

*Promoting the Highest Standards of Justice*

**§241.021 State Correctional Facilities Security Audit Group**

In response to concerns for safety in state correctional facilities, the Legislature established the State Correctional Facilities Security Audit Group in 2021 to articulate security standards and monitor compliance with those standards.

Several opportunities have arisen to better utilize the group to ensure safe and secure facilities. Changes are recommended to prioritize the following:

- Membership
  - Expand to include other state agencies with expertise in health and safety, infrastructure, and compliance, Department of Health and Department of Administration.
  - Broaden the language for the consultant position to allow for more applicants.
  - Allow for a designee for the Ombudsperson for Corrections.
  - Designation of a chair to better facilitate group.
- Clearer reporting on audit standards.
- Clarification on exemption from open meeting law given the review of security information.
- Application of [15.059](#) Advisory Councils and Committees
- Flexibility on timing and frequency of meetings:
  - Provide that two meetings a year is the minimum and the group can review more than one audit at each meeting. The group can still meet more often as needed based on the workload or schedule of audits to review.
  - Provides for better use of group for higher level concerns and allows for lower-level issues to be addressed internally at facilities.

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*The Office of the Ombuds for Corrections was established “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.” More information can be found at <https://mn.gov/obfc/>.*

## **241.021 Recommended Statutory Changes:**

### **Subd. 1h. State correctional facilities security audit group.**

(a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

- (1) a department of corrections employee who is not assigned to the correctional institutions division, appointed by the commissioner;
- (2) the ombudsperson for corrections or a designee;
- (3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and appointed by the commissioner;
- (4) an individual with expertise in security related to infrastructure and operational logistics of correctional facilities who is not required to reside in Minnesota ~~physical plant safety consultant~~, appointed by the governor;
- ~~(5) a private security consultant with expertise in correctional facility security, appointed by the governor;~~
- (5) the commissioner of the department of health or a designee;
- (6) the commissioner of the department of administration or a designee;
- (7) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and
- (8) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) The ombudsperson or a designee shall chair the group. ~~By January 1, 2022, +~~ The group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance ~~by February 15, 2022 whenever the standards are updated.~~

(c) The group shall meet at least twice a year to review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of meeting to review receiving an audit reports from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section [241.016, subdivision 1](#). The commissioner shall not include corrections and detention confidential data, as defined in section [13.85, subdivision 3](#), and nonpublic security information, as defined in section [13.37, subdivision 1](#), in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

(f) The state correctional facilities security audit group is not subject to chapter 13D.

(g) Except as otherwise provided in this paragraph, the terms, compensation, and removal of members of the group are governed by section 15.059. Members of the group serve without compensation but shall receive expense reimbursement. Notwithstanding section 15.059, subdivision 6, the group does not expire.