

Jailhouse Witness Data FY 2023 Annual Report



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This report can be provided in another format upon request.

FY 2023 ANNUAL REPORT ON JAILHOUSE WITNESS DATA

I. Background

In 2021, the Minnesota legislature identified jailhouse witnesses, and their use in criminal proceedings, to be of importance. For purposes of this report and as defined in statute, “jailhouse witness” means a person who (1) while incarcerated, claims to have obtained information from a defendant in a criminal case or a person suspected to be the perpetrator of an offense, and (2) offers or provides testimony concerning statements made by that defendant or person suspected to be the perpetrator of an offense. It does not mean a codefendant or confidential informant who does not provide testimony against a suspect or defendant.

Effective August 1, 2021, [Section 634.045](#) of the Minnesota Statutes requires county attorneys to report to the commissioner of corrections, in a form determined by the commissioner, the following information:

1. The name of the jailhouse witness and the district court file number of the case in which that witness testified or planned to testify;
2. The substance and use of any testimony of a jailhouse witness against the interest of a suspect or defendant, regardless of whether such testimony is presented at trial; and
3. The jailhouse witness's agreement to cooperate with the prosecution and any benefit that the prosecutor has offered or may offer in the future to the jailhouse witness in connection with the testimony.
4. The commissioner of corrections is required to 1) maintain a statewide record containing the information received above, and 2) publish an annual summary report.

As required by the Legislature, the Minnesota Department of Corrections (DOC) is required to report on the following:

1. The total number of jailhouse witnesses tracked in the statewide record; and
2. For each county, the number of new reports added over the previous fiscal year.

To develop a reporting form and data sharing process, DOC convened a collaborative workgroup comprised of nine members. Membership included: six county attorney office representatives, two MN DOC representatives, and one Great North Innocence Project (GNIP) representative. The workgroup met three times in October-November 2021. The form and data sharing process agreed to by the workgroup was for county attorney offices to report jailhouse witness data via a dynamic electronic form in a web-based application called Smartsheet. The workgroup collaborated to identify and articulate what data fields should exist in the electronic form. As a supporter of the enabling legislation and attorneys with experience handling exoneration cases, GNIP was asked to be a member of the working group. Given their work, GNIP offered to submit cases they had knowledge of to build the foundation of the database, which the working group members were agreeable to. MN DOC published an initial memorandum

outlining the finalized form and process to Minnesota county attorney offices via the Minnesota County Attorneys Association on December 20, 2021.

For FY 2023, a reporting reminder was shared electronically with the Minnesota County Attorneys Association. The reminder included instructions for the electronic report and a contact at the DOC for questions.

II. FY 2023 Jailhouse Witness Data

The statewide record database became operational on December 20, 2021. The below information was collected between that date and the close of FY 2023, June 30, 2023.

a. Total number of jailhouse witnesses tracked in the statewide record.

The statewide tracking record includes a total of 65¹ unique individual jailhouse witnesses.

b. Number of new reports by county for FY 2023.

County attorneys entered nine new jailhouse witness reports into DOC's data entry system for FY 2023.

DOC cannot confirm if this list of reports by county is exhaustive of every case in a Minnesota state court in which a jailhouse witness offered testimony in exchange for a benefit in FY 2023.

Table 1: Reports submitted by County Attorney Offices

County	Number of new reports added in FY 2023
Benton	1
Sherburne	8
Total	9

¹ The FY 2022 report included 53 unique individual jailhouse witnesses. Upon review, the Department became aware that three individuals were omitted. This report reflects the total count.