unique with different needs.

The proposal would give inmates "a sense of hope" while they complete their prison sentence, Espinosa said.

If inmates stick to their plan in prison, they can qualify for what is called supervision abatement, which is a shortened period of community supervision. Individuals will qualify by meeting goals like maintaining employment, mental health care and community reintegration.

"At the end of the day, that's really what this is about, how do we help people transform their lives and incentivize transformation," Schnell said.

Another part of the policy is prioritizing support to help inmates adjust to reentering society.

"We'll give them some real-life goals so when the time comes for them to reenter society, they will be able to have an idea of what to do," Espinosa said.

'Incentives work'

Schnell said some may think that the proposal is being soft on crime, but he said it should prevent individuals from reoffending and winding up back in prison after being released.

Schnell said the rate of individuals who reoffend and go back to prison has remained stable over the past few years in Minnesota. He expects the proposal will allow for individuals more at risk to reoffend to receive more support and resources from the correctional system.

“What we know is that incentives work,” he said. Thirty-eight other states have similar earned release policies, Schnell added.

Kevin Reeves, an activist who lives in Minneapolis and was incarcerated for more than 14 years with the state Department of Corrections, said he supports the new policy.

“I believe in this. I know it will make a difference and a positive change in Minnesota corrections for all parties,” Reeves said. “This will positively impact the entire scope of what we do here in Minnesota around criminal justice.”

Reeves added that more attention should be given to incarcerated individuals who committed offenses when they were juveniles, as they might need a more specific approach toward rehabilitation.

“They were kids,” Reeves said. “We have to consider things like mental health brain development.”

Where would the money go?

The Department of Corrections expects the new policy to save Minnesota \$38 per person, per day of earned release, saving the state an estimated \$10 million per year once fully implemented.

The money saved will be put into a new fund, to be distributed within the correction system as well as toward efforts to reduce crime, services for crime victims and the state’s general fund.

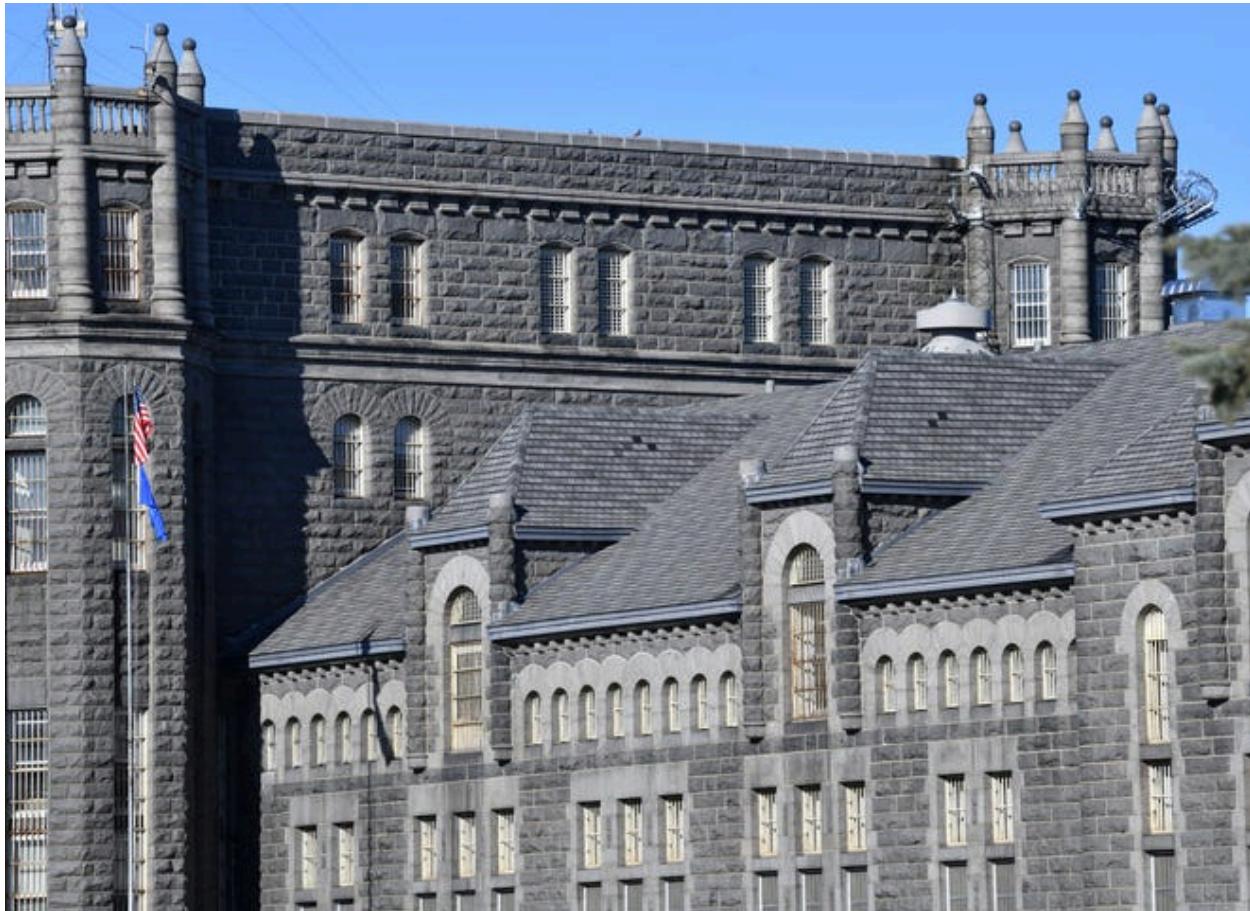
If passed by the Legislature, the policy would take effect in August.

Minnesota inmates could earn early release, shorter supervision with proposed policy

[Clairissa Baker](#) | St. Cloud Times

ST. CLOUD — As many as half of the people incarcerated in Minnesota prisons could earn early release during personalized rehabilitation programs through a potential new policy.

The Department of Corrections announced the Minnesota Rehabilitation and Reinvestment Act on Friday. If passed, Minnesota would join 38 other states with an earned-release incentive policy, according to Pew Research data.



The change, if adopted, would be a paradigm shift in Minnesota corrections policy.

"What we really need people to do is use the time (in the corrections system) in a way that is going to be most beneficial and that ultimately provides that rehabilitation or transformation," Department of Corrections Commissioner Paul Schnell told the St. Cloud Times. "It's not about the time, it's about how you spend it."

In a Tuesday interview with the Times, Schnell said the state's current system is pre-determined: People can tell on day one what their release date will be.



But with the Minnesota Rehabilitation and Reinvestment Act, people may earn early release.

How does it work?

If the bill is passed, each person entering a DOC facility would undergo more-robust assessment to identify their needs and set measurable rehabilitation goals. The policy would contain exclusions for people convicted of some types of violent crime.

Rehabilitation plans could include substance use treatment, mental health counseling, educational opportunities or vocational training.

Because the Minnesota Correctional Facility-St. Cloud is the intake facility for men in the state prison system, according to Schnell, the proposed assessments would take place here.

Prisoners who complete their plan are eligible for an earlier release. Once released, they can again earn shorter times on supervision by following a personalized plan.

There are no requests for additional funds associated with the proposal, Schnell said, because the DOC believes it has the capacity to develop programs and use existing staff to provide different types of services.



Corrections workers support plan

Stillwater Corrections Officer Antonio Espinosa said he supports the idea.

"If it goes through," Espinosa said, "it will give the department an edge on how to help people, and it will give the incarcerated the opportunity to engage and take advantage of an opportunity."

Espinosa, who has worked nearly 20 years at MCF-Stillwater, also leads the Art from the Inside program, which allows incarcerated people to create art and exhibit it in the community.

Art from the Inside stemmed from the death of Espinosa's friend and co-worker, Joseph Gomm, who was killed by an inmate in 2018.

After Gomm's death, Espinosa said, there was a lot of division, and he wanted to do something to break that ice.

"I think that it's so important to have incarcerated people engage in some positive things that make them feel like they're part of something that's good," he said.

"If you're not given a second chance to try to do better, then you're going to keep doing the same thing that you did before," Espinosa said.

Benefits of the plan

According to Schnell, the Challenge Incarceration Program in Minnesota, which allows certain individuals to earn early release, has shown that incentives work and help achieve outcomes.

But the proposed policy could also save the state \$10 million per year when it is fully implemented, according to a DOC estimate. Minnesota could save \$38 per person, per day of earned early release.

Savings from the policy would be reinvested in victim support services, crime prevention, community-based correctional programs and the state's general fund.

The policy is expected to make prisons safer by giving people goals and direction.

The DOC said Missouri saw its prison population decline by 18% during the first three years of a similar program with no impact on recidivism rates.

"We think that at the end of the day, what's in the best interest of our communities and what's in the best interest of both victims and people who are in the system is that we make sure we're lifting up both and supporting both," Schnell said.

"We want less victims, we want less wrongdoing," Schnell said. "We want these people that become fully active participants in the community of contributors, producers, consumers."

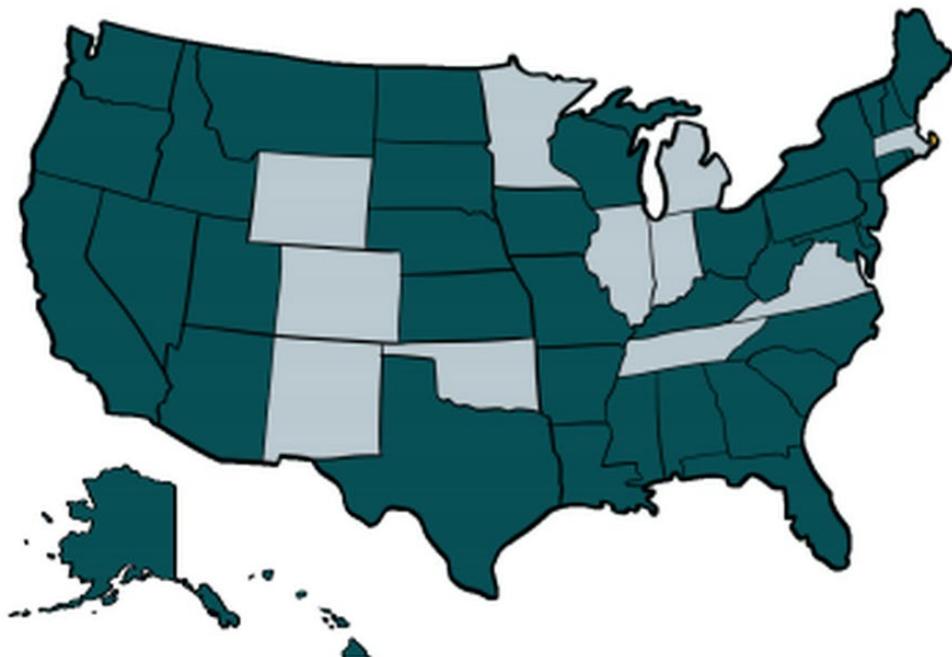
"Ultimately, if that's what we want, we need to double down in terms of this rehabilitative investment," Schnell said.

Earlier release, shortened supervision may soon be possible for some Minnesota prisoners

The Minnesota Rehabilitation and Reinvestment Act, announced Friday, would make Minnesota the 39th state to offer inmates early release or abbreviated supervision after completing a series of programs.

Written By: [Nora Eckert](#) | 5:30 am, Mar. 19, 2021

38 other states have earned release policies



38 states offer some form of “earned time,” rehabilitation program for inmates to work toward an earlier release or shortened supervision. Map courtesy of the DOC.

Paul Schnell invokes a hypothetical when he describes “earned time” initiatives: Imagine two people are sentenced to 100 months in prison. In the current system, if one person completes all the available programs — substance abuse training, earns their GED, and learns a specialized skill — they would still serve the same amount of time as someone who did none of those things, or even accrued disciplinary infractions.

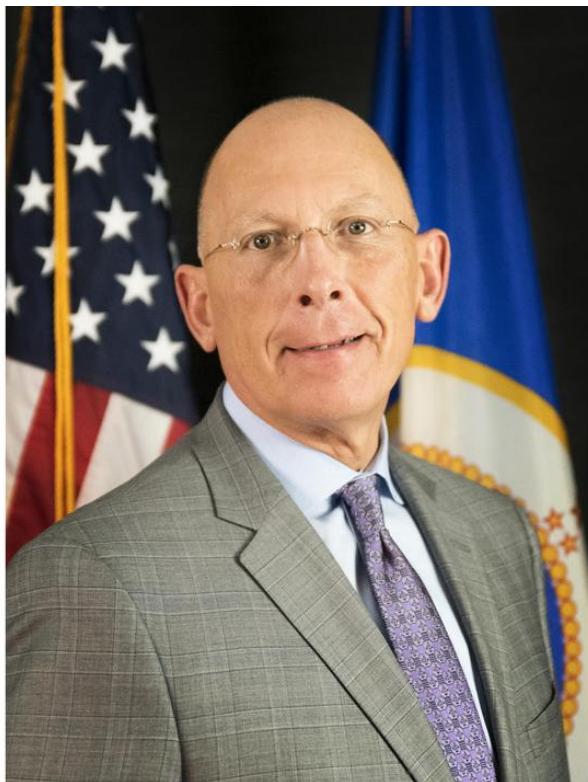
That system may soon change.

Schnell, the state Department of Corrections commissioner, announced Friday that the department would introduce the Minnesota Rehabilitation and Reinvestment Act to the Legislature. If passed, it would make Minnesota the 39th state to offer incentive programs for inmates to shorten their time in prison and on supervision by completing individualized rehabilitative programs.

“What we want to do is make sure people are using that time to achieve the kinds of outcomes that are actually going to make Minnesota safer and result in less and less victims,” Schnell said. “Some people say this is just another ploy of being soft on crime. I say no way. This is smart on crime.”

The act would create personalized assessments for each inmate from their first day in prison, digging into their mental and physical health, educational needs and evaluating their outside support network. Then, an internal team would create a plan for the person and meet regularly to evaluate progress, enrolling the inmate in various programs, such as “substance abuse treatment, mental health counseling, educational opportunities, vocational skills training,” according to the department’s news release. Eventually, the team would assess if the inmate earned an earlier release or abbreviated supervision.

Schnell said the model drew inspiration from Mayo Clinic’s patient-centered strategies where practitioners collaborate across disciplines to provide the best care possible.



Department of Corrections Commissioner Paul Schnell

Studies of similar “earned time” programs in Maryland, New York and Washington have shown reduced prison populations, recidivism rates and tens of millions in savings.

For Justin Terrell, executive director of the Minnesota Justice Research Center, it’s a positive step for prison populations and the larger community.

“Who do you want coming home? Do you want someone coming home who has skills? Who’s done the work while they’ve been incarcerated to recognize how they’ve caused harm and take responsibility for that?” Terrell asked. “Or do you want someone sitting in a box for five, 10, 15 years and not doing any of that work?”

The department has prioritized offering these services earlier on in an individual’s sentence, reversing a model that often left them for the later months. Schnell said his hope is the program would also cut

down on recidivism rates in the state, which have stayed relatively stagnant for at least the last decade at around 25 percent.

Terrell said it's essential to make these programs available to people as early as possible.

"No one is more motivated to get out of prison than the first day they step into a prison, right? So get people while they're motivated, put them to work. Make sure they're working on themselves, contributing and learning new skills," he said.

Boosted morale, enhanced security

In Minnesota, about 95 percent of people who are incarcerated will return to the general population. Schnell and Terrell agree: the program gives an inmate a chance to see rewards for taking responsibility in their own progress. And this bodes well for the security of the institutions themselves.

"Morale is a big predictor of safety," said Terrell.

Security is front of mind for the state's correctional officers, said Officer Antonio Espinosa, who has been in the field for about 20 years and now works at Stillwater prison. These concerns were heightened after an inmate killed Officer Joseph Gomm at Stillwater in 2018.

"I think it would definitely improve communication between staff and the population incarcerated," Espinosa said, adding that it would create opportunities for mentorship and relationship building, perhaps eroding the "us versus them" mentality.



Corrections Officer Antonio Espinosa has worked in the field for around 20 years, most currently with MCF-Stillwater. Courtesy of the Department of Corrections.

The program builds upon existing initiatives, such as the challenge incarceration program, which allows eligible inmates to complete intensive physical, educational and substance treatment programs before being placed on supervised release. But Schnell said this effort would be far more comprehensive and inclusive.

As the bill is written now, it would exclude people who have committed certain types of offenses from qualifying from a shortened detention time, such as those who have been convicted of most homicide or sex-related offenses, although they would still be given the same comprehensive evaluation and access to many programs.

As the Ombuds for Corrections, a post independent from the DOC, Mark Haase said it can create problems when certain parts of the population are excluded from such initiatives.

“From a safety and security standpoint, you don't want people who feel like they don't have anything to lose by creating problems,” he said. Overall, he said he sees it as positive for staff and inmates.

A \$10 million savings

The policy offers significant savings for the state: \$10 million a year once fully implemented, the Department of Corrections estimates. The funds saved by not having to house or supervise inmates will be funneled into four areas: victim support services, crime prevention and intervention initiatives, community-based correctional programs, and the state's general fund.

The bill, written by Sen. Ron Latz and Rep. Jamie Becker-Finn, will likely face debate in the next legislative session.

“We're in as good a place as we've ever been for some reforms like this to happen,” Haase said.

As several sources stated, the financial perks of such a proposal aren't the only thing that may help its chances of being approved. Bipartisan support for criminal justice reform has grown in the last few years. Additionally, [George Floyd's death](#) put a spotlight on policing practices, including policies surrounding incarceration.

Espinosa is hopeful the program will create positive changes for correctional officers and inmates, but he knows it's going to come in incremental steps.

“It's going to be a slow start. New beginnings are small,” Espinosa said. “You have to give it time.”