

Short-Term Offenders

2003 Report to the Legislature

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Legislative Direction

The 2001 legislative session directed the commissioner of corrections, by February 1, 2003, to report on alternatives for dealing with offenders who actually serve less than one year in prison. This report shall include capital and operating costs, possible partnerships, renting beds from public or private facilities, and current prison capacities.

The short-term offender issue has existed for many years. During the 1993 legislative session the commissioner of corrections was directed to meet with the chairs of the House Judiciary Committee and Judiciary Finance Division of the Senate Crime Prevention Committee and Crime Prevention Finance Division or their designees, and with representatives of community corrections agencies, in order to develop a long-range plan for adequately incarcerating convicted offenders who have failed to abide by the conditions of probation (short-term offenders). A report was completed but no action was taken.

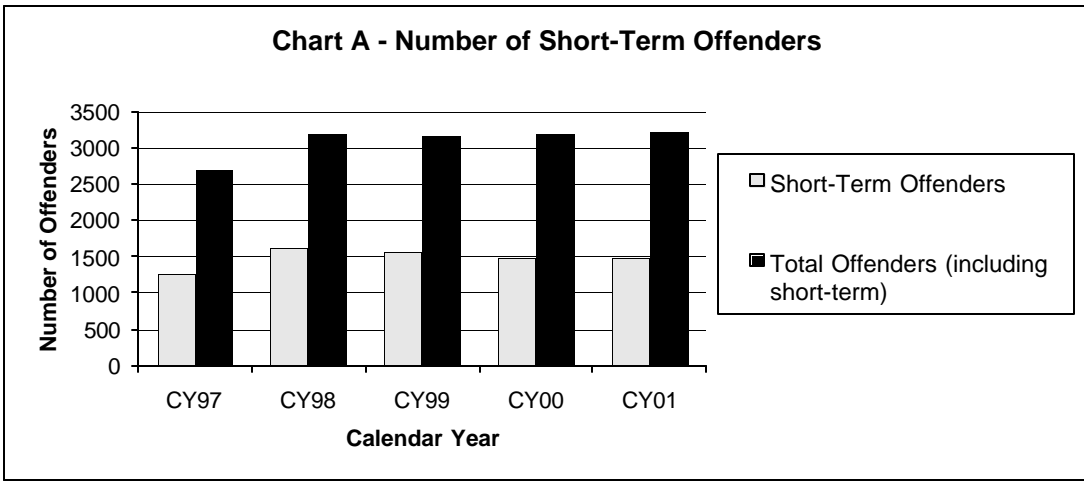
Background

Short-term offenders can be defined as offenders serving less than one year in prison. This occurs most frequently with:

- Offenders whose actual time to be served in prison is less than one year
- Offenders that have jail credit reducing their term of imprisonment to less than one year
- Probation violators coming to prison for short periods of time

The Department of Corrections' 1994-95 biennial budget proposed that short-term probation violators, then spending less than one year in state correctional facilities, no longer be committed to the state. Rather than limit commitments of short-term probation violators, the 1993 Legislature provided funds to the agency to help manage prison crowding, including the housing of these offenders in local facilities on a contract basis for FY94 only. This was an alternative for housing short-term offenders that only provided relief for one year.

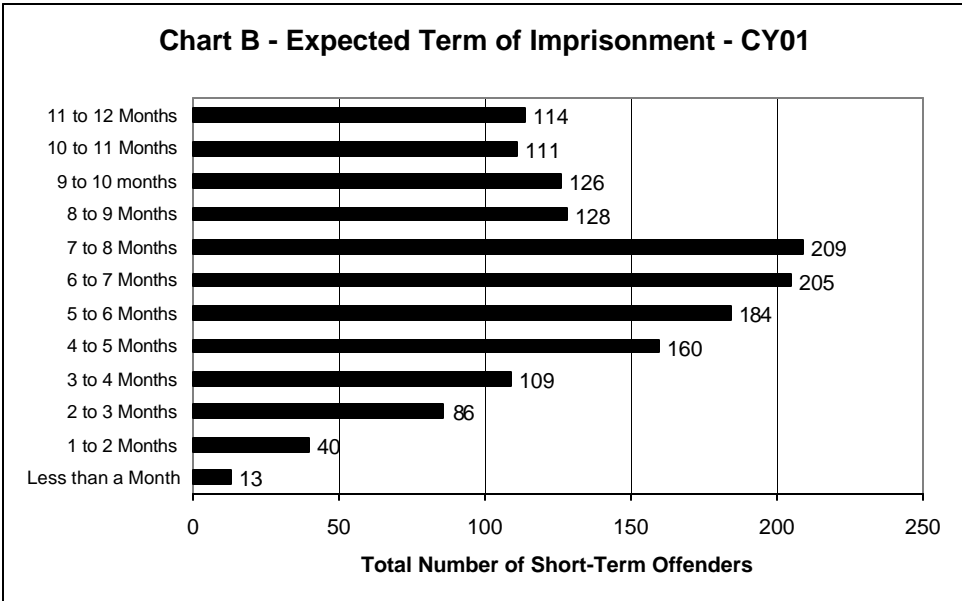
The short-term offender issue has compounded in recent years as prison populations continue to rise. In calendar year 2001, 1,485 short-term offenders were committed to the commissioner of corrections (Chart A). The short-term offender population on any given day is approximately 800. This equates to 12 percent of the current prison population.



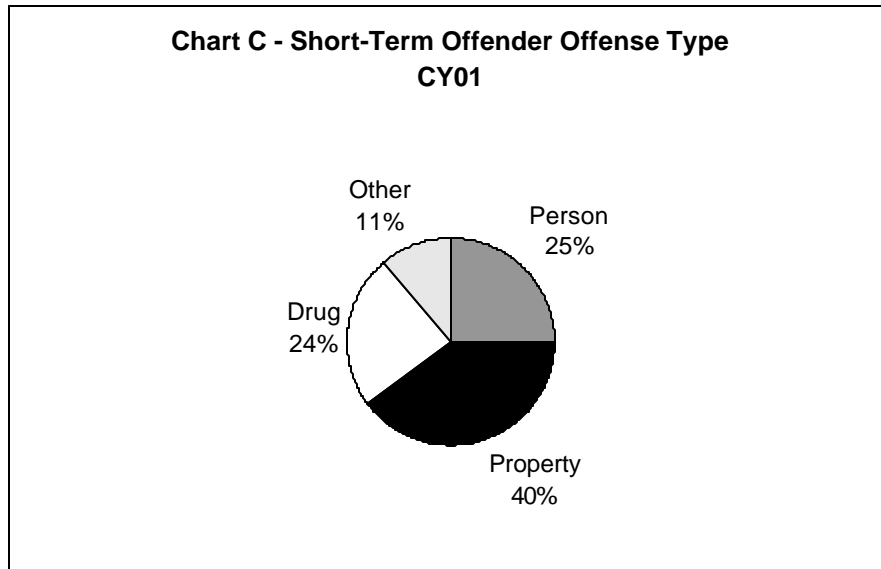
Short-Term Offender Issues

Short-term offenders are processed and managed in a correctional facility the same as long-term offenders. The intake process – including complete education and Level-of-Service Inventory assessments; medical, dental and mental health examinations; and orientation – is required for all inmates. Intake is an expensive process, over and above the daily per diem charge for each offender. Eliminating intake for the short-term offender population is not viable because of existing statutes and health regulations, as well as security and safety concerns.

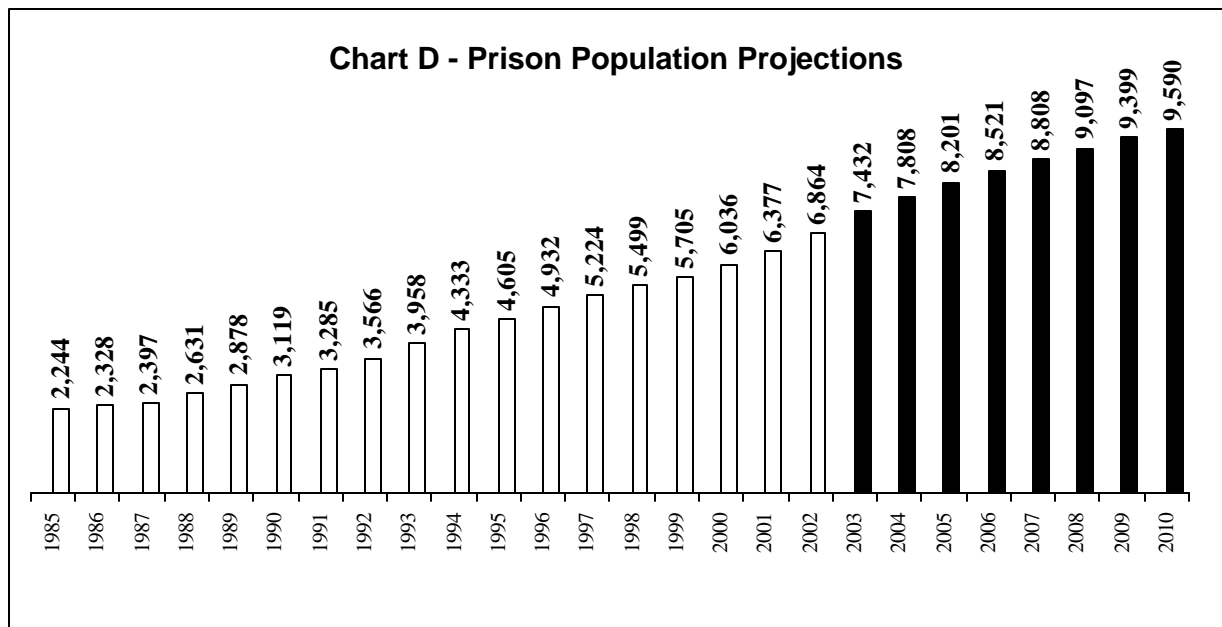
Treatment and education programs for short-term offenders are generally not available as their time spent in prison (Chart B) is shorter than the length of most programs. These offenders are usually moved from the intake facility to a lower-security prison within 60 days. Transportation costs are another expense of short-term offenders.



Short-term offenders consist mostly of non-violent drug and property offenders (Chart C).

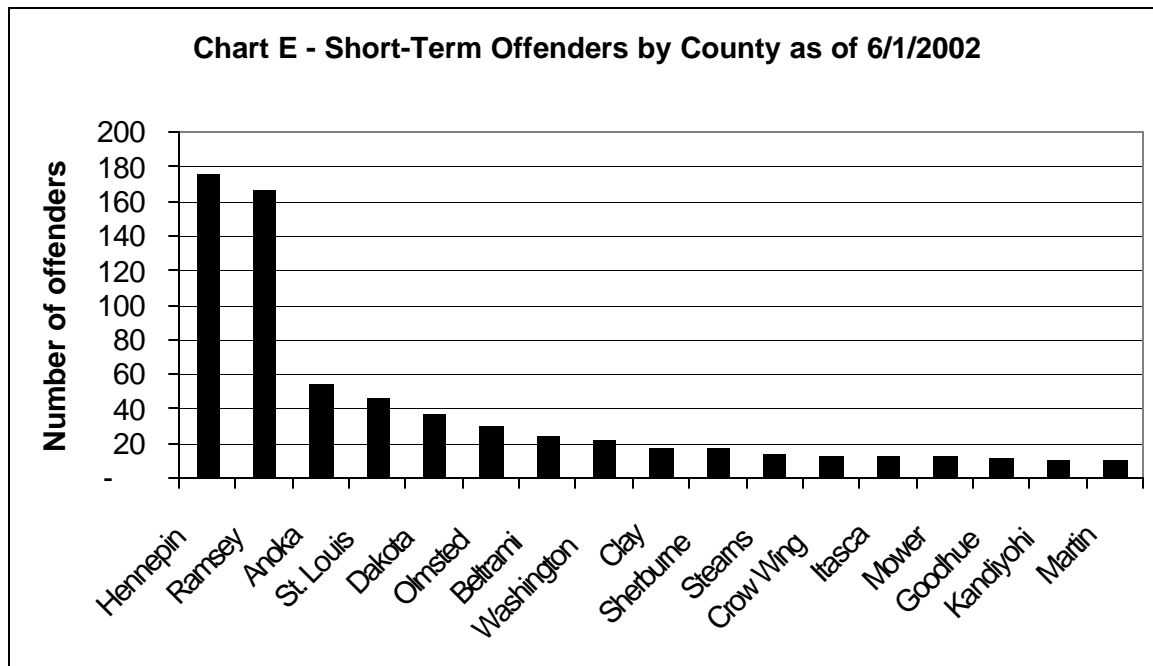


Prison population projections indicate a significant increase over the next eight years (Chart D). Prison populations are expected to rise to over 9,500 offenders by the year 2010. This major population surge will demand more prison beds. It is inefficient to have short-term offenders as a part of this population as state prison beds are designed for dangerous, long-term offenders.



Options

- Amend minimum felony sentence of imprisonment statute (M.S. 609.105) to specify that any offender whose remaining term of imprisonment is 365 days or less shall not be committed to the commissioner of corrections. This could significantly reduce the number of short-term offenders as their term of imprisonment (two-thirds of the sentence) would then be at least 12 months. However, jail credit could reduce the incarceration period to less than 12 months. This option will have an impact on local jurisdictions as the offenders who would currently go to prison would have to be managed locally. Also, this option will require a change to current sentencing guidelines, and certain felonies would become gross misdemeanors. Chart E reflects the number of short-term offenders by county of commitment. Counties not listed on the chart had less than 10 short-term offenders.



- Amend statute so a stay of execution must result in individuals completing a minimum 18-month sentence (two-thirds in prison, one-third under community supervision). This option will have a similar impact as the above option but without any changes to sentencing guidelines for felonies.
- Local jurisdictions retain responsibility for offenders with less than 12 months to serve of their term of imprisonment. This option could have significant financial impact on local jurisdictions. Local jail facilities are already above capacity all over the state. This has been a contested issue for the last 15 years, and each jurisdiction believes it is the others responsibility.

- Continue probation violators on probation instead of sending them to prison. This option would keep offenders in the community to be managed by local jurisdictions. This option, as the one above, may have significant financial impact on local jurisdictions.
- Construct an 820-bed, low-security facility to house short-term offenders. This facility could be located on the grounds of an existing facility, allowing the department to manage the facility with existing administrative and support staff. Programming at this short-term facility would be very limited, with transitional and work release activities the main focus. The capital costs for this facility would be approximately \$30-40 million, with annual operating costs ranging between \$15-22 million.

Other options with a short-term facility include state funding for construction and local operation; local funding of construction and operation; or local construction funding with state operation.

- Increase work release and expand the criteria to allow more offenders into the program. This could be a viable option for offenders with six months or less to serve. Renting county jail beds for this purpose may prove to be difficult, however, as jails are full statewide.
- Develop transitional centers/facilities for short-term offenders. However, research shows that small community facilities focusing on life skills, employment, cognitive restructuring and treatment are very effective for high-risk offenders (evaluation of Ohio's community-based correctional facilities and halfway house programs, September 2002). Therefore, placing short-term, low-risk offenders in intensive programming at best leads to a costly null effect or can increase the risk and recidivism rates of lower-risk offenders.
- For those short-term offenders who are also DWI offenders, use of treatment facilities may be an option if costs are less than prison per diems.
- Contract with private facilities to house short-term offenders. The current cost for renting beds ranges from \$50-65 per day. Health care costs would remain the responsibility of the Department of Corrections. Availability of beds could be problematic.
- Work with local jurisdictions to develop and expand the use of non-incarceration sentencing options for misdemeanants and prioritize the use of jail beds for certain gross misdemeanor and felony offenders.

Summary

Several alternatives are available for dealing with short-term offenders. Prisons have been built to house serious, dangerous, long-term offenders. Housing short-term offenders does not utilize prisons appropriately, nor is it a cost-effective or efficient manner to manage this type of offender.

Local jurisdictions have developed programs and alternatives for this type of offender that can be better served in a community setting.

Department of Corrections' Recommendations

- Amend M.S. §609.105 (Sentence of Imprisonment), Subdivision 1, to read: A felony sentence to imprisonment for more than one year shall commit the defendant to the custody of the commissioner of corrections. *Any offender whose remaining term of imprisonment is six months or less shall not be committed to the commissioner of corrections.*
- It is also recommended that the legislature address additional costs incurred by the counties as a result of any guidelines' initiatives that have the effect of increasing the number of offenders sanctioned at the local level.