

Health & Safety in Correctional Facilities 2022 Legislative Report



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2021 LEGISLATIVE REPORT ON HEALTH AND SAFETY IN CORRECTIONAL FACILITIES

I. Background

Minnesota Department of Corrections (DOC) runs 11 state prison facilities and licenses all other local correctional facilities run by counties and cities in Minnesota pursuant to [Minn. Stat. § 241.021](#).

In June 2021, the Minnesota Legislature created new reporting requirements pertaining to the health and safety of incarcerated individuals in Minnesota (Laws of Minnesota 2021, 1st Spec. Sess. Chapter 11, article 9, section 11). [Minn. Stat. § 241.021](#) was amended June 30, 2021, requiring the Department of Corrections (DOC) to file a written report with the legislature by February 15 of each year, reporting on the health and safety of individuals confined or incarcerated in state correctional facilities and facilities licensed by the commissioner.

This report will also include information on the commissioner’s authority and responsibility to inspect and license local correctional facilities and set minimum standards for those facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein.

The new reporting requirements established by Minn. Stat. § 241.021, subd. 1f pertain to either state correctional facilities or facilities licensed by the commissioner of corrections, and in some instances, both. As such, this report is broken into three parts: the first presenting data from state correctional facilities; the second presenting data received from licensed facilities; and the third addressing the status of the implementation of the authority provided to the commissioner of corrections by the legislature in Minn. Stat. § 241.021, subd. 1 – 1i.

II. Minnesota State Correctional Facilities

a. **In custody deaths**

Below is information regarding the number of confined or incarcerated persons who died while committed to the custody of a Minnesota Correctional Facility (MCF), regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information, between January 1 and December 31, 2022.

Table 1. In custody deaths - MCF

Facility	deaths	suicides¹
Faribault	2	0

¹ This column captures how many of the total deaths were by suicide.

Lino Lakes	1	0
Moose Lake	1	0
Oak Park Heights	4	0
Rush City	1	0
Red Wing	0	0
St. Cloud	0	0
Shakopee	1	0
Stillwater	5	0
Togo	0	0
Willow River	0	0
Total	14	0

b. Policy, practice, or training changes resulting from death reviews

Below is information regarding the aggregated results of the death reviews by state correctional facilities as required by Minn. Stat. § 241.021 subdivision 8, including any implemented policy changes from January 1 through December 31, 2022. Minnesota DOC [Policy 500.200](#), “Health Services Death Review” describes the process DOC follows when a death occurs of an incarcerated individual. All reviews and any changes to policy, practice, or training as a result of those reviews are reported below.

Table 2. Reviews and related policy, practice, or training changes – MCF

Facility	Reviews	<i>description of change</i>
Faribault	2	N/A
Lino Lakes	1	N/A
Moose Lake	1	N/A
Oak Park Heights	4	N/A

Rush City	1	N/A
Red Wing	0	N/A
St. Cloud	0	N/A
Shakopee	1	N/A
Stillwater	5	N/A
Togo	0	N/A
Willow River	0	N/A
Total	14	N/A

c. Number of reportable uses of force and whether those uses of force were determined to be justified by the facility

Below is information regarding the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility from January 1 through December 31, 2022. The commissioner of corrections consulted with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force.

Reportable uses of force are defined as: Any application of physical, manual, or mechanical intervention, techniques or tactics, chemical agents, or weapons to a confined or incarcerated person resulting in substantial bodily harm as defined by Minn. Stat. § [609.02](#) as:

“bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.”

Table 3. Reportable uses of force - MCF

Facility	Reportable Uses of Force	Determined to be justified?
Faribault	0	N/A
Lino Lakes	0	N/A

Moose Lake	0	N/A
Oak Park Heights	0	N/A
Rush City	0	N/A
Red Wing	0	N/A
St. Cloud	0	N/A
Shakopee	0	N/A
Stillwater	0	N/A
Togo	0	N/A
Willow River	0	N/A
Total	0	N/A

d. Number of suicide attempts, people transported to a medical facility, and people placed in segregation

Below is information on the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation from January 1 through December 31, 2022.

Table 4. Suicide attempts, medical facility transports, and people placed in segregation - MCF

Suicide attempts	25
Faribault	0
Lino Lakes	1
Moose Lake	1
Oak Park Heights	7
Rush City	1
Red Wing	0

St. Cloud	1
Shakopee	4
Stillwater	10
Togo	0
Willow River	0
Medical transports	7468
Faribault	1357
Lino Lakes	827
Moose Lake	707
Oak Park Heights	1423
Rush City	956
Red Wing	46
St. Cloud	254
Shakopee	685
Stillwater	1202
Togo	7
Willow River	4
Restrictive housing^{2 3}	2,632

² The statute is silent on what constitutes segregation. DOC submits a restrictive housing report pursuant to Minn. Stat. § 243.521 on January 15 of each year, reporting administrative and disciplinary segregation. A “restrictive housing admission” is an entry into a segregation-unit living assignment during the fiscal year, either as a movement from a non-segregation living assignment, or as the initial living assignment upon new commitment or release violator admission. In the restrictive housing report, an individual may have more than one such admission during the fiscal year. For purposes of *this* report, there were 5,222 *people* with restrictive housing admissions between January 1 and December 31, 2022. The same methodology is used in both reports, but with different reporting parameters.

³ This table does not include MCF-Red Wing, MCF-Togo, or MCF-Willow River. MCF-Red Wing (adults), MCF-Togo, and MCF-Willow River do not have restrictive housing units, so those residents are transferred to other facilities as

Faribault	423
Lino Lakes	155
Moose Lake	272
Oak Park Heights	144
Rush City	307
St. Cloud	543
Shakopee	140
Stillwater	648

e. Number of people committed to the commissioner of corrections' custody housed in licensed facilities

Below is information regarding the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under Minn. Stat. § 241.021, subdivision 1, including but not limited to: (i) aggregated demographic data of those individuals; (ii) length of time spent housed in a licensed correctional facility; and (iii) any contracts the Department of Corrections has with correctional facilities to provide housing, from January 1 through December 31, 2022.

Table 5. People housed in licensed facilities⁴ - MCF

Total	0
<i>Gender</i>	
Male	0
Female	0
Non-binary	0

needed. MCF-Red Wing juvenile data is not captured in this report, as it relates to different statutory and rule-based obligations and a fundamental difference in approach to working with juveniles.

⁴ The DOC contracts with six facilities – Nobles, Olmsted, Pine, Polk (Tri-County), Washington, and Wright Counties – to house individuals committed to the custody of the commissioner of corrections. Additionally, some non-contract facilities will occasionally house individuals without a contract if the incarcerated person has significant historical ties to the particular county.

<i>Age</i>	
14-17	0
18-25	0
26-35	0
36-45	0
46-55	0
56-65	0
66+	0
<i>Race</i>	
White	0
Black	0
American Indian/Alaska Nat.	0
Asian or Pacific Islander	0
Other	0
<i>Length of Time HOF</i>	
1-30 days	0
31-90 days	0
91-180 days	0
181-365 days	0
1+ year	0

f. On-duty staff misconduct complaints, including investigation results

Below is summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the: (i) total number of misconduct complaints and investigations; (ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections; (iii) number of allegations dismissed as unfounded; (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and (v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline from January 1 through December 31, 2022.

Table 6. On-duty staff misconduct complaints - MCF

Total	364
<i>Misconduct category</i>	
Appearance/dress/hygiene	0
Code of conduct	102
Contraband	10
Discrimination/harassment	26
Hours of work/pay	195

Licensure/certification	0
Medical errors	1
Misc. policy violations	7
Reporting/records	6
Safety	1
Security	99
Unsatisfactory work perf.	8
Dismissed as unfounded	0
Dismissed as unsubstantiated	18
<i>Substantiated</i>	
Total	189
Resulted in discipline	127
<i>Nature of Discipline</i>	<i>See below⁵</i>
Oral reprimand	
Written reprimand	
Suspension	
Demotion	

III. Correctional Facilities Licensed by the Commissioner of Corrections

a. In custody deaths

Below is information regarding the number of confined or incarcerated persons who died while committed to the custody of a licensed facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses issued, between January 1 and December 31, 2022.

Table 7. In custody deaths – licensed facilities

Variable	<i>deaths</i>	<i>suicides⁶</i>	Death demographic info (gender, race and age group) ⁷	Facility most recent
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⁵ Due to the way this data had historically been kept, and the manual file review required of each allegation, DOC is only able to provide the categories of discipline at this time. For future reports, DOC will provide the number of each category of discipline issued from substantiated complaints that resulted in discipline.

⁶ This column captures how many of the total deaths were by suicide.

⁷ Age groups for reporting purposes: under 18; 18-35, 36-55, 51-65, 65+.

				inspection report⁸
Anoka County Jail	1	0	Male, Asian American, Age 18-35	11/4/2021 Appendix A
Beltrami County Jail	1	0	Male, Caucasian, Age 36-55	4/26/2022 Appendix B
Douglas County Jail	1	1	Male, Caucasian, Age 36-55	5/6/2021 Appendix C
Hennepin County Adult Detention Center	4	0	Male, Caucasian, Age 18-35 (1), Age 36-55 (1), Age 51-65 (1), Age 65+ (1)	9/7/2022 Appendix D
Meeker County Jail	1	0	Male, Caucasian, Age 18-35	6/30/2020 Appendix E
Mower County Jail	1	0	Male, Hispanic, Age 51-65	1/24/2022 Appendix F
Stearns County Jail	3	0	Male, Caucasian, Age 36-55 (1), Male, Caucasian, Age 65+ (1), Male, Caucasian, Pacific Islander, Age 51-65 (1),	5/4/2022 Appendix G
Swift County Jail	1	0	Male, Caucasian, Age 36-55	8/19/2020 Appendix H

b. Policy, practice, or training changes resulting from death reviews

Below is information regarding the aggregated results of the death reviews by licensed facilities as required by Minn. Stat. § 241.021 subdivision 8, including any implemented policy changes from January 1 through December 31, 2022.

Table 8. Policy, practice, or training changes – reported changes from licensed facilities

Facility	Reviews	description of change
Anoka County Jail	1	N/A
Douglas County Jail	1	N/A
Hennepin County Adult Detention Center	3	N/A
Mower County Jail	1	N/A

⁸ These inspection reports are included in Appendix A-H.

Stearns County Jail	2	N/A
Total	8	N/A

c. Number of reportable uses of force and whether those uses of force were determined to be justified by the facility

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Reportable uses of force are defined as: Any application of physical, manual, or mechanical intervention, techniques or tactics, chemical agents, or weapons to a confined or incarcerated person resulting in substantial bodily harm as defined by Minn. Stat. § [609.02](#) as:

“bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.”

Table 9. Reportable uses of force – licensed facilities

Facility	Reportable Uses of Force	Determined to be justified?
Hennepin County Adult Detention Center	1	Yes
Yellow Medicine County Jail	1	Yes

d. Number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation

Below is information on the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation from January 1 through December 31, 2022.

Table 10. Suicide attempts, medical facility transports and people placed in segregation – licensed facilities

Suicide attempts	147
Aitkin	0
Anoka	3
Anoka Workhouse	0
Becker	0
Beltrami	4
Benton	1
Bethel Work Release	0
Blue Earth	7
Brown	0
Carlton	6
Carver	0
Cass	0
Chippewa	1
Chisago	5
Clay	1
Clearwater	1
Cook	0
Cottonwood	1
Crow Wing	8
Dakota	9
Douglas	1
Faribault	0
Fillmore	2
Freeborn	0
Goodhue	5
Hennepin Men	1
Hennepin North	1
Hennepin ADC	24
Houston	1
Hubbard	4
Isanti	0
Itasca	2
Jackson	1
Kanabec	0
Kandiyohi	6
Kittson	0
Koochiching	1
Lac Qui Parle	0

Lake	0
Lake of the Woods	0
Le Sueur	0
Lincoln	0
Lyon	0
Marshall	0
Martin	1
McLeod	0
Meeker	0
Mille Lacs	0
Morrison	3
Mower	0
Murray	0
Nicollet	0
Nobles	1
Norman	0
Northeast Regional	0
Northwest Regional	0
Olmsted	3
Otter Tail	2
Pennington	0
Pine	1
Pipestone	0
Ramsey ACF	0
Ramsey ADC	11
Redwood	0
Renville	0
Rice	2
Roseau	0
Scott	8
Sherburne	0
Sibley	0
St. Louis	5
St. Louis - Hibbing	0
St. Louis - Virginia	0
Stearns	3
Steele	2
Swift	0
Todd	0
Traverse	0
Wabasha	1
Wadena	0

Waseca	1
Washington	2
Watonwan	0
Wilkin	1
Winona	0
Wright	3
Yellow Medicine	1
Medical transports	383
Aitkin	3
Anoka	28
Anoka Workhouse	2
Becker	1
Beltrami	14
Benton	5
Bethel Work Release	0
Blue Earth	9
Brown	0
Carlton	5
Carver	6
Cass	1
Chippewa	1
Chisago	1
Clay	20
Clearwater	7
Cook	1
Cottonwood	1
Crow Wing	25
Dakota	24
Douglas	0
Faribault	0
Fillmore	1
Freeborn	2
Goodhue	0
Hennepin Men	13
Hennepin North	3
Hennepin ADC	49
Houston	2
Hubbard	5
Isanti	0
Itasca	4
Jackson	3

Kanabec	8
Kandiyohi	0
Kittson	0
Koochiching	1
Lac Qui Parle	0
Lake	0
Lake of the Woods	0
Le Sueur	0
Lincoln	0
Lyon	0
Marshall	0
Martin	0
McLeod	2
Meeker	1
Mille Lacs	0
Morrison	6
Mower	0
Murray	0
Nicollet	0
Nobles	1
Norman	0
Northeast Regional	0
Northwest Regional	0
Olmsted	15
Otter Tail	11
Pennington	0
Pine	2
Pipestone	0
Ramsey ACF	4
Ramsey ADC	40
Redwood	0
Renville	0
Rice	0
Roseau	0
Scott	10
Sherburne	0
Sibley	0
St. Louis	11
St. Louis - Hibbing	6
St. Louis - Virginia	1
Stearns	1
Steele	1

Swift	0
Todd	0
Traverse	0
Wabasha	0
Wadena	0
Waseca	0
Washington	4
Watonwan	1
Wilkin	0
Winona	0
Wright	9
Yellow Medicine	1
Restrictive housing⁹	5701
Aitkin	12
Anoka	255
Anoka Workhouse	0
Becker	11
Beltrami	88
Benton	28
Bethel Work Release	0
Blue Earth	61
Brown	31
Carlton	14
Carver	37
Cass	0
Chippewa	0
Chisago	74
Clay	288
Clearwater	15
Cook	0
Cottonwood	17
Crow Wing	327
Dakota	558

⁹ The statute is silent on what constitutes segregation. DOC submits a restrictive housing report pursuant to Minn. Stat. § 243.521 on January 15 of each year, reporting administrative and disciplinary segregation. Licensed facilities have been asked to report the same information for consistency. Licensed correctional facilities operate independently and may utilize numerous forms of segregation based on the vulnerability, behavioral watch, protective custody, suicide watch, medical and mental health needs, disciplinary, safety, security, and administrative needs of the population served. Most facilities classify housing as “segregation” when a person is housed outside of the general population. It should be noted that COVID quarantines required many individuals to be housed separately from the general population.

Douglas	14
Faribault	0
Fillmore	0
Freeborn	65
Goodhue	26
Hennepin Men	95
Hennepin North	4
Hennepin ADC	379
Houston	25
Hubbard	67
Isanti	41
Itasca	3
Jackson	4
Kanabec	7
Kandiyohi	80
Kittson	0
Koochiching	0
Lac Qui Parle	0
Lake	0
Lake of the Woods	1
Le Sueur	2
Lincoln	0
Lyon	2
Marshall	0
Martin	3
McLeod	2
Meeker	17
Mille Lacs	70
Morrison	52
Mower	14
Murray	0
Nicollet	0
Nobles	57
Norman	0
Northeast Regional	41
Northwest Regional	122
Olmsted	145
Otter Tail	21
Pennington	51
Pine	25
Pipestone	0
Ramsey ACF	93

Ramsey ADC	455
Redwood	5
Renville	39
Rice	27
Roseau	0
Scott	105
Sherburne	294
Sibley	17
St. Louis	704
St. Louis - Hibbing	10
St. Louis - Virginia	12
Stearns	220
Steele	28
Swift	0
Todd	15
Traverse	0
Wabasha	26
Wadena	12
Waseca	36
Washington	98
Watsonwan	11
Wilkin	4
Winona	0
Wright	237
Yellow Medicine	2

IV. Commissioner’s Duties under Minn. Stat. § 241.021, subd. 1 – 1i

Almost 50 years ago, the legislature granted the DOC the authority to establish minimum standards in correctional facilities with respect to management, operation, physical condition, security, safety, health, treatment, and discipline.¹⁰ Two years later, it gave the DOC authority to license correctional facilities in the state, as well as revoke those licenses in the event of noncompliance with minimum standards.¹¹

In light of legislative changes to its licensing authority, DOC has undertaken many efforts to redefine minimum standards for licensed facilities that comport with current best practices, improve the oversight of correctional facilities and ability to act if standards are not met, increase transparency among and between all correctional facilities in Minnesota, and ensure

¹⁰ See [1976 c 299 s 1](#).

¹¹ See [1978 c 778 s 1](#).

accountability on behalf of the DOC in upholding licensing and enforcement obligations required by law when violations of minimum standards occur.

a. Subd. 1 – Licensed facility oversight and minimum standards

Rulemaking related to minimum standards of conditions of confinement for licensed facilities set forth in Chapter 2911 is underway as mandated by the changes in statute.

DOC is required to promulgate rule on the following topics:

1. screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;
2. a policy on the involuntary administration of medications;
3. suicide prevention plans and training;
4. verification of medications in a timely manner;
5. well-being checks;
6. discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
7. a policy on referrals or transfers to medical or mental health care in a non-correctional institution;
8. use of segregation and mental health checks;
9. critical incident debriefings;
10. clinical management of substance use disorders;
11. a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
12. a policy regarding the use of telehealth;
13. self-auditing of compliance with minimum standards;
14. information sharing with medical personnel and when medical assessment must be facilitated;
15. a code of conduct policy for facility staff and annual training;
16. a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
17. dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

DOC has begun the rulemaking revision process, which will include proactive engagement with external and impacted stakeholders to put forth proposed language prior to submitting the rule change for public comment.

DOC has updated its inspection and licensing practices to include:

- Determining compliance with minimum standards established in any related state law (prior to July 1, 2021, DOC only had the authority to inspect and enforce compliance with rule);

- Revised license expiration practices and limited licenses for purposes of facility closures;
- Shortened timeframe for reporting in-custody deaths within 24 hours;
- Reporting obligations for uses of force by correctional facility staff against individuals confined or incarcerated in their facilities; and
- Public posting of facility license status and any related license orders.

DOC is also overhauling its data gathering processes and technological capacity to ensure accuracy and transparency in order to meet legislatively mandated reporting requirements. Much of the data pertaining to licensed facilities contained in this report was gathered by hand. DOC expects that the data required for this report and other data already required in rule or statute will be reported to the DOC quarterly, if not more frequently depending on the law. It is anticipated this process will be completed by July 1, 2023.

b. Subds. 1a – 1e

DOC was provided a new licensing action framework with the amendments the legislature made to Minn. Stat. § 241.021 subds. 1a – 1e. DOC has implemented this framework, now including four codified licensing action options for DOC to take against licensed facilities in the event of certain levels of noncompliance with minimum standards. The four actions include:

- **Correction Order** – issued when a facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility
- **Conditional License Order** – issued when a facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility. The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.
- **Revocation Order** – issued when, after considering the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility, a facility does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility

- **Temporary Immediate Suspension Order** – issued when a facility’s failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; or when a facility has received a notice of intent to issue an order of revocation and has one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public

c. Subds. 1g – 1h

DOC has also convened the state prison security audit standards group to define audit standards for state correctional facilities. The state prison security audit standards group requested and received an extension in developing these important standards. The standards were reported to the legislature in July of 2022, DOC has begun using those standards in auditing all 11 of its state prison facilities biennially and will include reporting on that process in its annual performance report to the legislature as required under Minn. Stat. § [241.016, subdivision 1](#). Beginning in 2024, the annual report will contain Security Audit Working Group recommendations and commissioner responses to the biennial audits.