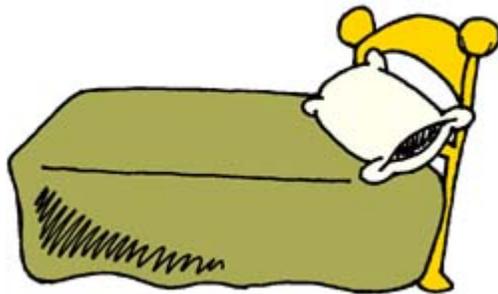


ONE LESS BED



**Report on
Alternatives to Incarceration-
Female Offenders**

MCF-Shakopee

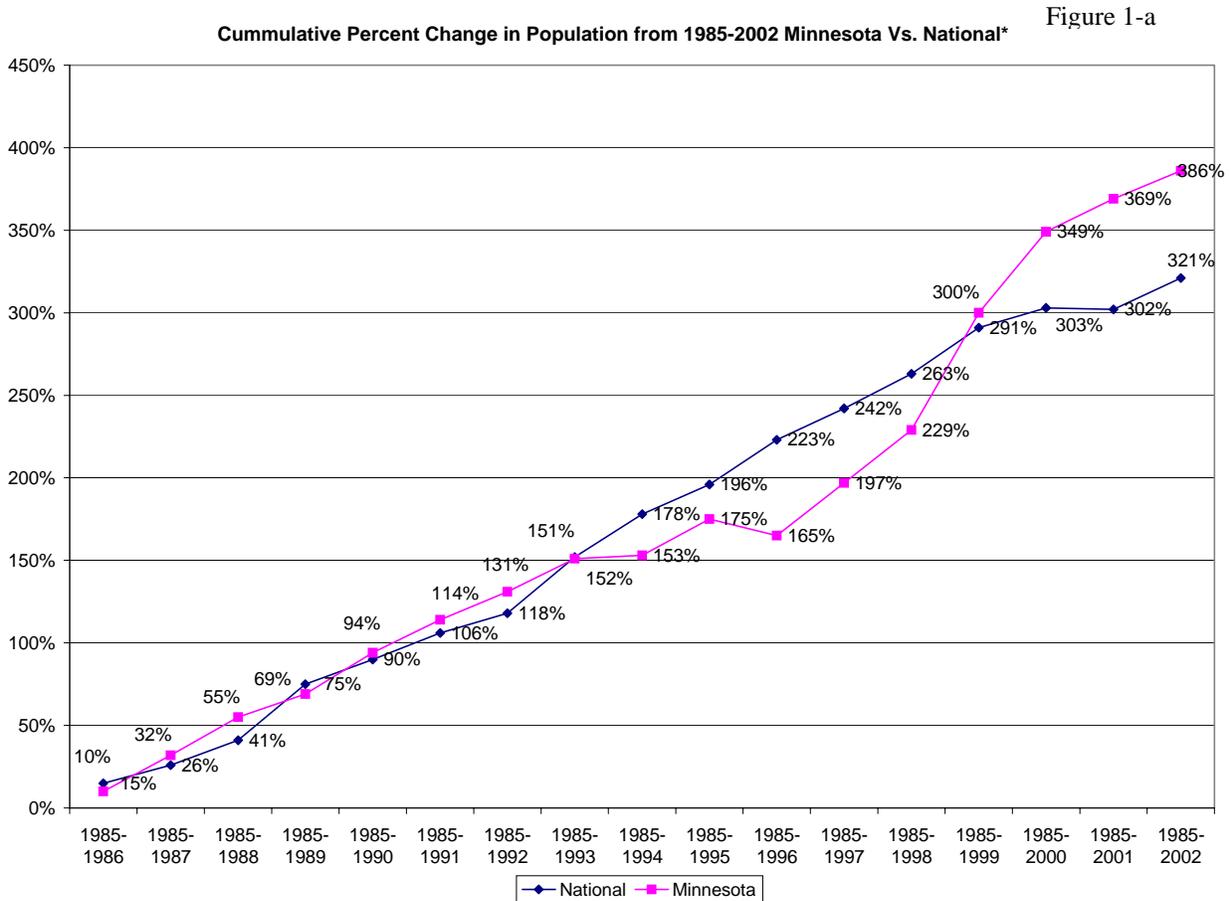
February, 2004

Table of Contents

<i>Introduction</i>	3
<i>Committee Members and Resource People</i>	6
<i>Executive Summary</i>	
Significant Findings	7
Most Promising Recommendations	8
Areas in Need of Further Study	8
Areas Not Deemed to be Promising.....	8
<i>Study Process and Preparation</i>	9
<i>I. Most Promising Recommendations</i>	
1. Pregnant Offender	15
2. Challenge Incarceration Program (CIP)	16
3. Technical Violations of Probation and Supervised Releasee	18
4. Extended Incarceration and Loss of Good Time.....	23
5. Housing Initiatives	26
<i>II. Areas in Need for Further Study</i>	
6. Flowcharting	29
7. Study on Geographical Differences	29
<i>III. Areas Not Deemed to be Promising</i>	
1. Reducing Prison Lengths.....	30
2. Geriatric Care Center.....	32
3. Diverting Female Offenders.....	33
<i>Addendum A – Pregnant Offenders at MCF-Shakopee</i>	34
<i>Addendum B – Dispositional Departure Rates</i>	35

Introduction

On January 31, 2003 Commissioner Joan Fabian met with representatives from the State Advisory Task Force on Female Offenders. The representatives described the work of the Task Force and indicated that alternatives to incarceration exist for women who are committed to the Commissioner of Corrections. In light of the state budget crisis and increasing prison population, Commissioner Fabian requested that a working group of the Advisory Task Force analyze the female prison population and return with any recommendations. The first meeting of the Alternative to Incarceration- Female Offenders was held in February, 2003



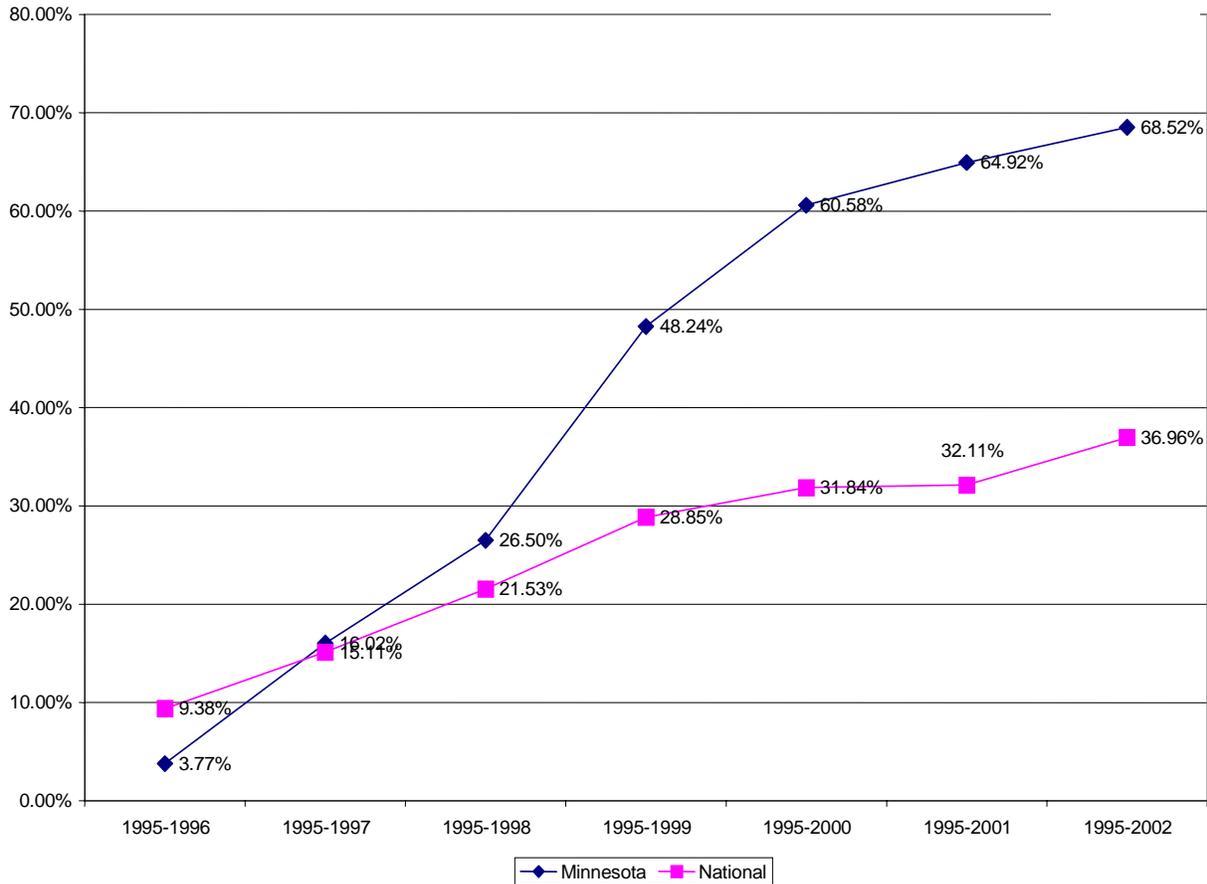
*National data derived from the Bureau of Justice Statistics and is based on the total number of women in state or federal prison. Minnesota data is based on January 1 snapshot

There is good reason to explore alternatives to prison for the female offender. There has been unprecedented growth in the female prison population in Minnesota and nationally. As noted in Figure 1-a, Minnesota's growth in female prison population had largely paralleled the national trends until 1994 when Minnesota rates slowed. However, starting in 1996, the growth in the female prison population in Minnesota became even more pronounced when compared to national rates (see Figure 1-b). This increase is remarkable for its sheer numbers and also in terms of comparison to men. The growth of the female prison population in Minnesota rose dramatically from 1985 to 2003: a 484% increase (from 77 to 450). This compares to a 195% increase for men (from 2,246 to 6,623) during the same timeframe.

**Annual changes in state and national female prison population
by percent increase from previous year: 1995-2002
(Cumulative)**

Source of national figures: Bureau of Justice Statistics Bulletins

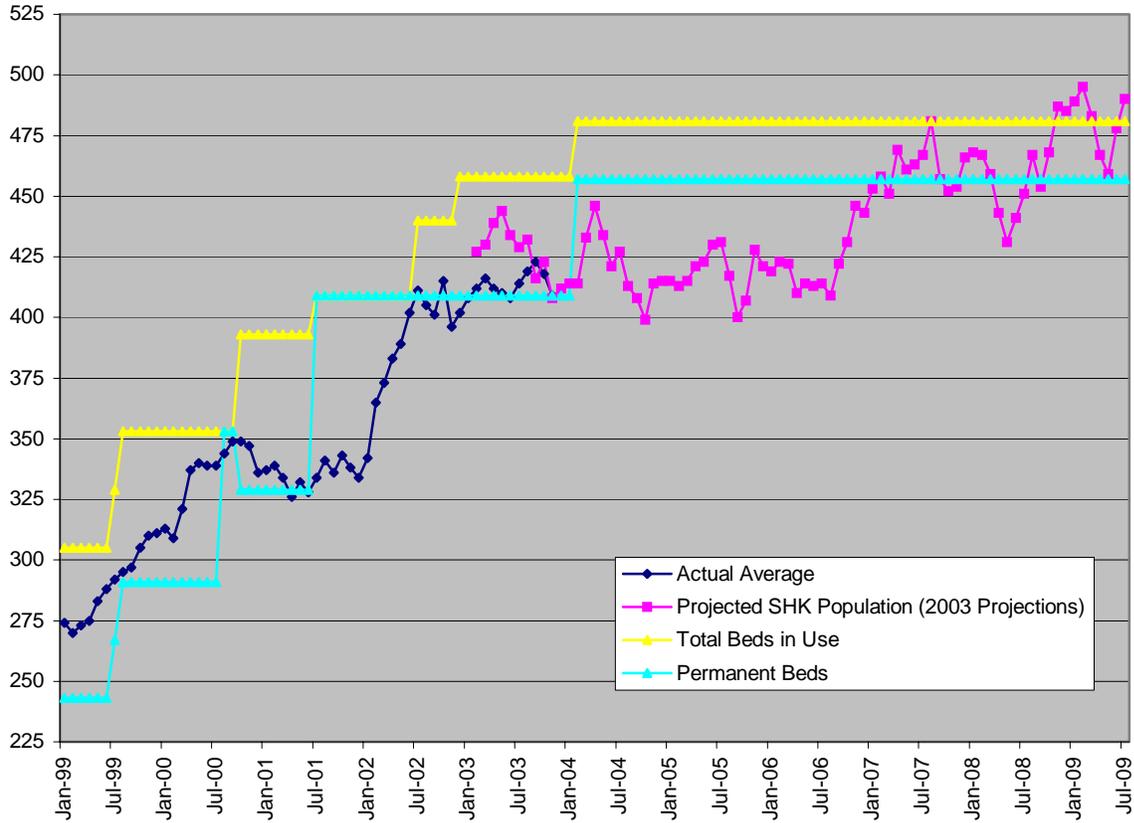
Figure 1-b



In November 2003, the existing bed capacity at MCF-Shakopee is 409, the actual population in the facility is 423, and the total number under commitment status is 450. A construction project is underway that will remodel and expand the Independent Living Center unit. This living unit will house an additional 48 offenders, bringing the final maximum total bed capacity to 457. In addition, the facility will have the ability to convert day rooms into bedrooms thereby adding 94 overflow beds to temporarily handle any future overcrowding. Despite this expanded capacity, the Alternative to Incarceration committee recognizes that it can be expensive to house offenders in a state correctional facility both financially (the FY03 per diem was \$86.99) and in social, economic, and psychological terms. The marginal costs that would be saved by not having a committed female offender serve her incarceration at MCF-Shakopee is considerably less than \$86.99 even when amortized capital costs are included.

Female population committed to the Minnesota Commissioner of Corrections

Figure 2



It should be noted that many of the findings and recommendations compiled in this report could also hold true for the male offenders committed to the state. Some of the issues are unique to women offenders, others are more prevalent with the woman offender, and many apply to both genders. This report, however, focuses on the population housed at MCF-Shakopee and the findings and recommendations are developed with them in mind.

The committee members and resource people included:

Danette Buskovich, Research Unit, MN Department of Corrections

Mark Carey, Warden, MCF-Shakopee

Claudia Fercello, Research Unit, MN Department of Corrections

Kim Greer, Minnesota State University at Mankato

Mickey Kopfmann, Program Director, MCF-Shakopee

Anne McDiarmid, Ramsey County Community Corrections

Sharen R. Southard, Hennepin County Community Corrections

This assignment started out simply enough: explore what alternatives might exist that could reduce the reliance on prison for female offenders. In the end, the task became more complex. The more the committee members learned about the profile of the female offender, the sentencing and revocation practices, the criminal justice policies and practices, and the societal influences the more questions emerged. In the end, the committee had to finish its work and, as such, recognizes that this is just the beginning. A great deal more needs to be studied in the years ahead. Hopefully, this report represents a good beginning of a very important and worthwhile endeavor.

EXECUTIVE SUMMARY

On January 31, 2003 Commissioner Joan Fabian met with representatives from the State Advisory Task Force on Female Offenders. The representatives described the work of the Task Force and indicated that alternatives to incarceration exist for women who are committed to the Commissioner of Corrections. In light of the state budget crisis and increasing prison population, Commissioner Fabian requested that a working group of the Advisory Task Force analyze the female prison population and respond with recommendations.

The working committee of the State Advisory Task Force on Female Offenders entitled the Alternative to Incarceration- Female Offenders Committee met from February to December of 2003. During this time, the committee reviewed national and state prison trends and examined the existing profile of the female offender committed to the Commissioner of Corrections at Shakopee. Assumptions about possible prison alternatives were tested through an analysis of the data. Recommendations were formed using the criteria of public safety, program effectiveness, cost efficiencies, and public sensibilities.

The unprecedented growth in the number of women sentenced to the Minnesota Correctional Facility at Shakopee was the impetus that stimulated the development of the information contained in this report. The growth of women sentenced to Minnesota prisons rose dramatically from 1985 to 2003: a 484% increase (from 77 to 450). This compares to a 195% increase for men (from 2,246 to 6,623) during the same timeframe. The growth in the female prison population in Minnesota is even more pronounced when compared to national rates.

Significant Findings

- Women offenders released from prison commit a new felony slightly less frequently than their male counterparts.
- There is no significant difference in the incarceration length of male or female person offenders, however, women are significantly more likely than men to be incarcerated for one year or less as a result of a property crime.
- Female offenders are more likely than male offenders to be released on supervised release and less likely to be placed on Intensive Supervised Release status.
- The female offender at MCF-Shakopee is more likely to be committed for a property or drug crime than a personal crime when compared to male inmates and therefore a larger percent will meet eligibility for CIP than will males.
- The female offender at MCF-Shakopee is more likely to be successful in completing CIP than their male counterpart.
- Minnesota has a slightly lower percent of their prison releasee population returned to prison on a technical violation than other states.
- Women offenders on probation are significantly more likely to be revoked and sent to prison for technical violations on a stay of imposition/execution sentence (i.e., probation) than their male counterparts.

- The number of residential and day reporting center program slots has diminished over the past ten to fifteen years.
- The number of discipline options is more limited than what the courts have available resulting in the need to over rely on the use of segregation and extended incarceration. This practice results in longer prison stays.
- A significant percent of women offenders committed to prison are either chemically abusive/dependent or mentally ill.

Most Promising Recommendations

- Provide a residential program for the pregnant offender
- Support the Department of Corrections initiative to expand the number of women on the Challenge Incarceration Program (CIP) and increase the development of gender responsive programming within CIP.
- The Minnesota Department of Corrections should request technical assistance to examine the frequency of technical violations of probation and supervised release conditions resulting in a prison admission.
- Support and expand recent efforts by DOC central office to review and reduce some of the sanctions that lead to extended incarceration and loss of good time.
- Support the housing initiatives put forth both by the housing workgroup in the Minnesota Department of Corrections to assist the releasee and the State Advisory Task Force on Female Offenders' proposal to establish a sub-committee to encourage the development of appropriate housing for mentally ill/chemically dependent women leaving MCF-Shakopee.

Areas in Need of Further Study

- Conduct a flowcharting study process to evaluate the impact interventions have on offenders based on the various characteristics present in individuals and processes.
- Conduct a study on geographical differences in sentencing.

Areas Not Deemed to be Promising

- **Reducing prison lengths for female offenders:** There are not significant differences between men and women incarceration lengths. If anything, women tend to serve shorter lengths of time for the same offense.
- **Setting up a geriatric care center or release mechanism:** The vast majority of offenders incarcerated at MCF-Shakopee are between the ages 22 and 50, with the most frequent age between 31 and 40.
- **Diverting female offenders from prison:** The sentencing judge is much more likely to grant a downward dispositional departure for women than for men.

The committee members recognize that many factors influence the number of incarcerated women and many questions emerged during the committee work that remain unanswered. A great deal more needs to be studied in the years ahead. This report represents the beginning of the exploration.

Study Process and Preparation

The working committee of the State Advisory Task Force on Female Offenders entitled the Alternative to Incarceration- Female Offenders Committee met from February to December of 2003. During this time, the committee reviewed national and state prison trends and examined the existing profile of the female offender committed to the Commissioner of Corrections at Shakopee. Assumptions about possible prison alternatives were tested through an analysis of the data. Recommendations were formed using the criteria of public safety, program effectiveness, cost efficiencies, and public sensibilities.

An examination of the national prison trends using the National Institute of Corrections Information Center services and other sources indicated that states were considering a variety of strategies and populations to reduce the number of offenders in prison including the following:

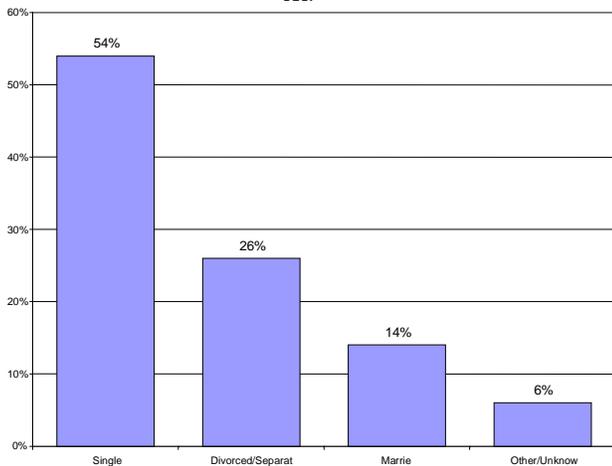
Trend: Options considered to deal with prison crowding	Primary States Reporting
Reduce sentences for low level drug offenders	Multiple states with New York expressing great concern
Reduce sentences for non-violent offenders	Kentucky, California, Oregon, Arkansas, Indiana
Deal with elderly inmates differently	Many states including California and Maryland
Release inmates close to release dates	Arkansas, Kentucky, Indiana
Reduce length of parole and alter policies to reduce parole violations returned to prison.	Washington, Oklahoma, Connecticut, Oregon, Nevada
Increase use of “good time”	California
Close prisons	Ohio, Illinois, Michigan, Florida
Modify sentencing practice	Washington, Kansas, New York, Oregon, Missouri
Build more prisons	Arizona (private), Federal Bureau of Prisons, Colorado, Wyoming, Pennsylvania

The national trends were compared to state and local trends to develop some initial premises on where alternatives to incarceration might be most promising for Minnesota. While the state trends do not necessarily mirror national conditions they can spark ideas on where to look for possible improvements in practice or efficiencies.

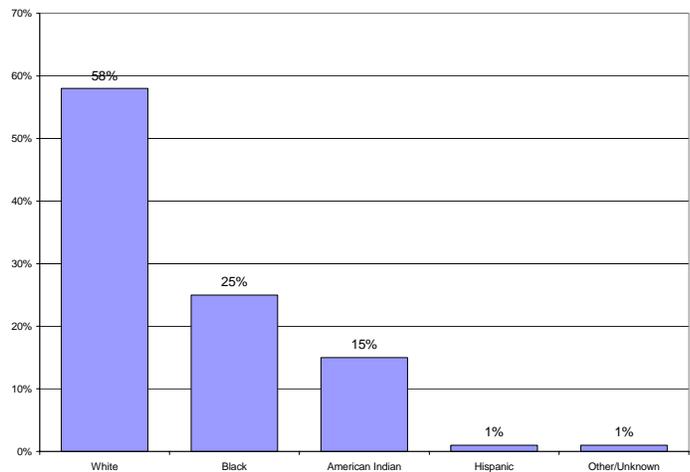
The following profile information serves as additional background information on the population incarcerated at MCF-Shakopee:

Fact: Most MCF-Shakopee offenders are single and Caucasian, although there is a disproportionate percent of non-Caucasians compared to the general public.

Marital Status of Female Releasees in (N =) Figure 3



Race of Female Releasees in 2002 (N = 352) Figure 4

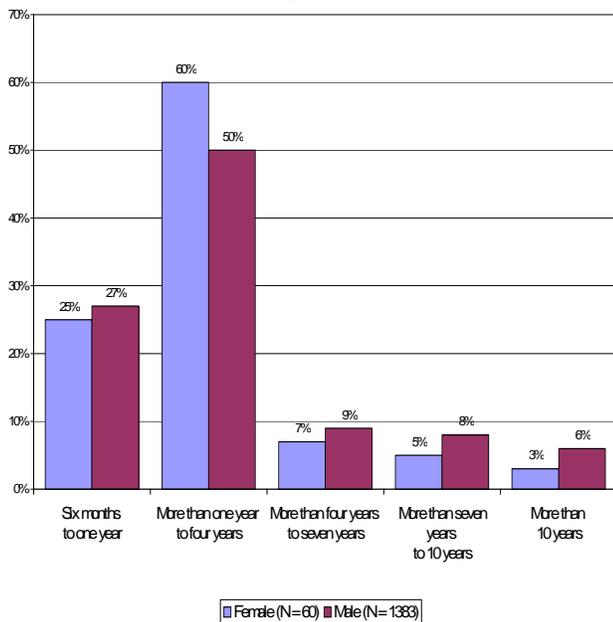


Fact: Women offenders released from prison commit a new felony slightly less frequently than their male counterparts.

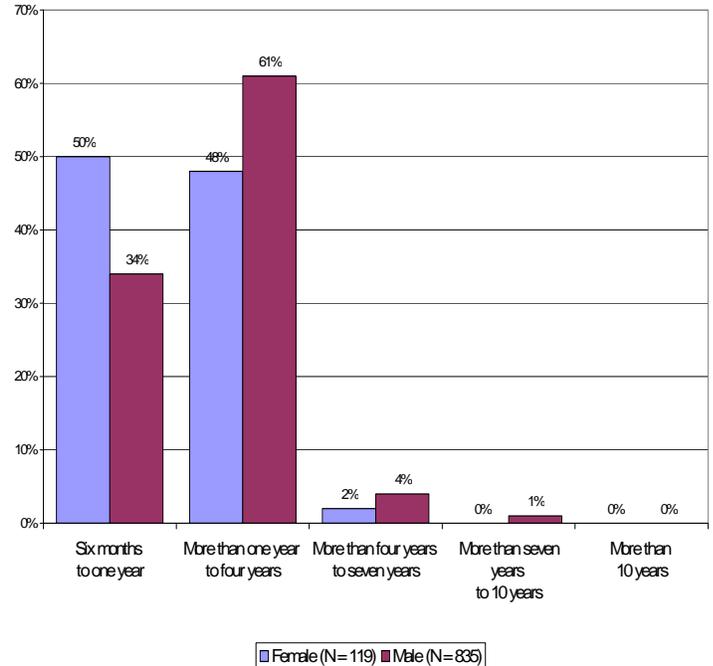
According to the 2000 Annual Performance Report, the average three-year reconviction rate for men released from prison between 1990 and 1997 was 25 percent. The average three-year reconviction rate for women during this same time period was 22 percent.

Fact: There is no significant difference in the incarceration length of male or female person offenders, however, women are significantly more likely than men to be incarcerated for one year or less as a result of a property crime.

Incarceration Length for Person Offenders Figure 5



Incarceration Length for Property Offenders Figure 6

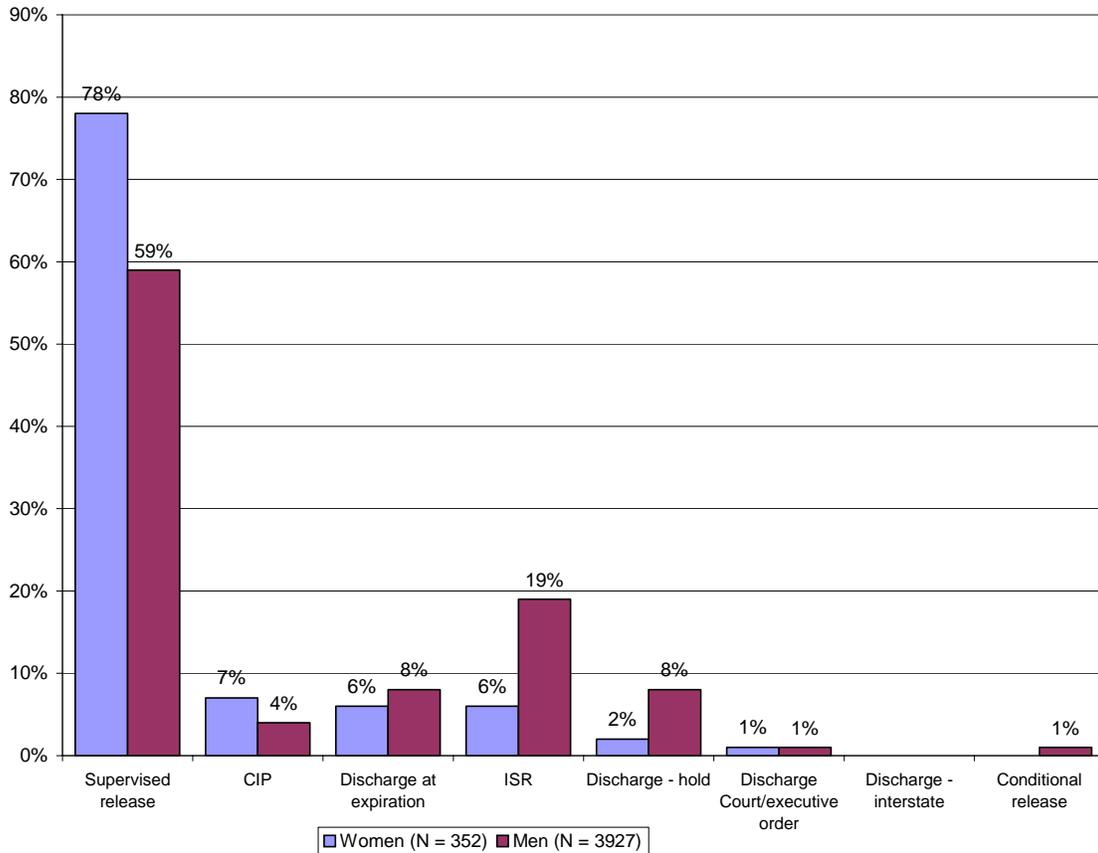


Fact: Female offenders are more likely than male offenders to be released on supervised release and less likely to be placed on Intensive Supervised Release status.

This fact should not be surprising given that men are more likely to be convicted of a personal offense and the ISR (Intensive Supervised Release) program is designed to provide intensive surveillance for those offenders who pose the greatest public risk.

Release Status of Offenders in 2002

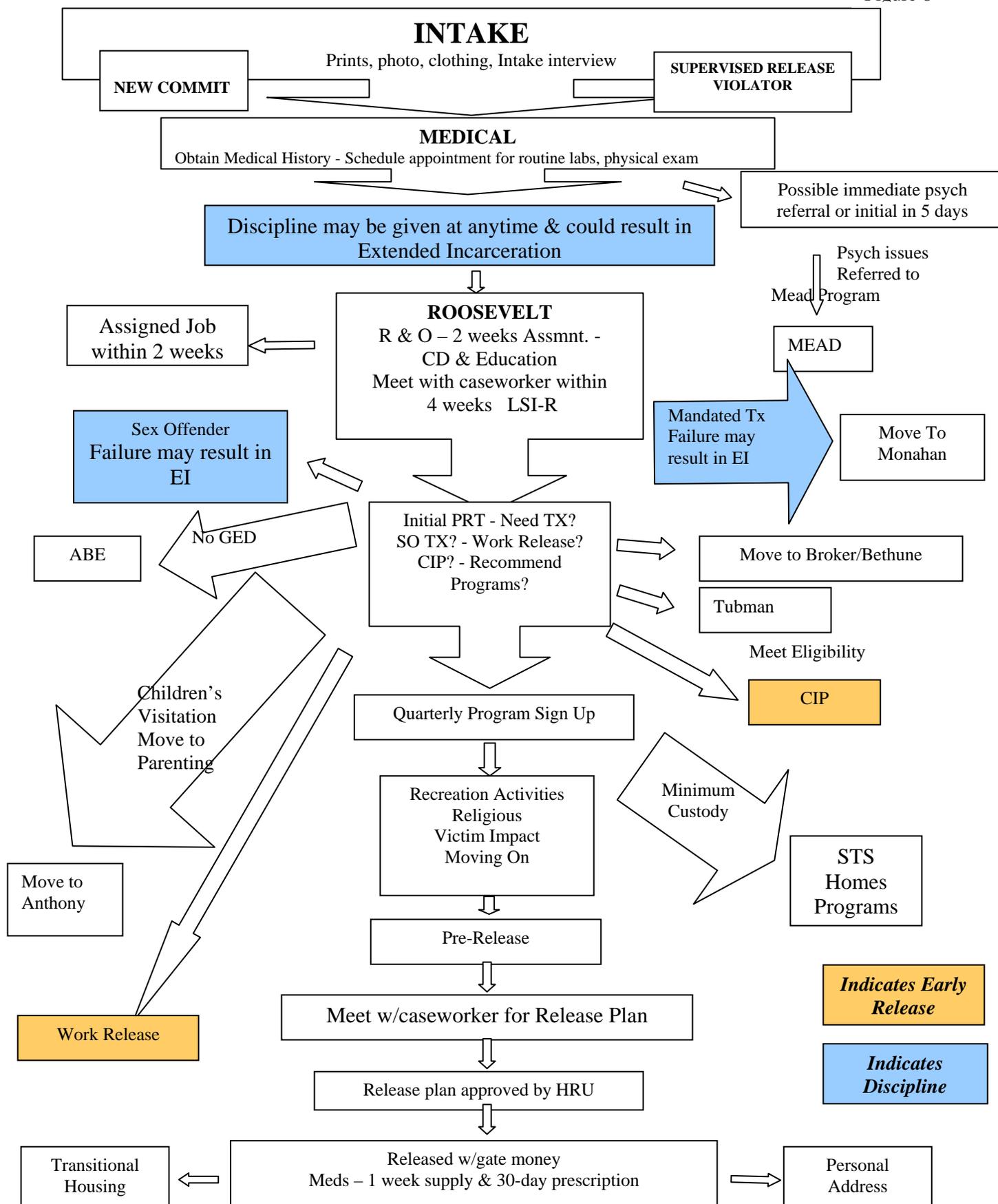
Figure 7



In order to better understand where potential alternatives to incarceration exist, the committee examined the process by which an offender received a prison sentence length. The flow chart below helps describe the ways an offender enters and leaves prison, and where prison length might be impacted. In general, there are three areas where the committee could devise alternatives to affect length of stay:

- Events leading up to sentencing (such as prior record, sentencing practices, laws, sentencing guidelines, revocation practices, etc.)
- Discipline procedures that might lead to extended incarceration
- “Early release” programming such as work release, medical release, or the challenge incarceration program.

Figure 8



A profile analysis was conducted on the MCF-Shakopee population. Some of that analysis is woven into the findings and recommendations throughout the report. There are seven recommendations, two of the seven being “process” or study recommendations in order to better understand the issues and trends that might lead to further improvements in finding incarceration alternatives and five that represent concrete steps that could be taken immediately. The report is divided into three sections of analysis:

- most promising recommendations
- topics warranting further study, and
- subject areas not deemed to be promising

I. Most promising recommendations

1. Provide a residential program for the pregnant offender

Discussion

MCF/Shakopee once had a Community Alternative for Mothers in Prison (CAMP) program in place from 1988 to 2001 totaling 29 participants during those years. It was designed for pregnant women and their newborn children. Given the number of pregnant, state-incarcerated women on a given day (eight to twelve) and the goal of breaking the cycle of inter-generational crime, the committee examined the reinstatement of the CAMP program and recommended its reinstatement. The attached addendum lists the pregnant offenders and identifying characteristics on a given day. When one considers eligibility factors such as whether they hold a public risk status, have involvement with child protection, and have active detainers, only three of the offenders listed in Addendum A will deliver their child while still incarcerated and also be eligible for CAMP.

Target Group: The CAMP program would provide an opportunity for some offenders who give birth during their term of incarceration to remain with and care for their newborn infants. Offenders who give birth within 6 months of their release date and who will parent upon release would be screened for eligibility. They would complete their sentence at a residential facility in the community and attend parent education classes through a selected vendor. Through these programs the mothers could learn parenting skills as they bond with their infants.

Criteria: Women would be selected from the population at MCF/Shakopee based on eligibility criteria described below. A selection committee consisting of the facility medical director, the parenting/family program director, and the case manager would determine which women are eligible for the program. The Program Review Team would make the final approval. The eligibility criteria takes into account factors such as the woman's medical and programming needs, likelihood of success in community living, and institutional history. The case manager would also contact the sentencing judge to gain input before accepting an offender in the program. The criteria are:

- Offender has completed or is exempted from chemical dependency directive
- Offender has six months or less till supervised release date
- Offender has acceptable discipline record at institution
- Offender has approval from county child protection if, applicable
- Offender is medium or minimum classification
- Offender has signed a participant agreement

Programming: Offenders who are approved to participate would live at a community facility for women offenders that has demonstrated its ability to work effectively with women offenders and their children. Vendors with community-based services would provide the support/education groups free of charge to the CAMP program participants.

Funding: The State of Minnesota Department of Corrections would pay the per diem cost to the residential service provider. This vendor will facilitate the application by the mother for county financial assistance for the infant. The per diem is estimated at \$68.50. This figure does not include the additional \$13.84 cost per day for health care and central office support. Based on an average of pregnant women incarcerated in the past years and past participation rates it could be expected that CAMP will serve 4-6 offenders and their infants per year. The range of participation will depend on the actual number of eligible offenders, the length of stay, and available funds. For purposes of initial budgeting, it is estimated that a budget of approximately \$30,000 would allow an average of five offenders to participate in the program annually for an average of ninety days per stay.

Recommendation: All involved agencies have expressed excitement and enthusiasm at the prospect of reinstating this program and are committed to working on this joint venture. It is recommended that the CAMP program be reinstated and that the DOC Research and Evaluation Unit conduct a program evaluation on past and future participants and their success rate in the community both in non-recidivating and parenting outcomes.

2. Support the Department of Corrections initiative to expand the number of women on the Challenge Incarceration Program (CIP) and increase the development of gender responsive programming within CIP.

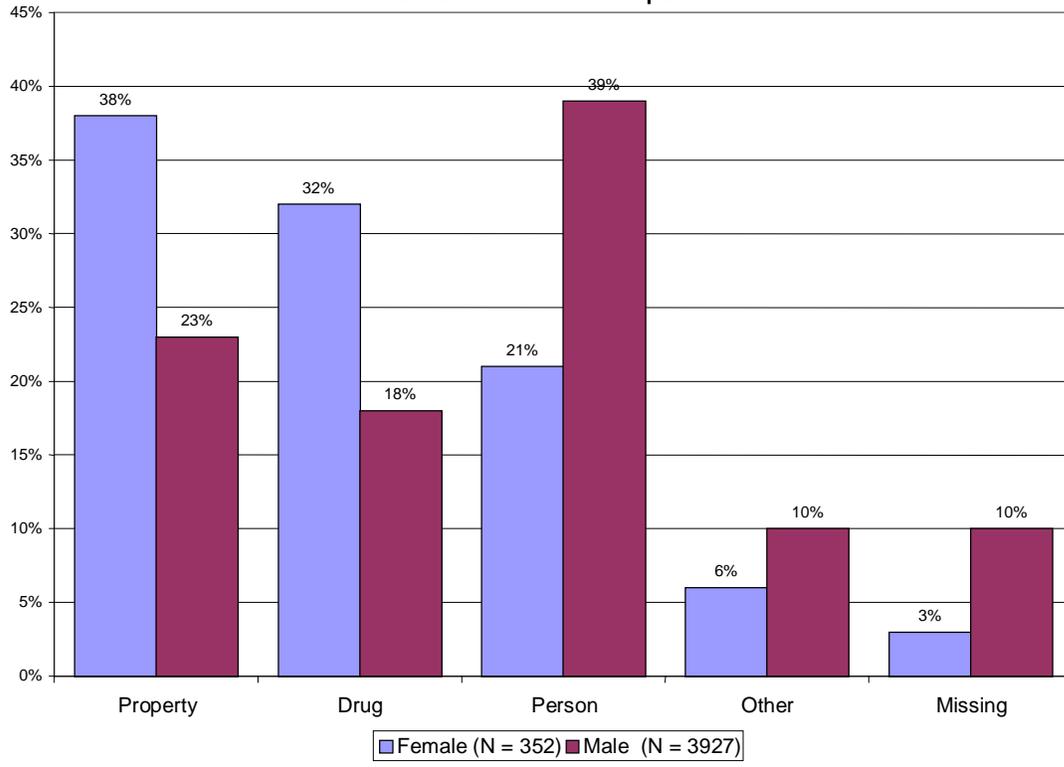
Discussion:

Fact: The female offender at MCF-Shakopee is more likely to be committed for a property or drug crime than a personal crime when compared to male inmates and therefore a larger percent will meet eligibility for CIP than will males.

Figure 9 shows that women tend to be incarcerated for property and drug offenses when compared to the men. These differences are significant as evidenced by the fact that men are almost twice as likely to be incarcerated for a personal offense than are women (39% versus 21%). These are important distinctions when reviewing the use of the CIP program that is designed primarily for the drug offender. Female inmates represent 6% of the total Minnesota prison population and yet they make up 17% of the current CIP beds. At some point, the department will have maximized the use of CIP beds for females but given their offense profile and completion rates it is recommended that the DOC continue to test that upper limit of referrals.

Male vs. Female Offense Categories
CY2002 Prison Release Population

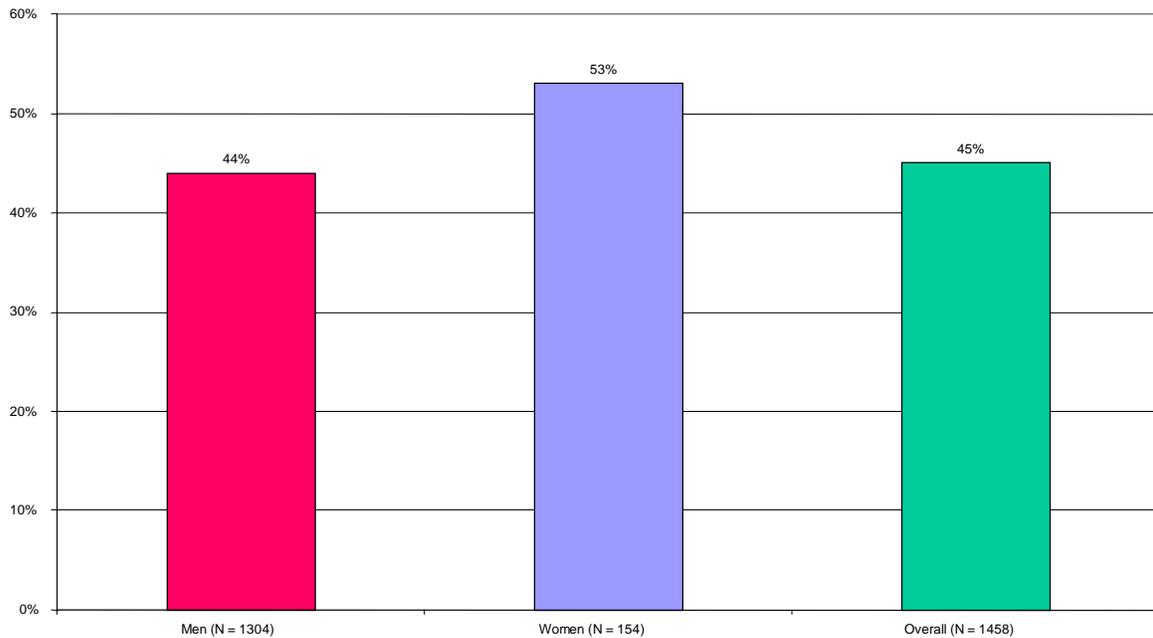
Figure 9



Fact: The female offender at MCF-Shakopee is more likely to be successful in completing CIP than their male counterpart.

CIP Completion Rates: All three phases

Figure 10



To-date, 1,458 people have participated in the Challenge Incarceration Project. Overall, 45 percent of these participants have successfully completed the entire program. Women are more likely to complete than men, with more than half (53%) completing successfully as compared to 44% of the men.

Recommendation:

Female offenders are more likely to be eligible for CIP given the offense type than are men, and since they are more likely to successfully complete the program, it is recommended that the current plan to expand the number of CIP beds for women be supported. In addition, it is recommended that the CIP program make improvements in its gender responsiveness as MCF-Thistledeew takes on the CIP program for women scheduled in January, 2004.

3. The Minnesota Department of Corrections should request technical assistance to examine the frequency of technical violations of probation and supervised release conditions resulting in a prison admission.

Discussion

Fact: Minnesota has a slightly lower percent of their prison releasee population returned to prison on a technical violation than other states.

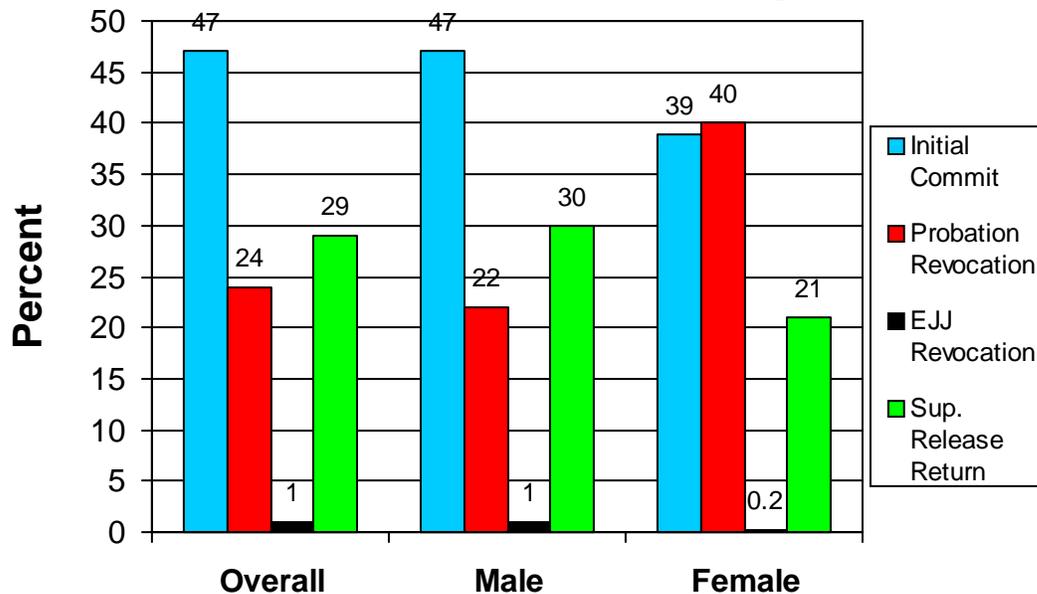
As prison populations have dramatically risen in nearly every state in the past decade, so have the number of releasees who might be returned to prison for a revocation. Recent data from the federal government reveals that one third of all prison intakes across the United States are due to parolee/supervised release technical violations as opposed to new crimes. In Minnesota, the releasee return rate for technical violations is slightly lower, at twenty-seven percent with no significant differences between male and female returnee rates.

Fact: Women offenders on probation are significantly more likely to be revoked and sent to prison for technical violations on a stay of imposition/execution sentence (i.e., probation) than their male counterparts.

When examining all revocations (releasee returnee or probation revocation) by gender, an incredible sixty one percent of female prison admissions are due to probation or supervised release violations. This compares to a figure of fifty three percent of the male prison admissions due to probation or supervised release violations. The distinguishing factor between the different revocation admission rates by gender is the significantly higher rate of probation revocations leading to prison commitments for women.

Prison Admission Type by Gender
Source: Minnesota Sentencing Guidelines Commission

Figure 11



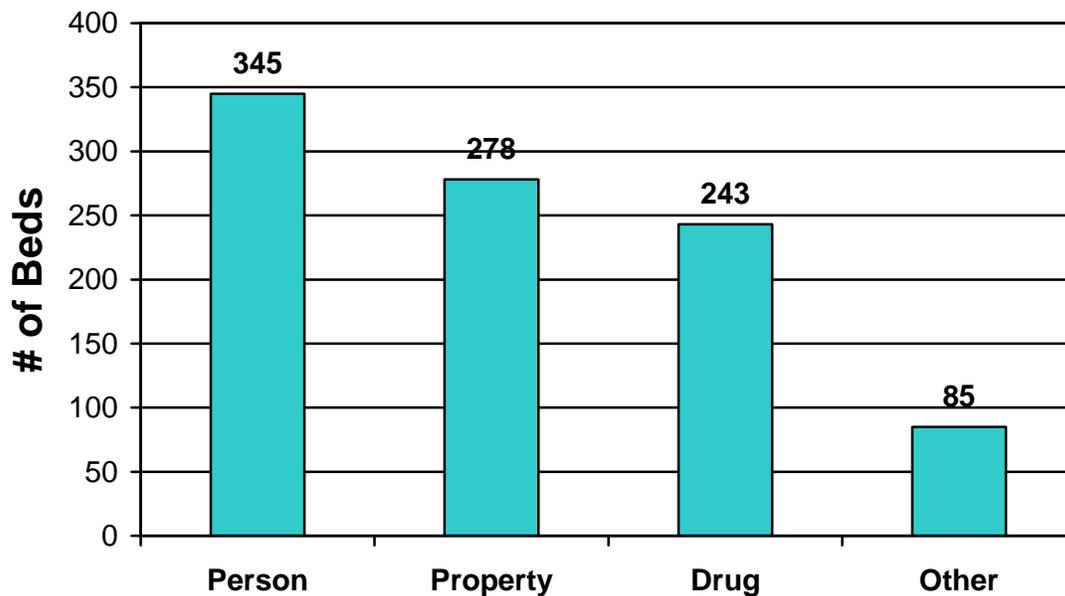
A total of 5,258 offenders were admitted to prison in the year 2002. Of these offenders, 4,754 were male and 504 were female.

There are many possible reasons for the variation in probation revocation rates due to technical violations, including but not limited to unique county by county variations in the offense and offender profile, corresponding differences in conditions of probation set by local courts, different policies on when revocation is pursued, and so forth. A concern expressed by the committee is the degree to which local correctional agencies have implemented gender specific programs and case management to address the unique needs and barriers by women.

One explanation that has been ruled out is that of more serious female offenders being placed on probation initially, the theory being that Minnesota retains higher risk offenders locally thereby increasing the likelihood that the offender’s probation would be revoked for non-compliant behavior. According to the Minnesota Sentencing Guidelines Commission, only 16% of the female offenders on probation who were revoked and sent to prison were originally allowed to remain on local supervision when the guidelines indicated that a prison term was presumptive.

**Total Number of Prison Beds Needed for Probation Revocations –(950)
By Offense Type in 2002
(Total Number of Revocations in 2002-1,235)**

Figure 12



Source: Minnesota Sentencing Guidelines

No matter the reason, the difference in revocation rates for stays of imposition/execution is significant and critical to address if reductions in prison intakes is going to become a reality. The comparatively high revocation rates in Minnesota is having a significant impact on bed space, especially for women and this fact alone warrants immediate attention. Figure 12 demonstrates the financial significance of the revocation issue. At an average cost of \$86.99 per day to confine a female inmate in a Minnesota prison, the revocation practice is costing the state \$31,751 per year per bed. While the committee is not questioning the need

to provide prison as a backstop to local correctional practice, the question must be raised as to whether the use of prison is needed in all of these cases, why there is such a disparity between the revocation rates of men and women on probation, and whether the cost is worth the perceived outcome.

Probation revocations are costing the state millions of dollars per year. While it is recognized that many of those revoked could not be retained locally due to public safety risk and that there are local costs involved in retaining these offenders in a non-prison correctional level, certainly some cost savings could be attained through alternative interventions applied locally.

Fact: The number of residential and day reporting center program slots has diminished over the past ten to fifteen years, however it has kept pace in the past three years as more funds have been redirected at replenishing lost work release beds.

An additional factor that may be leading to the high use of revocation is the lack of resources available to the courts and probation/supervised release officers in finding alternatives for offenders facing a revocation and prison incarceration. While the prison population has been steadily growing, from 2,244 in 1985 to 7,579 in 2003, the number of state funded prison alternatives (defined as halfway houses, work release, intensive community supervision, challenge incarceration program, and day reporting centers) is believed to have dropped significantly. No data is available to verify or disprove this belief but it is commonly discussed as a factor in recent trends. Some of this drop has been “recouped” in the past three years by an increase in funding for work release beds spurred on by the fact that the per diem for work release is lower than the per diem for prison. Offenders that might have accessed these resources are no longer able to do so with the same frequency as in the past. For example, additional halfway house capacity has not been funded by the DOC since the early 1970’s. The recent upsurge in bed use, however, simply brings the level of work release access up to levels that existed in the year or two prior to 2001 and does not fully restore the use of work release that once totaled 220 beds per day on average. In the past three years, the number of alternative bed days funded by the DOC has dropped slightly from 289 bed days on average to 282 days. While there is reason to believe that the average daily population of the total alternative programs listed in the chart will increase in FY 04, this increase will not come close to mirroring the total prison population increase of the past ten to fifteen years.

The reasons for the decrease in alternative prison programs are numerous and minimally include funding constraints and budget reductions, perceived change in public/elected official sentiment that opposes offender release, and zoning challenges. Table 1 shows how the capacity of these programs has changed over the past three years (which are the only years the DOC has reliable data on).

Average daily population of alternative programs funded by the DOC

Table 1

	Halfway House			Work release**			Day Reporting Center			Challenge Incarceration Program		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
FY 2001	77	4	81	82	14	96	32	0	32	74	16	90
FY 2002	69	3	72	87	25	112	25	0	25	79	12	91
FY 2003	36	1	37	126	32	158	0	0	0	71	16	87*
Percent change in two years			(54%)			64%			(100%)			(3%)

* projected to be higher in 2004, up to a maximum of 114 per day
 ** numbers are higher in FY 04 with an adp of 205 on 12-3-03

Exacerbating this revocation issue is the caseload size of probation/supervised release officers. Despite the infusion of new funds for probation officers in the late 1990's, the average case load size has not changed much because of the increased number of offenders ordered to be supervised and the overall length of probation increasing due to sentencing enhancements and public opinion. New legislative mandates have expanded the roles and duties of the supervising agents. In addition, government has reduced services due to recent budget cuts. It is perceived that this high workload and reduced services at the local level has resulted in less ability to meet offender needs thereby causing a loss of support for retaining offenders on the local level. There are at least two theories on the impact these high caseloads have on revocations. One, is that agents have less time to provide individualized responses to offender needs, less ability to respond quickly when warning signs appear, and more likely to resort to revocation as an acceptable response to violations of supervision conditions. The second is that agents are less likely to revoke an offender's supervision because detection of misbehavior is lessened due to fewer face-to-face appointments, home/work visits, and other collateral contacts. Until a study is conducted, much of this is speculation.

In the past, the National Institute of Corrections (NIC) has supported technical assistance in working with jurisdictions seeking to examine and alter revocation practices. Part of this technical assistance includes a review of trends and practices, as well as policy and program solutions. While NIC is no longer providing this assistance, a number of consultants who have extensive experience with this subject are available.

Recommendation:

Since the prison population has been increasing while the level of programming alternatives has been decreasing, probation/supervised release agent workloads continue at high levels, and local/state budgets and services have been negatively impacted by the recent revenue shortfall there is reason to believe that these trends are contributing to the use of revocations on technical violation cases resulting in prison stays. The number of revocations leading to prison may be reduced through a concerted effort. This is particularly important for the female offenders given the high percent of intakes caused by probation revocations. It is therefore recommended that the Minnesota Department of Corrections establish a state/local partnership in seeking technical assistance in examining revocation patterns and policies, and determining possible alternatives.

4. Support and expand recent efforts by DOC central office to review and reduce some of the sanctions that lead to extended incarceration and loss of good time.

Discussion:

Fact: The number of discipline options is more limited than what the courts have available resulting in the need to over rely on the use of segregation and extended incarceration. This practice results in longer prison stays.

MCF-Shakopee has a number of options available for use in handling offender discipline matters. Three of them can result in longer prison stays than the minimum required due to extended incarceration or loss of good time. The discipline options are:

Those that do not affect length of stay:

DLOP (Disciplinary Loss of Privileges). When an offender receives DLOP's she loses recreational and some social activities. It may also consist of confinement to one's own cell/room/bunk during non working hours, etc.

Restitution. An offender may be required to pay for damage to property and/or expenses related to injuries incurred as a result of actions by the offender.

Confiscation. In addition to a discipline penalty, unauthorized money or property may be seized.

In addition to these sanctions, an informal **Loss of Privileges** (LOP's) may be applied without the case going through the discipline route.

Those that can affect length of stay:

Disciplinary Segregation. This sanction requires that the offender serve a specified number of days of confinement in a room/cell following either the signing of a waiver or finding of violation.

Restrictive Disciplinary Segregation. A more restrictive form of disciplinary segregation limited to a maximum of ten days in a fifteen day period.

Extended Incarceration. An offender sentenced for an offense committed after August 1, 1993 is subject to extended incarceration equal to the disciplinary confinement period imposed by the hearing officer.

The following chart shows what sanctions were used at what rate during two snapshots in time, February 23, 2003 and April 3, 2003. Attempts to compare this usage with the male facilities were unsuccessful due to the differences in how sanctions are applied, for what offenses, and how infractions are defined and categorized. And, attempts to find patterns of discipline usage was dismissed due to the amount of time it would take to manually find and analyze the data.

**MCF-Shakopee Use of Discipline Sanctions
during 2 Days in Time**

Table 2

	February 28, 2003		April 3, 2003	
	Number	Percent	Number	Percent
DLOP	10	2.4%	31	7.5%
LOP	26	6.2%	26	6.2%
Segregation	21	5.0%	25	6.0%
Total	57	13.6%	82	19.8%

MCF-Shakopee has made a number of adjustments to make the best use of the diminishing ratio of segregation beds to general population. These include:

- Running cases concurrent on discipline offers instead of consecutively
- Offer restrictive segregation instead of discipline segregation to reduce the number of days of extended incarceration and loss of good time
- Offer DLOP sanctions instead of segregation or extended incarceration when an offender's discipline history is positive, and
- Provide for the possibility for some discipline to be handled informally for some offenses thereby preventing the use of extended incarceration.

MCF-Shakopee staff has discussed the possibility of applying a more varied and restorative set of interventions such as “community” work service, accountability classes, apology letters, programming requirements, etc. These alternatives would likely be more meaningful in that they would give the offender a more structured way of learning from the infraction and repairing any damage that the behavior may have caused. However, they would also be time intensive to administer and recent staffing and budget cutbacks have reduced the ability of the facility to consider these options. In addition, the centralization of policies and procedures across all facilities to improve consistency and professionalism limit the ability of one facility to embark on an effort that does not apply to the other institutions.

It is estimated that a fair number of bed days were expended with added sanctions (extended incarceration or loss of good time) in the course of one year (2002) at MCF-Shakopee. However, this data cannot be acquired without a significant amount of manual record sorting. By filling out the chart below, it can be estimated how much funding is expended by multiplying the bed days for loss of good time or extended incarceration by the marginal costs to house an offender for a day.

Table 3

	<u>Number of bed days</u>	<u>Number of cases</u>
Loss of good time	unknown	unknown
Extended incarceration	unknown	unknown
Total	unknown	

A couple of recent department-wide changes will potentially reduce the number of bed days that discipline practices have contributed. They are:

1. Effective August 13, 2003 the standard penalty for Mandated Treatment Failure was significantly reduced from 90 days extended incarceration to 45 days (with only 30 days being applied to those who sign an agreement).
2. Currently, a committee out of central office has been meeting and reviewing discipline penalties at all facilities that result in extended incarceration and loss of good time for possible revision.

A significant amount of research has been conducted in recent years that indicate that long term, pro-social behavior can be improved through positive reinforcement and modeling, and that punishment and negative reinforcements are poor motivators for long term change. Prisons are designed around control and fair, humane treatment. Discipline is almost exclusively negative in its orientation. It stands to reason that little learning occurs through the discipline procedures. Yet, social learning theory suggests a more rigorous use of rewards and cognitive restructuring techniques to bring about change.

Despite progress made through recent DOC efforts, it is conceivable that further reductions in costs to the state could be made by doing one of the following:

- consider adding a discipline alternative function to staff duties by diverting some of the marginal cost savings from lessened use of extended incarceration and discipline leading to loss of good time. Creative means of holding the offender accountable might be put in place if a staff member had the time to administer both the restorative process and the implementation of the response.

- consider ways to provide incentives for the offenders to earn back good time lost. For example, North Carolina has provided various alternatives such as “gain time,” “earned time,” and “meritorious time.” These incentives can also be tied to restorative and cognitive restructuring techniques so that long term learning occurs.

Recommendation:

Minnesota prides itself on its rehabilitation mindset and supports a host of services designed to bring about long term behavioral change. The programs in Minnesota prisons appear to be comprehensive and effective. However, current discipline practices do not promote learning and is costing the state in longer prison stays. It is recommended that the existing effort to revamp discipline procedures be supported and that additional, alternative means of holding offenders accountable occur through the use of social learning theory techniques and that it be funded through savings from reduced use of extended incarceration.

5. Support the housing initiatives put forth by the housing workgroup in the Minnesota Department of Corrections to assist the releasee and the State Advisory Task Force on Female Offenders proposal to establish a sub-committee to investigate appropriate housing for mentally ill/chemically dependent women leaving MCF-Shakopee

Discussion:

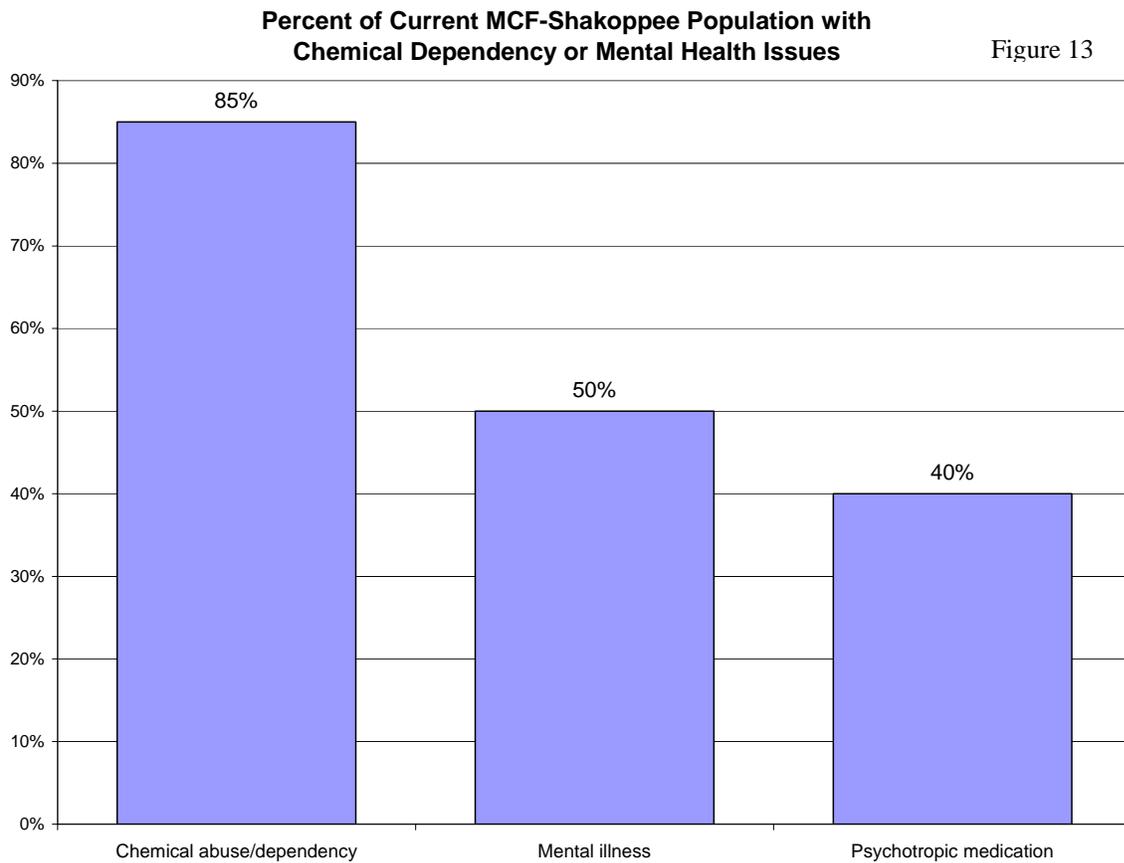
Fact: A significant percent of women offenders committed to prison are either chemically abusive/dependent or mentally ill.

Practitioners and scholars in the criminal justice field are increasingly turning their attention to the growing number of mentally ill individuals being incarcerated in the nation’s prison and jail systems. According to the Department of Justice (Bureau of Justice Statistics 1998), approximately 280,000 mentally ill individuals were incarcerated in prisons and jails. Additionally, in excess of 540,000 adults reporting prior mental health treatment were supervised in the community; nearly a third of mentally ill offenders had a dual diagnosis.

Offenders with co-occurring disorders have been described as “full service customers” because they require an array of services including supportive housing (for more information, see GAINS Center for People with Co-Occurring Disorders – www.gainsctr.com/b/disorders/). Approximately 49% of mentally ill jail inmates are back in jail within one year. Such individuals tend to “cycle between release from incarceration, community re-entry and re-incarceration (www.gainsctr.com/b/disorders/).”

The literature related to female offenders supports the notion that because of backgrounds replete with abuse and trauma, women offenders are at risk of high rates of mental illness, substance abuse, and co-occurring disorders. Barbara Bloom, Ph.D., Barbara Owen, Ph.D., and Stephanie Covington, Ph.D. (2003:44) in their recent National Institute of Corrections Report (“Gender

Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders,” 2003) state that for women, “the intersections among mental health, trauma, and substance abuse are critical.” Further highlighting this convergence, they (Bloom et.al. 2003:53) report “the link between female criminality and drug use has been found to be very strong; research indicates that women who use drugs are more likely to be involved in crime.” Research consistently indicates that women are more likely to be involved in crime if they are drug users. Substance abuse is also linked to issues of trauma and mental health (Bloom et. al 2003:6).” While mental illness and substance abuse serve as “pathways to prison” for women, mental illness contributes to disciplinary problems within institutions. Such problems have the potential of lengthening the time served for offenders if it results in the loss of “good time” or the imposition of “extended incarceration.” The graph below depicts the kind of chemical and mental health challenges the women at MCF-Shakopee have that affect their ability to find and maintain adequate housing.



As the committee discussed incarceration alternatives for the MI/CD female offender at MCF-Shakopee, it was discovered that appropriate housing for this population is a major void in transition planning. The DOC Housing Work Group has proposed statewide scattered site housing with a case management component which could greatly enhance community supervision of the MI/CD female offender. Although the DOC has recently hired mental health release planners to work with the persistently chronically mentally ill offenders at MCF-Shakopee to establish community re-entry case plans, housing is frequently a barrier to successful community re-entry. In addition, the Department of Human Services and the Minnesota Housing Finance Agency have a collaborative partnership working to provide access to mental health services, stable housing and

economic support for people who have a mental illness and are involved in the Criminal Justice System. A primary goal of the collaborative is to secure housing that is targeted to the needs of the individual. The DOC and DHS State Operative Services have been working on several collaborative efforts for the past five years. Ideally, these two agencies could provide an appropriate housing initiative for this population. These efforts, along with the State Advisory Task Force on Female Offender's decision to establish a sub-committee to work on housing, enhances the opportunity for establishing some appropriate housing for the MI/CD female offender.

There are vendors interested in providing appropriate housing for the mentally ill and chemically dependent female offenders. An example of a model for this housing and services has been drafted by Recovery Resource Center. This represents an example of what can be done.

Example: Ideal Women's MI/CD Services that could be Provided by Recovery Resource Center

With financial and administrative support from the Department of Corrections, RRC would be able to provide the "ideal" MICD services highlighted below.

- Integrated Dual Diagnosis Treatment (currently in place at RRC)
- MI/CD Specific Housing Unit (RRC is motivated to assign a unit to MICD housing with full time support specialist committed to this population.)
- Open-ended Counseling/Case Management (currently in place at RRC)
- Long-term Aftercare/Continuing Care (currently in place at RRC)
- Full-time Nursing Services (RRC is motivated to increase our nursing services to full time)
- On-Site Psychiatric Consultation and Medication Management (still needed at RRC)

Recommendation: Given the high prevalence rates of mental illness and chemical abuse/dependency among the committed female offender population, extra attention should be devoted to removing barriers to successful reentry. Two of the most difficult obstacles for a releasee to overcome is that of gaining housing and mental health services. It is therefore recommended that the DOC support the housing initiatives put forth by the housing workgroup in the Minnesota Department of Corrections to assist the releasee. The State Advisory Task Force on Female Offenders has proposed that a sub-committee to investigate appropriate housing for mentally ill/chemically dependent women leaving MCF-Shakopee be established. This would constitute a positive first step in addressing these issues.

II. Areas in Need of Further Study

6. Recommendation: Conduct a flowcharting study process

Discussion:

This report, as well as many studies, document differences between male and female incarcerated offenders. Yet, currently, no practical method exists for examining how the different incarcerated populations (male vs. female, offenders with different offense types etc.) respond to their correction's system experience.

Developing an electronic flow chart model that tracks and documents offenders' demographic information as well as their movements and activities from the time they hit the corrections door through supervision discharge would provide the DOC with valuable information on how offenders' personal or group characteristics impact outcomes. This information would be extremely useful for policy and programming decision-making as well as for focusing resources so that they have the greatest benefit. It should be noted that such a study might require a reworking of the COMS systems and extensive review/modification of existing records.

Recommendation: The Department of Corrections should create an “informational flow chart framework” to evaluate the impact interventions have on offenders depending on the various characteristics present in individuals and facilities. It should be recognized, however, that while this process should yield helpful information to maximize the use of limited resources it will require considerable up-front dedication of resources.

7. Recommendation: Conduct a study on geographical differences in sentencing

Discussion:

Significant differences exist in commitment sentencing patterns across judicial districts ranging from 14% to 39% for men (see addendum B on departure rates by judicial district as reported by the Minnesota Sentencing Guidelines Commission). The numbers of women who received a dispositional departure downward across judicial districts also varied however, the numbers in some districts were too small to use for comparison purposes. No significant disparity of departures for drug offenses was found. However, when gender is considered as a factor statewide, the disparity was pronounced.

The reasons for this sentencing disparity can range from differences in the availability in local resources to community attitudes, values, and tolerance to the type of crimes committed. The availability of gender specific programming may not be as prevalent in areas where the number of women offenders is too few to justify the cost of conducting female-only programs. If the goal is to examine prison referral rates for the purpose of devising strategies to retain offenders on the local level and avoid the high cost of state incarceration, then a more thorough examination of sentencing practices based on geographical differences and causes would be beneficial in the development of strategies to impact incarceration rates.

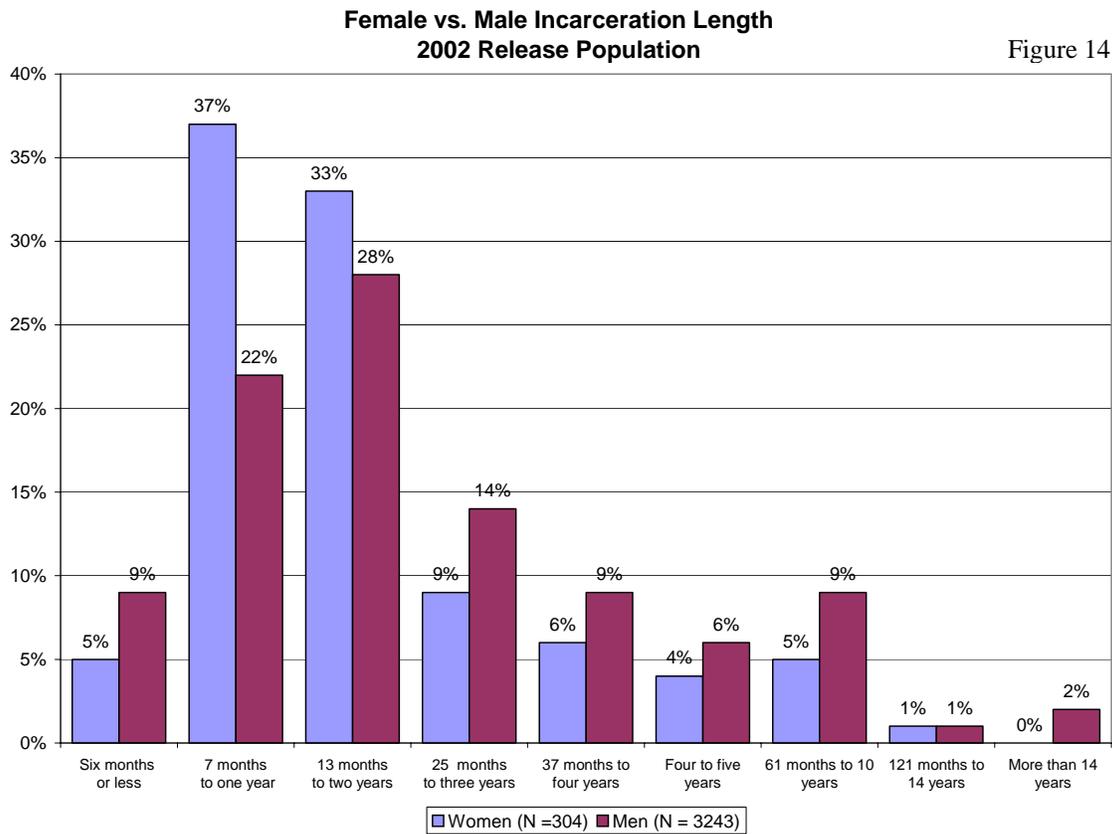
III. Areas Not Deemed to be Promising

1. Reducing prison lengths for female offenders

Discussion:

Fact: There are not significant differences between men and women incarceration lengths. If anything, women tend to serve shorter lengths of time for the same offense.

Analysis shows that there are significant differences between men and women’s incarceration lengths. While more than half of men and women are incarcerated for two years or less, more men than women are incarcerated for significantly longer periods of time. This should not be surprising given the fact that the men are more likely to be committed to the Commissioner of Corrections for personal/violent offenses than women, offenses for which call for a longer sentence as indicated in the Minnesota Sentencing Guidelines.

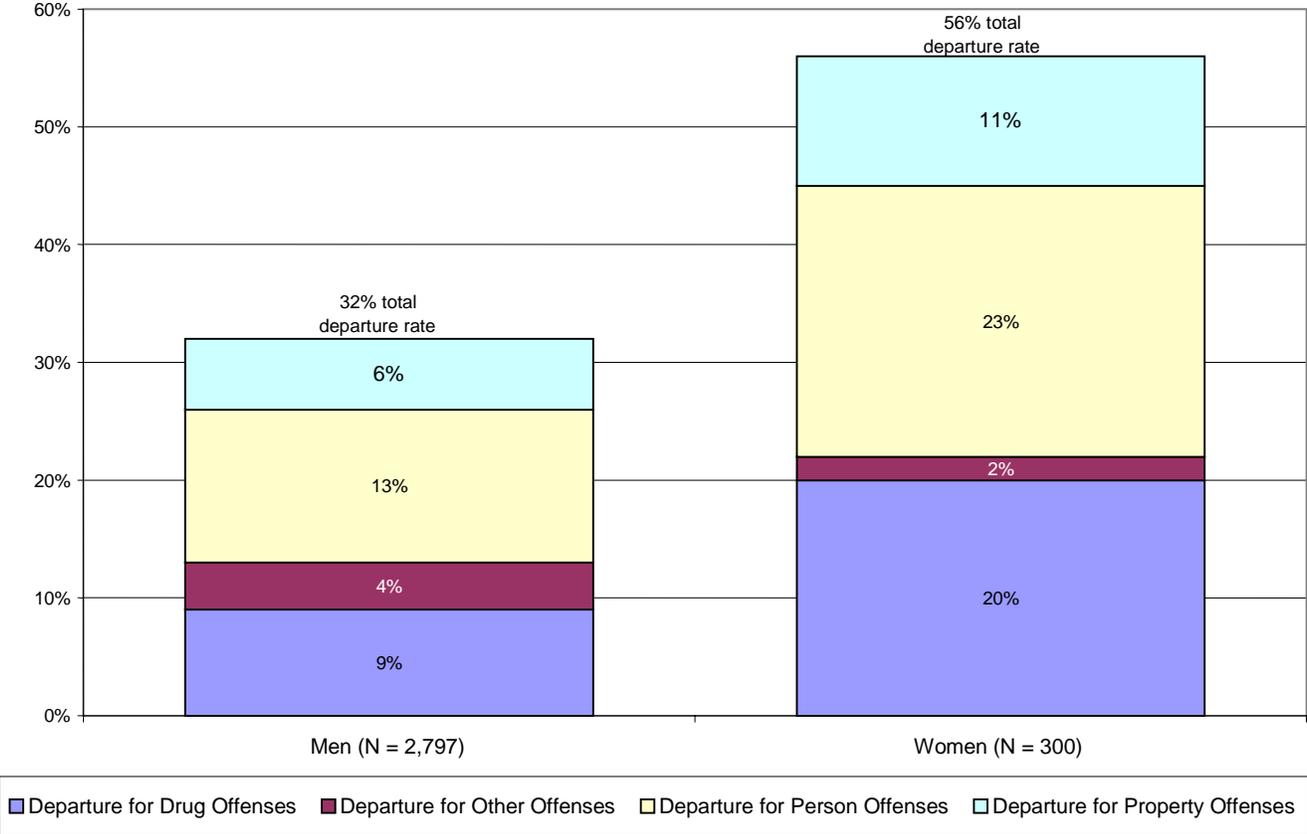


Fact: The sentencing judge is much more likely to depart downward (mitigation) dispositionally for women than for men.

In addition to shorter sentence lengths, women offenders are more likely to receive downward (mitigating) departure rates than men. The compelling fact is that women are significantly less likely to receive a prison sentence than men when the sentencing guidelines call for prison; when they are committed women serve less time in prison than men (likely due to the lower severity of their offense); and women are less likely to be revoked for supervised release technical violations and returned to prison than are men.

Mitigated Departure Rates for Men and Women Sentenced in 2001

Figure 15



Given these set of facts, there does not appear to be a lot to be gained by seeking strategies to reduce sentence length. Women already are less likely to serve a prison term and more likely to serve less time than men. The more promising intervention is likely around revocation rates.

2. Setting up a geriatric care center or release mechanism.

Discussion:

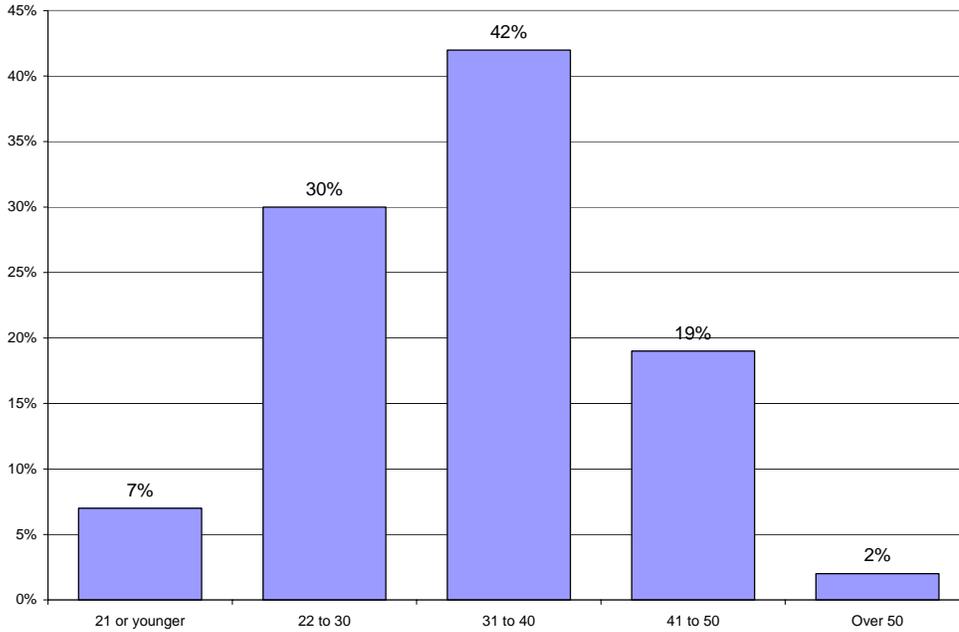
As departments of corrections across the country begin to explore ways to cope with overcrowded prisons and shrinking state government budgets, an obvious prison population to consider for some type of alternative to incarceration is elderly (geriatric) inmates (55 years or older). This group of individuals is a likely population to target for possible cost savings because of the expense associated with providing medical services to older inmates. However, this does not seem to be a viable possibility for cost savings at MCF-Shakopee given the rather small number of elderly women currently incarcerated there.

Fact: The vast majority of offenders incarcerated at MCF-Shakopee are between the ages 22 and 50, with the most frequent age between 31 and 40.

As of 10/21/03, there were 18 women (4%) at Shakopee who were 50 years or older. The committee members felt this group of offenders did not represent a promising target population for this project, simply because they represent such a small percentage of the institution's total population. It should be noted that the DOC Research Unit is reviewing this issue and that it might be a consideration for the male institutions.

**Age of Female Releasees in 2002
(N = 352)**

Figure 16



3. Diverting female offenders from prison

Discussion:

As noted previously, the committee explored three areas where members thought the committed female offender intake might be impacted: at the point of court commitment, during incarceration through extended stays, and upon release and possible return. After reviewing data provided by the Minnesota Sentencing Guidelines Commission, the committee members concluded that we would most likely not be able to further impact the number of women being sentenced to prison. According to the information we received, women offenders in Minnesota already receive a 56% downward departure rate.

Pregnant Offenders at MCF-Shakopee (as of 08/12/03)

<i>Offender</i>	1	2	3	4	5	6	7	8	9	10	11
Age	24	25	25	21	31	34	02/27/79	18	38	22	18
Admit Date	2003	2003	2003	2001	2003	2003	2003	2003	2003	2003	2003
SRD	2004	2003	2003	2005	2007	2004	2003		2003	2003	2005
EDC	2003	2003	2003	2004	2003	Terminate	2003	2003	2004	2003	2003
County of Commit	Metro	Out state	Metro	Out state	Out state	Metro	Metro		Metro	Out state	Metro
Special Note								PSI Hold			
CD Directive/Met	Yes/No	Yes/No	Yes/In Now	Yes/No			Yes/No		Yes/In Now	Yes/No	No
Governing Sentence Description	Burg 2	Cont Sub 4	Forgery	Con Sub 1	Con Sub 1	Weapons	Forgery		Con Sub 5	Traff-Acc	Robb-Agg
PRM	No	No	No	No	No	No	No		No	Yes	Yes
Escape History	No	No	No	No	No	No	No		No	No	No
Active Detainer	No	No	Yes	Yes	No	No	Yes		Yes	No	Yes
Abuse Restriction	No	No	No	No	No	No	No		No	No	No
ECRC/Predatory Registration Requirement	No	No	No	No	No	No	No		No	No	No
Other Dependents (Yes or No)	Yes (2)	Yes (2)	Yes (1)	Yes (1)	Yes (2)	Yes (2)	Yes (1)	Yes (1)	Yes (2)	Yes (1)	No
Child Protection	No	Yes	No	No	Yes	No	No		No	No	No
LSI-R Score	27	28	29				33		28	33	37

**Dispositional Departure Rates by Gender and Judicial District:
For offenders sentenced in 2001: Minnesota Sentencing Guidelines Commissioner
Offenders Presumed Imprisonment**

	Judicial District	Female			Male		
		No Departure	Mitigated Departure	Total	No Departure	Mitigated Departure	Total
All Offenses	1 st	39% 14	61% 22	100% 36	61% 153	39% 99	100% 252
	2 nd	46% 17	54% 20	100% 37	76% 369	24% 115	100% 484
	3 rd	55% 12	46% 10	100% 22	66% 137	34% 71	100% 208
	4 th	40% 32	61% 49	100% 81	67% 534	33% 264	100% 798
	5 th	50% 3	50% 3	100% 6	73% 70	27% 26	100% 96
	6 th	21% 4	79% 15	100% 19	61% 82	39% 53	135 100%
	7 th	61% 11	39% 7	100% 18	76% 176	24% 55	100% 231
	8 th	33% 2	67% 4	100% 6	87% 45	14% 7	100% 52
	9 th	45% 14	55% 17	100% 31	62% 120	39% 75	100% 195
	10 th	52% 23	48% 21	100% 44	62% 216	38% 130	100% 346
Drug Offenses	1 st	31% 5	69% 11	100% 16	65% 51	35% 27	100% 78
	2 nd	29% 4	71% 10	100% 14	72% 109	28% 42	100% 151
	3 rd	57% 8	43% 6	100% 14	62% 39	38% 24	100% 63
	4 th	17% 3	83% 15	100% 18	47% 78	53% 87	100% 165
	5 th	67% 2	33% 1	100% 3	74% 20	26% 7	100% 27
	6 th	17% 1	83% 5	100% 6	70% 23	30% 10	100% 33
	7 th	83% 5	17% 1	100% 6	88% 53	12% 7	100% 60
	8 th	0% 0	100% 2	100% 2	100% 7	0% 0	100% 7
	9 th	63% 5	38% 3	100% 8	70% 23	30% 10	100% 33
	10 th	67% 12	33% 6	100% 18	67% 67	33% 33	100% 100