

## **Short-Term Offenders**

2007 Report to the Legislature



Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
Saint Paul, Minnesota 55108-5219  
651/361-7200  
TTY 800/627-3529  
December 2007  
[www.doc.state.mn.us](http://www.doc.state.mn.us)

This information will be made available  
in an alternative format upon request.

The total cost of salaries, printing, and supplies incurred  
in the development and preparation of this report  
was \$10,520 (reported per M.S. 3.197).

This report is printed on recycled paper  
with at least 10 percent post-consumer waste.

## Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>Introduction.....</b>	<b>3</b>
Legislative Direction .....	3
Background .....	3
Table 1. Application of Short-Term Offender Law.....	3
<b>Impact of Short-Term Offender Law.....</b>	<b>4</b>
Table 2. Short-Term Offender Admissions .....	4
<b>Issues and Options .....</b>	<b>5</b>
I. Funding .....	5
II. Housing .....	6
III. Number of Short-Term Offenders .....	7
Table 3. Short-Term Offender Status as of January 1, 2007 .....	7
IV. Programming Differences .....	8
V. Medical Issues .....	8
Table 4. Health Care Program Eligibility for Incarcerated Persons .....	10
VI. Release Planning.....	11
<b>Conclusion .....</b>	<b>12</b>
<b>Appendix A: Membership of Short-Term Offender Work Group .....</b>	<b>13</b>
<b>Appendix B: Minutes of Work Group Meetings.....</b>	<b>15</b>
August 23, 2007, Meeting.....	15
September 28, 2007, Meeting .....	19
October 22, 2007, Meeting .....	23
<b>Appendix C: Short-Term Offender Law and DOC Policy .....</b>	<b>27</b>
M.S. 609.105 and Short-Term Offender Rider Language .....	27
DOC Policy 203.017.....	28

## **Executive Summary**

The 2007 Legislature raised the short-term offender program appropriation from \$1,207,000 to \$3,707,000 each year. In conjunction with that appropriation the commissioner of corrections was directed to study the use and effectiveness of the short-term offender program and identify gaps in the short-term offender system relating to programming and reentry services. The commissioner of corrections invited practitioners who deal with short-term offenders on a daily basis to join a work group whose focus was to review the short-term offender program in light of the 2007 legislation.

The Short-Term Offender Work Group, in reviewing the program, determined that many factors play into the ability to provide effective programming and reentry services. In all, the work group identified six major areas of concern and discussed possible options for addressing these issues. The six areas discussed by the group include funding, housing, the number of short-term offenders, programming differences, medical issues, and release planning.

### **Funding**

- Even with the 2007 increase, the short-term offender appropriation does not provide full reimbursement for local medical and housing costs of short-term offenders.
- *Recommendation:* The legislature should provide adequate funding for short-term offender reimbursement to the counties.

### **Housing**

- No consensus could be reached by the group relating to the best housing option to utilize for the short-term offender population. However, the report presents numerous options that could be utilized to improve the system such as regional jails or contracting with counties that have available space.
- The group discovered that limited information exists as to what types of local housing options are being utilized, and this information needs to be collected.
- *Recommendation:* Data on housing options utilized by the counties should be reported on the forms currently submitted to the state for receiving per diem reimbursements.

### **Number of Short-Term Offenders**

- When the short-term offender law went into effect in July of 2003, there was an almost 50 percent increase in new court admissions of short-term offenders. The vast majority are probation violators.
- The group considered that the increased number of short-term offenders represents the system reacting to the law change. Under the current short-term offender process, the group does not have a recommendation as to how reduction in the number of short-term offenders can be achieved.

### **Programming Differences**

- Short-term offenders are under the authority of the commissioner of corrections and as such are treated differently than regular jail inmates.
- The work group was not able to reach consensus as to what changes would best impact the effective programming of short-term offenders but recognized that the gaps occur because these offenders are spread out in institutions across the state's 87 counties.

- *Recommendation:* Funding should be provided to gather information on what short-term offender housing and programming are being utilized by the counties and to study the impact on short-term offender recidivism. This should be done in conjunction with the broader short-term offender recidivism study recommended to evaluate release planning efforts (see Release Planning).

### **Medical Issues**

- One area of expense that has significant financial, programming, and reentry implications is medical expenses. The work group explored numerous medical issues relating to the short-term offender and makes the following recommendations.
- *Recommendation:* The set-aside for medical expenses should remain at 20 percent.
- *Recommendation:* The Department of Corrections (DOC) and the counties should continue to discuss the policies for bringing short-term offenders to prison when they cannot be handled at the county level. Statutory changes are unnecessary at this time.
- *Recommendation:* The DOC and the Department of Human Services (DHS) should monitor progress on how Minnesota health care program eligibility processes can be maximized to provide access to health care coverage while an individual is incarcerated and upon release.

### **Release Planning**

- Given the brief sentences of short-term offenders, development of release plans is problematic. In addition, short-term offender reentry funding was not contemplated in the appropriations provided by the legislature in either 2003 or 2007.
- *Recommendation:* Coordination should occur with the Minnesota Comprehensive Offender Reentry Plan (MCORP) to utilize current resources available to short-term offenders and encourage the use of evidence-based practices in case planning to help avoid future commitments.
- *Recommendation:* The state should invest focused resources and study the recidivism rates of the short-term offender population to better evaluate future successes and failures relating to future programming and reentry services.

## Introduction

### Legislative Direction

The 2007 Minnesota Legislature directed the commissioner of corrections to study the use and effectiveness of the short-term offender program and report back by November 1, 2007. The legislation specifically required that the report identify gaps in the short-term offender system relating to programming and reentry services. (Minnesota Laws 2007, Chapter 54, Article 1, Section 14.)

### Background

During the 1990s the legislature began deliberating the housing of offenders with short periods of time to serve; for example, those with less than a year to serve. The 1994-95 biennial budget for corrections proposed that offenders who failed to follow the conditions of their probation and were spending less than one year in a state correctional facility no longer be committed to the commissioner of corrections.

The 1993 Legislature did not adopt the full budget proposal but provided funds to purchase jail space for a limited number of inmates for fiscal year 1994. In addition, the DOC was directed to report on alternatives for dealing with short-term offenders. The DOC completed a report and submitted it to the 1994 Legislature. No legislative action occurred that session on the short-term probation violator issue.

In 2001 the commissioner of corrections was again directed to report on alternatives for dealing with offenders who serve less than one year in prison. The report was delivered to the legislature in February 2003 and offered alternatives for handling the short-term offender population.

The 2003 Legislature modified Minnesota law to provide that defendants with a felony sentence of imprisonment where the remaining term of imprisonment is for 180 days or less would be committed to the commissioner of corrections but serve the imprisonment term at a workhouse, work farm, county jail, or other place authorized by law (Minnesota Laws 2003, 1<sup>st</sup> Special Session, Chapter 2, Article 5, Section 7). Table 1 provides examples of how this law is applied.

Following passage of the 2003 short-term offender law, both the DOC and counties recognized that sex offenders, regardless of sentence length, should not be held at the local level due to extra requirements prior to release.

**Table 1. Application of Short-Term Offender (STO) Law**

#### New Crime

- Offender is convicted and sentenced to the commissioner of corrections for a year and a day.
- By law the offender will serve two-thirds of the sentence incarcerated and a third on supervised release. For a year and a day sentence, the incarceration period would be eight months.
- During the court process, the offender spends three months in jail reducing the remaining time to serve from eight months to five months.
- Offender qualifies for STO status.

#### Probation Violator

- Offender is convicted and sentenced to a year and a day; imposition is stayed on condition of 100 days in jail and probation of five years.
- Offender serves jail time and is placed on probation.
- Offender is convicted of a gross misdemeanor and spends 90 days in jail. This new offense is a violation of probation.
- Court revokes the stay of imposition and sentences offender to the commissioner of corrections for a year and a day with credit for time served (100 days plus 90 days for the gross misdemeanor).
- Offender qualifies for STO status.

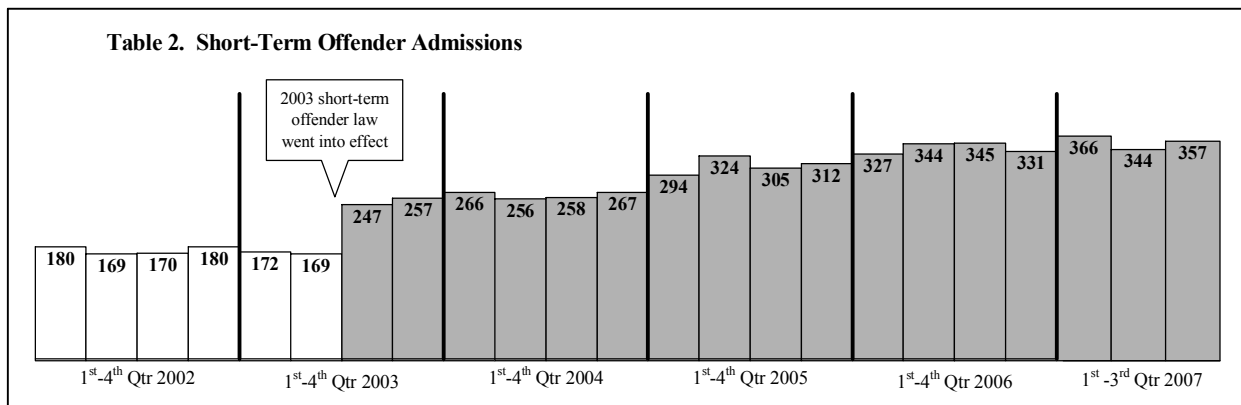
The DOC made a revision to the short-term offender policy to provide that any offender sentenced as a short-term offender after June 1, 2004, who is required by statute to register as a predatory offender would be brought into DOC custody. This registration requirement need not be part of the short-term offender commitment offense. The policy change in part ensured that the DOC could provide timely completion of an end-of-confinement review and assignment of an appropriate risk level for the offender prior to release back into the community.

The 2003 Legislature appropriated \$1,207,000 each year to the DOC for costs associated with housing and care of short-term offenders. Of this amount, up to 20 percent is available for inpatient medical care expenses for short-term offenders. Funds not used for medical reimbursement are pooled with the remaining appropriation and used to reimburse local facilities for housing short-term offenders. This appropriation resulted in local facilities receiving an average inmate per diem of \$13.04 in fiscal year 2004. In 2007 there were 2,604 short-term offenders who served a total of 130,058 days, which equates to an average length of stay of 50 days. With the increases in the number of short-term offenders, the average inmate per diem was reduced to \$9.19 for fiscal year 2007. In part, this prompted the 2007 Legislature to raise the appropriation from \$1,207,000 to \$3,707,000 each year and require this report.

In accomplishing a review of the short-term offender program, the commissioner of corrections invited practitioners who deal with short-term offenders on a daily basis to join a work group. The group included representation from local sheriff's offices, jail administration, county corrections, probation and supervision staff, courts, legislative staff, and DOC staff. The work group met several times between August and November 2007 to discuss the short-term offender program impacts, issues, and possible options to address the issues. This report contains a compilation of that work.

## Impact of Short-Term Offender Law

When the short-term offender law went into effect in July of 2003 there was an almost 50 percent increase in new court admissions of short-term offenders. Although the population is still growing, the growth has slowed to a two to four percent increase in new short-term offender admissions each year (see Table 2).



The immediate impact of the large increase in short-term offenders was felt at both the county and state levels. Counties were confronted with a myriad of issues including absorbing costs not covered by the original per diem appropriation, boarding, case management, transportation, and offender management. For the state, the challenges related to coordinating release planning

efforts from a distance as well as developing a policy that allowed counties to send short-term offenders with medical or discipline issues to a state facility when they could not be handled at the county level. State and county cooperation to resolve some of these day-to-day challenges has been one of the most successful components of the program. So far in calendar year 2007, the DOC has only had to transfer approximately 24 short-term offenders from a local jail facility into the state prison system due to behavioral or medical issues. During group discussions, both county and state participants reported that the day-to-day administration of the program is working well. However, operational issues still exist.

## **Issues and Options**

The commissioner was directed to study the use and effectiveness of the short-term offender program, including identifying gaps in the system relating to programming and reentry services. In discussing the later, the group determined that many factors play into the ability to provide effective programming and reentry services. In all, the work group identified six major areas of concern and discussed possible options for addressing these issues.

### **I. Funding**

The 2007 Legislature raised the short-term offender program appropriation from \$1,207,000 to \$3,707,000 each year, which will increase the local jurisdiction per diem reimbursement. Original estimates based on 2006 data suggested the per diem would increase to between \$30 and \$35 for fiscal year 2008. With the increased number of short-term offenders in 2007, the per diem is now anticipated to be below \$30 a day. The work group discussed that the appropriation does not provide a full reimbursement to local jurisdictions for the medical and housing costs of short-term offenders. The work group would like to see the legislature provide additional funding for the short-term offender program. Absent the legislature providing adequate funding for full county reimbursement, the group discussed an option to limit the impact of short-term offenders.

This concept is a statutory modification to the definition of short-term offender, reducing the remaining term of imprisonment from 180 days or less to 90 days or less in order to qualify. However, one of the legislative debates has been whether offenders with less than six-month sentences should even be admitted to prison given the short nature of their sentences and the processing that must take place in prison. County work group members contend that the same processing issues exist at the local level and that six months or less is too short a period of time to process the offender and provide programming and effective reentry services regardless of where the offender is housed. The work group was not able to reach consensus on how to modify the definition of short-term offender.

While adequate funding would go a long way toward limiting the financial impact on counties, issues still remain regarding whether these offenders should go to prison or jail and where the best services can be provided. During the funding discussions, a number of alternative housing options were brought up that could be looked at as a means to more equitably handle the short-term offender population.

**Recommendation: The legislature should provide adequate funding for short-term offender reimbursement to the counties.**

## II. Housing

During funding discussions, county work group members reported that some facilities have to rent beds from other counties when they are at capacity and receive short-term offenders into their system. County practitioners suggest that these rental costs are substantially higher than the per diem they receive for short-term offenders from the state. Currently no single calculation is utilized by counties to determine costs, causing per diems to vary by county and type of facility used to house short-term offenders (i.e., work release, jails, workhouses, Sentencing to Service, etc.). These issues sparked further discussion on housing alternatives that could be utilized by the state to better manage the short-term offender population to ensure no one county is overburdened and the population receives similar services.

Several themes emerged in these discussions. The first was that of utilizing some form of regional jail or center. Instead of sending the offender to the county of commitment and having the county determine whether it has space or needs to rent beds, the offender would be sent to a regional jail. The group discussed that four or five regional jails could be scattered throughout the state whose main mission would be to house the short-term offender population.

These regional locations could take multiple forms. One option would be to have them operated by the counties who would receive a set per diem for short-term offenders. Some work group members suggested taking this a step further and no longer have short-term offenders committed to the commissioner of corrections, giving counties the sole discretion to manage this population given the fact they will be back in local communities within a short time frame. However, county work group members are strongly opposed to this concept and suggest in turn the state could buy an existing facility or build a new facility to house all short-term offenders, eliminating the need to rely on the county facilities at all, in essence returning to the pre-2003 short-term offender status. A second option would be to utilize a state-run regional center and only incarcerate short-term offenders for a short period of time (i.e., 60 days), regardless of the length of their sentences. This would also ensure that all short-term offenders are provided uniform consequences and programming.

Alternatively, if regional centers are not utilized, short-term offender placements could still be modified to allow for placement of these offenders in jails where there is available space. County practitioners are concerned that this option would, in essence, shift the burden from one county to another and not truly address the housing constraints. However, if the legislature appropriates funding for the DOC to negotiate a contract per diem with those counties willing to house short-term offenders, this shift of financial burden from one county to another could be avoided. Only counties who have space and volunteer to hold short-term offenders would house them. The group recognized that this would be shifting the system to an opt-in option versus a county mandate. Other members suggested that a more equitable solution might be to provide higher compensation to those counties that need to rent beds to avoid overcrowding. This in turn was viewed by some members as penalizing those counties that have been proactive in building facilities large enough to hold growing offender populations.

While the work group felt it important to present these various options to the legislature as a means to modify short-term offender housing, several members suggested that with adequate funding the current system remains a viable option. However, in most of these scenarios the issue of county calculations of per diem remains. The group discussed that this issue is being



addressed by the local jail per diem work group, which is looking at how county facilities calculate per diem in an effort to establish some consistency. County costs vary based on what they build into their calculations (i.e., structural depreciation, room availability, medical costs, etc.). Outcomes of the work done by the local jail per diem group will be included in the next DOC performance report due in January 2009.

Another issue that impacts determining which housing services best serve short-term offenders is information on what local housing options are being utilized currently. Presently no tracking mechanism exists to identify in what types of facilities short-term offenders are being held. The group felt that information as to where short-term offenders are in the system – for example, home electronic monitoring or a workhouse – would be beneficial for identifying both what housing options are currently being used as well as what type of programs should be utilized in the future.

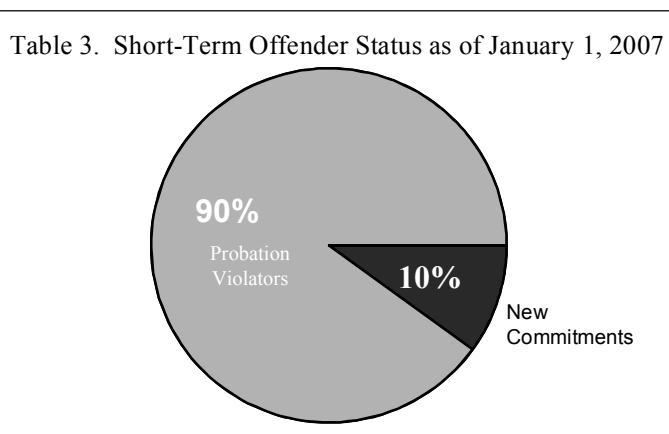
No consensus could be reached by the group relating to the best housing option to utilize for the short-term offender population.

**Recommendation: The Short-Term Offender Work Group recommends that data on housing options utilized by the counties should be reported on the forms currently submitted to the state for receiving per diem reimbursements.**

### III. Number of Short-Term Offenders

As mentioned at the outset of this report, the number of short-term offender new commitments doubled after passage of the 2003 law. The total number of short-term offenders committed to the commissioner of corrections as of January 1, 2007, was 337. Of this number, 81 percent were males and 19 percent were females. The vast majority of short-term offenders are probation violators (see Table 3).

In discussing why this increase occurred, several group members suggested that courts and public defenders sometimes delay plea negotiations and sentencing at the county's expense in order to ensure that offenders remain eligible for short-term offender status and a local placement. Judges and public defenders may see short-term offender status as appealing, especially if wrestling with whether to send the offender to prison in the first place. The short-term offender law provides the courts with a local alternative to a prison sentence, while at the same time ensuring that supervised release continues following incarceration and counties are partially compensated for holding the offender. This can explain some of the increased number of short-term offenders.



The group considered that the increased number of short-term offenders represents the system reacting to the law change. Under the current short-term offender process, the group does not have a recommendation as to how reduction in the number of short-term offenders can be achieved.

#### **IV. Programming Differences**

Given that short-term offenders are under the authority of the commissioner of corrections, they are treated differently than regular jail inmates. For example, short-term offenders do not receive the same benefit (reduction in sentence) for participating in programs like Sentencing to Service (STS). In addition, local facilities often take a conservative approach to handling short-term offenders out of concern for what the public perception will be if an incident were to occur with a short-term offender. In the alternative, when behavioral problems occur, the local facility may be reluctant to report the incidents to the DOC out of concern that this could increase the amount of time the short-term offender serves in jail and in turn increase local costs. Facilities with a large amount of space will not have this same concern and may treat that short-term offender differently.

The group discussed that specific authority for a reduction in short-term offender sentences for participation in programs like STS and giving local facilities more flexibility in disciplining short-term offenders by allowing a sanctioned offender to work toward regaining time lost because of discipline would go a long way to address some of these concerns. One way to do this may be to modify the statutory language that prevents the commissioner from reducing sentences and restricts the ability to restore time once it has been taken away. However, giving more authority to modify an offender's sentence negatively impacts the concept of truth-in-sentencing. In addition, questions were raised as to whether programs like STS should even be utilized with this population.

The Short-Term Offender Work Group was not able to reach consensus as to what changes would best impact the effective programming of short-term offenders but recognized that the gaps occur because these offenders are spread out in facilities across the state's 87 counties. To truly evaluate changes in programming, additional information correlating the housing options utilized for short-term offenders and the reoffense rates of those offenders is needed.

**Recommendation: Funding should be provided to gather information on what short-term offender housing and programming are being utilized by the counties and to study the impact on short-term offender recidivism. This should be done in conjunction with the broader short-term offender recidivism study recommended to evaluate release planning efforts (see Release Planning).**

#### **V. Medical Issues**

In both the county and state systems, one area of expense that has significant financial, programming, and reentry implications is that of medical expenses. This is also true with the short-term offender population. The work group discussed several medical-related issues that have arisen since passage of the 2003 law.

When the 2003 law was passed, DOC policy was revised based on the recommendations of the original Short-Term Offender Working Group. The short-term offender policy provides

that the DOC will reimburse counties for inpatient medical expenses for short-term offenders, and the counties will be responsible for outpatient medical costs for short-term offenders. During discussions on how the short-term offender program is working, county members pointed out that outpatient care costs for short-term offenders have a significant impact on county budgets. At the same time, the medical reimbursement funds set aside out of the short-term offender appropriation for inpatient care have never been fully exhausted.

Currently 20 percent of the short-term offender appropriation is set aside for inpatient medical expenses. The unused portion of medical reimbursement funds gets added back into the money available for per diem reimbursement. If inpatient medical reimbursements exceed 20 percent, the compensation comes out of the DOC's budget. In addition, the DOC has maintained a policy of working with the counties to ensure that those offenders that cannot be handled at the county level are returned to state custody. Typically, the full amount available for reimbursement has not been used, and leftover funds have been distributed as part of per diem reimbursements. With the increased appropriation in 2007, the set-aside funds for medical reimbursements will be even greater. The group discussed modifying the percentage of funds used for medical reimbursements, basing the calculation on the amount of money typically necessary for medical reimbursements and leaving more money available for per diem reimbursements that would offset the outpatient medical costs of the counties.

Second, the policy language could be modified to allow for all short-term offender medical expenses to be reimbursed, which would require use of more of the medical funds set aside. Third, the group discussed modifying what constitutes an "admission" for purposes of inpatient reimbursement, expanding the definition to include some hospital costs that do not technically constitute admittance to a hospital even though the inmate may have stayed overnight. This option needs additional exploration by the DOC and counties to achieve a compromise as to what hospital expenses would be covered and what the impact will be on the unused medical reimbursement funds currently going toward per diem reimbursement. The fourth option is for counties to pursue statutory authority to reimburse providers at Medicaid rates. This option would lower the medical costs that would need to be reimbursed out of the 20 percent set aside, freeing up additional funds for per diem reimbursements. The DOC currently has statutory authority to pay for services at these rates. However, counties have been unsuccessful in achieving this same authority, in part due to resistance from the medical community.

Medicaid rates could also be utilized for the reimbursement of prescription medications. Several work group members reported that short-term offenders consume these medications at a higher rate than other inmates. The group discussed whether medical funding could be utilized to provide a small supply of these medications to short-term offenders as they leave the institution. What the group discovered is that the issue of medications and need for transitional medical services are far broader than just the short-term offender population, extending to the entire inmate population – especially those with mental illness.

Ultimately the Short-Term Offender Work Group reached a compromise consensus on these options.

**Recommendation: The set-aside for medical expenses should remain at 20 percent.**

The group believes this will ensure that no one county is hurt by a reduction in the pot of funds available for medical expenses should the county have an extraordinary case. In addition, it will give the counties and state flexibility in discussing what future changes could be made to medical reimbursements to cover some additional outpatient expenses.

Another medical-related issue discussed by the group includes the DOC's case-by-case policy for bringing short-term offenders to prison when they cannot be handled at the county level due to medical reasons. Several county work group members were familiar with this process. However, they questioned whether specific written criteria could be placed in policy outlining when a short-term offender will be accepted into the prison system based on medical reasons. Concerns were raised that flexibility with respect to these cases is necessary given the fact that jail facilities vary widely across the state as to what they can and cannot handle. While the DOC has presented these policies at numerous jail conferences, the work group felt that a good alternative to putting the policy in statute would be for the DOC to continue to review and communicate the procedures to counties.

**Recommendation: The DOC and the counties should continue to discuss the policies for bringing short-term offenders to prison when they cannot be handled at the county level. Statutory changes are unnecessary at this time.**

The final medical issue discussed by the group was that of offenders frequently losing eligibility for Minnesota health care programs even though they will remain in a local jail facility for only a short period of time. There are four different health care programs, Medical Assistance (MA), General Assistance Medical Care (GAMC), MinnesotaCare, and Transitional MinnesotaCare (TMCR). All four programs prohibit individuals from becoming eligible for coverage when they are incarcerated at the time they file an application.

Each program has different rules related to continued eligibility for persons who become incarcerated while enrolled in the program. Table 4 provides a brief summary of how the four programs treat continued eligibility when an enrollee becomes incarcerated.

**Table 4. Health Care Program Eligibility for Incarcerated Persons**

**Medical Assistance (MA)** is a federally funded program. Federal Financial Participation (FFP) funds are not available for enrollees on any day that they reside in a public institution. Therefore, MA is terminated or suspended when an enrollee becomes incarcerated.

**MinnesotaCare** eligibility continues until the next renewal. MinnesotaCare currently has annual renewals so an enrollee may continue to be eligible for 1 to 12 months depending on when he or she became incarcerated. All premiums must continue to be paid in order for coverage to continue. MinnesotaCare enrollees are covered through managed care plans. An enrollee may access coverage while incarcerated subject to the rules of the managed care plan; i.e., receives services through designated providers, etc.

**General Assistance Medical Care (GAMC)** allows coverage to continue if the enrollee will be incarcerated for less than 12 months and continues to meet GAMC eligibility criteria. GAMC enrollees may be covered through fee for service or managed care. An enrollee may access coverage while incarcerated subject to the rules of the managed care plan; i.e., receives services through designated providers, etc., or, if covered through fee for service, receives services from a GAMC provider.

**Transitional MinnesotaCare (TMCR)** is a program that moves a GAMC enrollee into the MinnesotaCare program during the first two months of eligibility. An enrollee is only on TMCR for six months before fully moving to the MinnesotaCare program. TMCR follows the GAMC or MinnesotaCare rules as stated above depending on which month of coverage the enrollee becomes incarcerated.

The group was informed that a 2007 statutory change allows the Department of Human Services (DHS) to suspend an individual who is enrolled in MA at the time of incarceration and who is incarcerated for less than 12 months to be reinstated without reapplication, using a reinstatement process and form if the individual is otherwise eligible. The DHS is in the process of issuing a bulletin that outlines this process. In addition, Hennepin County would like to begin discussions with the DHS to determine whether a similar suspension process could work for MinnesotaCare.

**Recommendation: The DOC and the DHS should monitor progress on how Minnesota health care program eligibility processes can be maximized to provide access to health care coverage while an individual is incarcerated and upon release.**

## **VI. Release Planning**

Given the short sentences of this population, development of release plans is problematic. Compounding this problem is the fact that short-term offenders are often in and out of the system as probation violators (probation violators equated to 90 percent of the 2006 population). As such, they are a difficult and uncooperative set of individuals who are often knowledgeable about how the criminal justice system works. Counties anecdotally report that a number of offenders are requesting to have their sentence executed because they know they will not make it through their probation period without violating the conditions. By utilizing the short-term offender status and maximizing credit for time served, the offender can serve his or her remaining sentence and escape extended supervision. In addition, many short-term offenders have mental and medical health issues. At the end of their stay, they are released with little to no transitional assistance. These issues exist regardless of where short-term offenders are housed, local jails or prison.

Release planning for short-term offenders was not contemplated in the appropriations provided by the legislature in either 2003 or 2007. When the counties took over the responsibility of housing short-term offenders, no new staff was provided for dealing with release planning. After passage of the 2003 law, the DOC added two case workers and one records staff at the Minnesota Correctional Facility (MCF)-St. Cloud to help handle short-term offender issues. In general, the work group agrees that the current process is cumbersome and labor intensive on both the county and state levels. The DOC puts a plan together based on information the counties are able to collect from the offender in a short period of time. This information forms the basis of a very generic case plan. The result is a release plan that is not always adequate in providing appropriate help for the short-term offender.

To give the short-term offender program a fresh and more focused planning effort, the DOC is moving the program administration to the Housed-Out-of-Facility (HOF) Unit located at the MCF-Faribault. The DOC is in the process of hiring two field agents to be dedicated solely to the administration of the short-term offender program. The DOC is looking to add records staff dedicated to handling the short-term offender paperwork.

By utilizing field agents to administer the short-term offender program, there will be specific points of contact for the counties. The plan is to transfer the functions to the HOF unit on a county-by-county basis. This will allow the agents to travel to the counties and problem-solve issues as the administration function is transferred. The DOC feels that centralized administration of the short-term offender population is a step in the right direction to providing quality management of this population.

The group discussed the fact that the DOC's Minnesota Comprehensive Offender Reentry Plan (MCORP) is involved in a number of activities that may be beneficial to short-term offenders, such as Job Club and mentoring. MCORP suggested utilizing some form of mental health discharge planning for short-term offenders, which may require additional funding. The criminal justice community remains focused on devoting reentry resources to at-risk offenders to ensure that public safety is maximized when transitioning these offenders back into the community. The group agrees that, without additional financial resources, very little can be done to provide better release planning for short-term offenders.

**Recommendation: Coordination should occur with MCORP to utilize current resources available to short-term offenders and encourage the use of evidence-based practices in case planning to help avoid future commitments.**

One of the gaps that currently exists with developing an effective reentry plan is that the state lacks information on short-term offender recidivism. There was strong interest among the group members to seek funding/resources to study this issue. The group felt that the state needs to better identify system gaps and provide this information to criminal justice professionals charged with planning for short-term offenders.

**Recommendation: The state should invest focused resources and study the recidivism rates of the short-term offender population to better evaluate the successes and failures relating to future programming and reentry services.**

## **Conclusion**

The state and the counties who house short-term offenders have learned a great deal about handling the short-term offender population in the four-and-half years the law has existed. As mentioned at the outset, the day-to-day administration of the program is functioning fairly well.

This report has examined six of the major operational issues that still exist with this population, particularly in relation to programming and reentry services. The work group discovered that there are options which could be explored relating to the housing of short-term offenders to minimize the impact on counties. However, the overarching theme that emerged during discussions is the need for additional financial resources for and information on the short-term offender population.

## Appendix A

### Short-Term Offender Work Group Members and Participants Present at Meetings

<b>Members</b>	<b>Organization Represented</b>
Reed Ashpole	Carver County Jail Administrator
Al Carlson	Ramsey County Jail Administrator
Jill Carlson	Department of Corrections-Field Services Director
Keith Carlson	Minnesota Inter-County Association Executive Director
Mary Dombrowski	Department of Corrections-Grants and Subsidies
Colin Gau	Minnesota Correctional Facility-St. Cloud
Josie Hall	Isanti County Jail Administrator
Don Ilse	Anoka County Probation and Supervision
Paul Lahr	Stearns County Jail Administrator
Ken Merz	Department of Corrections-Administrative Services
Roger Pederson	Hennepin County Adult Correctional Facility
Jeff Shorba	State Court Administration
Dan Storkamp	Department of Corrections-Director of Information & Technology
Dylan Warkentin	Anoka County Probation and Supervision

<b>Participants</b>	<b>Organization Represented</b>
Dennis Benson	Department of Corrections-Deputy Commissioner
Guy Bosch	Department of Corrections-Director of Classification
Barbara Cox	Department of Corrections-Government Relations
Ryan Erdmann	Minnesota Association of Community Corrections Act Counties
Gary Karger	Minnesota House of Representatives Fiscal Analyst
Tim Lanz	Department of Corrections-Minnesota Comprehensive Offender Reentry Plan
Nanette Larson	Department of Corrections-Health Services
Harley Nelson	Department of Corrections-Deputy Commissioner
Martha Nzimbi	Department of Corrections-Grants and Subsidies
Chris Pawelk	Department of Corrections-Corrections Program Director
Reginald Prince	Hennepin County Adult Correctional Facility
Alice Seuffert	Minnesota Senate Public Safety Committee Administrator
Krista Torgerson	Hennepin County Adult Correctional Facility
Chris Turner	Minnesota Senate Fiscal Analyst

<b>Staff Support</b>	<b>Organization Represented</b>
Tracy Fischer	Department of Corrections-Information and Technology
Sabrina Sutter	Department of Corrections-Office Services

**This page is intentionally blank.**



## Appendix B

**Short-Term Offender Working Group  
General Meeting  
August 23, 2007  
9:00 AM – 12:00 PM  
Minnesota Retirement Systems Building**

### Attendees

Reed Ashpole (Carver Co.)	Paul Lahr (Sterns Co.)
Keith Carlson (MICA)	Ken Merz (DOC)
Jill Carlson (DOC)	Martha Nzimbi (DOC)
Tracy Fischer (DOC)	Reginald Prince (Henn. Co.)
Colin Gau (MCF-SCL)	Jeff Shorba (Judicial Branch)
Josie Hall (Isanti Co.)	Dan Storkamp (DOC)
Don Ilse (Anoka Co.)	Sabrina Sutter (DOC)
	Dylan Warkentin (Anoka Co.)

Dan Storkamp opened the meeting with greetings and introductions. Everyone around the table introduced themselves and explained why they were there. A three ring binder for the Committee members was distributed along with two handouts. Dan briefly went through the book.

#### **Short-Term Offender Background:** *Ken Merz*

- Ken was asked to start this program back in 2003 when the legislation was put into law. A power point was presented by Ken about the background of the short term offender program.
- Ken then opened the floor to discussion. A question was raised about the distribution/referrals of offenders to certain facilities. The courts are ultimately sentencing the offenders to the county in which the crime was committed. If the offender has several sentences to serve, they would be sent to the county in which their sentence is the longest. When facilities are full they have to board the offenders in a facility where it costs them \$55 a day, but the state reimburses the facility only \$9.
- The group also briefly discussed that sex offenders are sent to Saint Cloud and are exempt from the short-term offender status.

#### **Short-Term Offender Numbers:** *Dan Storkamp*

- The state has seen a large increase in short-term offenders from 2001 until 2006. This may in part be due to the introduction of Methamphetamine into the Minnesota drug scene. The population is still increasing by 2-4% a year. New changes in sentencing practices and laws also have an impact on the current prison population projections.
- In July 2003, when the STO law went into effect, there was a 50% increase of admissions of short-term offenders into the facilities. The average has been growing ever since. Looking ahead, in 2008, the DOC has projected a population of 380 short-term offenders, followed by 385 offenders in 2009, and approaching just over 400 offenders in 2010.
- In discussing what is causing this increase, the group talked about the fact that offenders are being put on probation, which they then violate. The judge then makes the decision to revoke their probation and execute their prison sentence. The offenders/their counsel know how to work the system to delay their admission. This means they will qualify as

- an STO and serve their time locally. The system is constantly adjusting itself and people are taking advantage of the system.
- Dan pointed out to the group that only 20 % of the short-term offenders are female. However, 90% of the short-term offenders are probation violators and just 10% are new court commitments. There are no second chances; if on supervised release and they re-offend they go to prison.

**Committee Charge:** *Dan Storkamp*

- Dan discussed that the report on the STO program is due to the legislature on November 1, 2007. A copy of the legislation was passed around. The legislation states that the Commissioner will study the short-term offender system related to programming and services for short-term offenders.
- Dan pointed out that the committee must help identify what the issues are and what is working. Some of the current committee was hand picked from the earlier work group because of their expertise in the issue. The next meeting the group will go through the options for the issues.

**Open Discussion of Issues:** *Dan Storkamp*

- The committee discussed that the binder needs information on capacity projection from 2007 forward. Both local and state information on the contracts for beds would be helpful as well. The group would also like to see information on the Department of Corrections incarceration per diems for 2006 & 2007.
- In discussing the differences between STO's and release violators, it was pointed out that release violators are admitted at Lino Lakes only. However, the possibility exists to admit this class of offenders to other facilities in the future.
- In calendar year 2007, 17 "problem" STO offenders have been transferred from local facilities to the DOC, to go to prison.
- There is a possibility to tack on extra time to the current sentence for problem behavior through the DOC hearing process. The downfall to using the "extra time" for discipline is that the jail might have to contract out a bed for another offender. This means spending more money while only getting reimbursed a fraction of the cost. The jail ends up having more expenses in the end.
- Local jails sometimes restore the good time that they had taken away from the offender. This creates inequity issues if they can't use that same process for short-term offenders.
- An offender is deemed to be a "short-term offender" by having a sentence that fits within the statutory 180 day cut-off. When an offender gets sentenced to a year-and-a-day, the sentence is reduced by one-third for good time. For the purpose of calculating an offender's incarceration time, we must take the time already served in jail off of the remaining sentence, once the good time credit is applied. If the total is less than 180 days at the time of sentencing the offender qualifies as a short term offender. While the group was discussing the 180 day STO time frame, it was pointed out that it is unlikely the current Commissioner of Corrections would ever push for the short-term offender status to include sentences beyond 180 days.
- The Legislature increased STO funding from \$1.2 million a year to \$3.7 million a year in 2007. This increased the amount reimbursed for STO beds by three times.
- Counties have a specific statute that allows for additional time off non-STO offender sentences if they participate in STS programs. For some counties, this results in the short-term offenders not being sent to the STS crew.

- The more medical bills that get claimed, the less that will be left in the pot for housing. Smaller county facilities might need the money for the housing more than medical bills. In the past, the committee agreed that they would not exceed 20% of the short-term offender fund. It was noted that counties did not use the entire 20% since the process was put in place. The DOC would have to come up with funding for STO medical that exceeds the 20%.

**Possible Option: Change the criteria or threshold of inpatient or outpatient.**

- The medical director at the DOC tried to get a medication contract at Medicare rates for all counties. For a variety of reasons this was not adopted by local facilities. The committee will ask Nan Larson, Department of Corrections Medical Director, to come and talk about the medical issues at the next meeting.
- One suggestion was to house offenders where there was available local jail space instead of the counties paying for bed rental due to overcrowding.

**Possible Option: Contract with four regional facilities to take offenders instead of county of commit. If the Legislature would pay the full funding, the offenders would go where there is room. There will be more discussion on this subject next Legislative session.**

- The Legislature created a group to review Minnesota jail per diems. Each jail has different costs to run their facility. In some counties they can choose where the offender serves their sentence (jail or work house). Home monitoring can also be used at a cost of \$6 a day. Work release is also an option for jails and can charge offenders while they are on work release. If the facility currently has “pay for stay,” it is also possible for them to charge short-term offenders as well. There needs to be equal treatment in all facilities for “pay to stay.”

**Possible Option: With Legislative full funding, DOC keeps all the short-term offenders and the money, but contracts with jails and others that have bed space available. It would probably turn into a regional facility operation.**

- There is an effort underway to achieve better communication between the supervising agent and the case manager. Someone has to go over everything with the offender and then decide what is going to happen when the offender is released. Supervising Agents and case managers have an increased workload. Currently there isn’t an effective process in place.
- There were 1,315 short-term offenders released in 2006. There is usually a short window of four to eight months of supervised release for short-term offenders. The turn around time on these cases is too short to create a quality release plan regardless of where they are housed. MN comprehensive release planning is on the other end.
- There needs to be a balance of the two plans between supervising agents and case manager, for the offender to be successfully reintegrated back into society. This might only improve the outcomes of the offenders successfully released by a small number and could be counterbalanced by the cost of the offenders who fail. One concern was the funding might be strained and taken away from other offenders in more need of planning.

**Possible Options: Let local staff do the case management and release plan for the short-term offender.**

- The short-term offenders should not be taken off of their current programs like MinnesotaCare. It takes a long time to get the offenders on the programs. Dakota County has started Telehealth. It is a secure face-to-face with mental health and case managers for the offenders. It cuts down on the transport time and builds another bridge of services. The video conferencing could possibly help with release planning.
- As 90% of the STO's are probation violators, the type of violations that offenders are returned to prison for needs to be reviewed. An option for not violating "small" infractions may be developing other options in the community, which should be reviewed. In some states the supervising authority has been ordered to reduce the probation violations. This type of broad overarching response would not be beneficial to Minnesota.

**Possible Option: Local alternatives need to be reviewed.**

**Questions/Next Steps:**

- Are the short-term offenders different than the current jail population?  
They are often a known quantity that has been dealt with in the past. Most have been in a facility for a while before being sentenced.
- What is the amount of time that short-term offenders are spending in jail?  
The committee has not tracked the amount of time spent in jails.
- What is the amount of the front end investment into the short-term offenders?  
Currently a "double" intake is occurring for the local jails. The St. Cloud facility has to do the paper work, and the local facility has to book them. Case management and jail management put a plan together for the supervised release period.
- What are the outcome studies on these releases?  
An evaluation should be conducted to see if the current STO process has an impact on offender recidivism.
- Is the current system working?  
The professionals at the State and Local facilities have worked through many of the STO issues over the last several years. As a result, the current STO Process works well.

The next step is to go over the issues raised in our next meeting. The committee was encouraged to share these issues with other criminal justice groups. If any groups would like to present an option, they should contact Dan Storkamp at (651) 361-7194. There will be a discussion of options on each issue and groups are welcome to propose options. Finally, a report will be compiled from the committee's input and reviewed by the committee.

**Next Meeting:**

- The next scheduled meeting will be September 28, 2007, 2:00 PM to 4:30 PM, at the Department of Corrections Central Office. We look forward to seeing you all there.

## SHORT-TERM OFFENDER WORKING GROUP

### General Meeting

September 28, 2007

2:00 PM – 4:30 PM

Department of Corrections Central Office

### Attendees

Reed Ashpole (Carver Co.)	Don Ilse (Anoka Co.)
Dennis Benson (DOC)	Gary Karger (House of Rep.)
Al Carlson (Ramsey Co.)	Nanette Larson (DOC)
Jill Carlson (DOC)	Harley Nelson (DOC)
Keith Carlson (MICA)	Martha Nzimbi (DOC)
Barbara Cox (DOC)	Reginald Prince (Hennepin ACF)
Mary Dombrovski (DOC)	Dan Storkamp (DOC)
Ryan Erdmann (MACCAC)	Sabrina Sutter (DOC)
Tracy Fischer (DOC)	Krista Torgerson (Hennepin ACF)
Colin Gau (MCF-SCL)	Dylan Warkentin (Anoka Co.)

### **Welcome and Introductions:** *Dan Storkamp*

- Dan Storkamp opened the meeting with introductions and handed the meeting off to Deputy Commissioner Harley Nelson. Harley started the meeting by welcoming everyone. On behalf of Commissioner Joan Fabian, Deputy Commissioner Dennis Benson, and himself he thanked the group for all their hard work. Dennis Benson shared with the group some of the department's thoughts on STO's and invited the group to ask questions of the agency and management team present at the discussion. Dennis also encouraged the group to feel free to ask questions in the future.
- Deputy Commissioner Benson mentioned that Short-term offenders are on the minds of everyone that deal with them and that reentry is an issue that is also on the minds of Department of Correction's staff. The bad news is that it is not a funding year, but the short-term offender working group can look at some proposals around the issue of funding. One option he suggested to the group was that of regional jails.
- It was asked if the department submitted a bonding place holder for the concept of a regional jail. Dennis replied that he was not a liberty to say since the process was submitted to Finance and they are waiting for the Governors' office to reply.
- Another question related to the department's project pertaining to handling of release violators and whether push-back was expected regarding the idea of placing some of those offenders in county facilities. Dennis mentioned that some of the counties are looking to fill the beds already in existence and the department does not anticipate push-back on this issue from all counties since the placement would be on a voluntary basis. The group discussed that that there are no additional funds available for STO reimbursements, but funding for the RV beds is coming from resources designated for the projected growth of inmates admitted to prison. The counties present strongly objected to this, stating that from a county perspective the funds are all state funds and STO reimbursements should be made whole before any reimbursements for housing release violators at the county level are contemplated.

## **Minutes & Handouts from the previous meeting: *Dan Storkamp***

- Nan made a clarification to page three to the sentence which states “The medical Director at the DOC tried to get a medication plan at Medicare rates...” It should say that it was through the contract with Correctional Medical Services.
- Questions and answers from last meeting (handout provided):
  1. What are the prison population and facility capacity for 2007 and forward?
    - Even if we had all the beds on today that we are projected to take on, the bottom line is that with facility expansion and projected population we would still be renting beds from Prairie Correctional Facility.
  2. Does the department house other offenders from other jurisdictions?
    - For the Bureau of Prisons we held over thirty people in Oak Park Heights. That number has been dwindling down to fewer than fifteen people in the last couple of years. We held people for the INS in Rush City, but once we filled the beds with Minnesota inmates the INS contract was over.
  3. What is the average time served?
    - The short-term offender population average time is three and a half months served.
  4. How many offenders are short-term offenders by county?
    - Hennepin County currently has 236 Short-term offenders and Ramsey County has 228 short-term offenders. These are the highest numbers with the rest of the state falling under that.

Two items that the DOC was not able to answer on the list were: What type of facility are the offenders housed in and how many local jails are contracting beds out some where else.

### **Issues List: *Dan Sorkamp***

#### Medical Expenses:

The group returned to the previous meeting thoughts on what medical care coverage is reimbursed by the state. The question arose whether the group intended to staying-patient hospital expenses do not qualify for reimbursement. Dan asked the group whether this was correct and what the intention was. The group responded that the issues document should read outpatient expenses do not qualify.

The group discussed whether the definition of admission could be modified. Inpatient is defined as an admission into a hospital. This does not mean ER runs. If it is considered an inpatient admission by the hospital then it will be reimbursed. That raises an issue for county representatives who feel these outpatient costs are significant.

#### Number of Short-term offenders:

From the counties perspective they feel that the public defenders and some judges use the system to sentence the offenders as a short-term offender so that they are placed locally. A comment was made that what these groups don't think about is the monetary burden that this puts on the local jails.

The issues document could be reworded to reflect this discussion, by stating “Courts and public defenders sometimes delay plea and sentencing at county expense in order for the offender to qualify as a short-term offender.”

Following a general discussion of the issues document, Dan led the group into a detailed discussion on options related to each of the issues raised. The intent of these discussions was to outline all possible options and at the next meeting the group would try to obtain consensus on group recommendations.

**Medical Expenses Discussion:** What are the options?

- Pay all the expenses: This would require a statute change. However, the group discussed that it is possible to find middle ground with hospital costs. The group asked where the money will come from. Additional reimbursements could require additional appropriations. The group did discuss that maybe it is time to lower the reimbursement percentage from 20% to X, since the per diem has gone up to \$30. This needs further exploration by the counties and the DOC.
- The DOC does have a procedure in place to take back offenders who need medical treatment that the local jails cannot manage like IV treatments, wheel chair accessibility, or mentally ill. They do not take back offenders simply due to the high cost of medications. The determination to take the offender back is usually a discussion with Nan Larson, Dennis Benson, Harley Nelson, and Collin Gau. They discuss whether or not the jail can handle the person medically. To date the DOC has only taken six offenders back for medical reasons. It is a case by case basis and this procedure is set out in DOC Policy. County representatives feel that the consistency between counties needs to be looked at and DOC policy needs to be put out there for people to review.
- MinnesotaCare: Nan Larson was at a meeting where a DHS representative spoke about MinnesotaCare. DHS conduct six month reviews of eligibility and the offender will not be taken off of MinnesotaCare unless the premiums are not paid at the time of the review. MinnesotaCare also has the federal financial participation (50% match), therefore DHS has to follow the MA eligibility rules in administering this program. Hennepin County and DHS are reviewing this for options. Nan Larson offered to be the liaison to the group on the issue.

**Funding:** What are the options?

- Additional funding for short-term offenders (Legislature change).
- Making short-term offenders serve only 60 days or less and they go to centers.
- Change the 180 days or less in statute to 90 days for short-term offenders.

**Local Housing Issues:** What are the options?

- Regional Jails- four to five placed regionally around the state. These could serve supervised released violators as well as short-term offenders. Possibly lease space to the counties.
- Sending short-term offenders to available space/county facilities. Some members felt this option is shifting the burden from one place to another. There was a suggestion brought up to provide more funding to counties boarding out beds.

- There needs to be a consistent way to track jail per diems if possible. Each facility currently has different per diems for facilities. Is it a secure jail, non-secure jail, STS or work crew? Another committee is currently looking at jail per diems.
- An option is to track where the short-term offenders are housed, the rate and type of activity/facility they are in. One way to track where the short-term offenders are located could be with the recording format for reimbursement.

**Short-term offenders are treated differently:** What are the options?

- Modifying the STS statute: STS participation can reduce sentence for non short-term offenders. Further reduction of good time increases local costs due to the fact the short-term offenders will be there longer. The only person that can change good time, increase or decrease, is the Commissioner of Department of Corrections. There would have to be a substantial circumstance for the Commissioner to replace the “good time” taken. Once the good time is taken, it is gone.

**Number of short-term offenders:** What are the options?

- The group continued to discuss the issue of courts and public defenders utilizing the system to place offenders locally. This is the system reacting to the new law and accounts for a large part of why these numbers are increasing. However, the group felt they did not have the power to change the system.
- There are no current options at this time. This does help explain things and it should be kept in the report.

**Release Planning:** What are the options?

- There are no options right now and the short amount of time that the offender is in the system creates a problem for developing an effective release plan. Release planning is a very cumbersome, labor intensive process to get done in a short amount of time.
- Counties did not receive funds to institute release planning at that level. MCF-St. Cloud created four positions to handle release planning for these offenders and assist the local jurisdictions.
- There should be more research/evaluation on the effectiveness of short-term offenders.
- Planning has to be done quickly for the short-term offenders with a short turn around of 24 to 48 hours in some cases. The short-term offenders are not receiving any reentry services right now.
- The issue is: How do we do best correctional practices with offenders with short periods of time to serve, not just STOs?
- The short-term offender issue is not going to go away any time soon. This will be a discussion for a long time to try and find a solution. The group will continue to discuss this issue at the next meeting, see as it was a focus of the legislative directive.

**Next Meeting:**

The next meeting will be October 22, 2007 from 1:00 PM to 4:00 PM at the Department of Corrections Central Office.



## SHORT-TERM OFFENDER WORKING GROUP

### General Meeting

October 22, 2007

1:00 PM – 4:00 PM

Department of Corrections Central Office

### Attendees

Reed Ashpole (Carver Co.)	Tim Lanz (DOC)
Guy Bosch (DOC)	Ken Merz (DOC)
Jill Carlson (DOC)	Martha Nzimbi (DOC)
Keith Carlson (MICA)	Chris Pawelk (DOC)
Barbra Cox (DOC)	Roger Pederson (Henn. CO.)
Mary Dombrowski (DOC)	Reginald Prince (Henn. CO.)
Tracy Fischer (DOC)	Alice Seuffert (Senate)
Collin Gau (MCF-SCL)	Jeff Shorba (Judicial)
Roger Gaustad (Henn. CO.)	Dan Storkamp (DOC)
Don Ilse (Anoka CO.)	Sabrina Sutter (DOC)
Gary Karger (MN House)	Chris Turner (Senate)
	Dylan Warkintin (Anoka CO.)

### **Welcome and Introductions:** *Dan Storkamp*

- Dan Storkamp opened the meeting with introductions around the table. The first item up for discussion was the new approach to the short-term offender release plan which Guy Bosch and Chris Pawelk presented.

### **Short-Term Offender Release Plan:** *Guy Bosch and Chris Pawelk*

- Currently Saint Cloud is managing the short-term offender functions. The process is going to be moved to the HOF unit at Faribault. It will help streamline the process with two to four agents as contacts for the counties. Centralization with the unit at Faribault will create a consistent format.

### **Minutes from the previous meeting:** *Dan Storkamp*

- The only change to the previous meeting minutes was that the counties have a strong opinion that the STO beds should be funded first before additional beds being funded for the release violators in the county jails.
- The consensus is that the minutes can move forward with that change.

### **Release Planning continued discussion:** *Dan Storkamp*

The group discussed the need for a recidivism study as well as the possibility of the short-term offender agents that will be housed in the HOF Unit hooking up with the MCORP reentry project to provide better discharge planning for short-term offenders. They also discussed how to keep the short-term offender from returning to prison.

- The group came to the consensus that short-term offenders are a very difficult group to deal with. There are time constraints, resource shortages, and funding shortages that all need to be dealt with to improve this program.

### **Draft of the Report:**

The group then turned to a review of the draft report to the legislature. Keith Carlson provided written changes and those were reviewed along with the draft.

### Background:

There will be a paragraph added into the background of the report on the 2003 short-term offender law that speaks about the policy that the county and state apply to the “short-term” sex offender. Also table one will be amended to include the example of a probation violator and how they become a short-term offender by jail credit calculation.

### Funding:

The group discussed that the counties have the same funding issues as the state. Many issues would go away if the program was fully funded from the Legislature. There are still issues that would not be fixed by full funding with this population which are many of the issues already included in the housing section.

- The group did not come to a consensus on the funding issue. They looked at several housing options in an effort to come up with recommendations but ultimately appropriate funding is needed no matter what option is chosen.

### Local Housing Issues:

The counties like the flexibility of where to house the offender through STS, work release, or electronic home monitoring.

- The group needs more information on the STO reimbursement costs and where they are housed. The group did not come to a consensus on the housing issue, but agreed that the reimbursement form could be modified to include information on housing options that are being utilized by the counties.

### Number of STO Offenders:

Even with funding this issue might not go away. Due to the system reaction there is not anything that can be done to change the numbers of short-term offenders.

- The group came to the consensus that there is no real solution to change the numbers of short-term offenders.
- The question was raised as to whether the counties had attempted a dialogue with the judges as to how they sentence these offenders. The reaction of the group was that they have in fact attempted to discuss this issue with judges, but the courts view the STO law as another option to utilize that does not require them to send the offender to prison.

### Programming Differences:

- The group did not come to a specific consensus on this issue, but believe it relates to the need for additional funding, information on what housing options are being utilized, and information on whether the STO population is re-offending (recidivism study).

### Medical Care:

The group discussed funding medications after release to allow the offender to leave with a 30 day supply. Currently the DOC sends the offender off with a prescription and whatever medications they have left, usually about seven days of medication. It might be possible for the offenders to access county medical emergency services within seven days for

a prescription refill until they see a doctor. Ultimately the group felt it would be important to be consistent with what other county and state offenders receive (seven days or less).

The group discussed the issue of possibly changing the 20% medical funding to a lower percentage.

- The group identified this as “a gap” in the transitional services for offenders. The group came to the consensus to keep the percent at 20% for now.

Release Plan:

The group discussed the gaps in the system and that there is no one single fix. Additional resources will be needed from the legislature. Also evidence based case planning to avoid recidivism.

- The group feels that there is a gap that needs to be addressed.

Conclusions:

The conclusion will include all the recommendations the group has come up with. It will be a short recap of every issue.

**Finalizing the report:**

Dan thanked everyone for participating in this group and for all their input. The final draft will be sent out by e-mail and the participants are welcome to comment and suggest changes. The final draft will be submitted to the Legislature in November 2007.

**This page is intentionally blank.**

## Appendix C

### **Minn. Stat. 609.105 SENTENCE OF IMPRISONMENT.**

Subdivision 1. **Sentence to less than 180 days.** In a felony sentence to imprisonment, when the remaining term of imprisonment is for 180 days or less, the defendant shall be committed to the custody of the commissioner of corrections and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

Subd. 1b. **Sentence to more than 180 days.** A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

Subd. 2. **Place of confinement.** The commissioner of corrections shall determine the place of confinement in a prison, reformatory, or other facility of the Department of Corrections established by law for the confinement of convicted persons and prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or without the facility.

Subd. 3. **Sentence to one year or less.** A sentence to imprisonment for a period of one year or any lesser period shall be to a workhouse, work farm, county jail, or other place authorized by law.

### **Minnesota Laws 2007, Chapter 54, Article 1, Section 14, Subdivision 3**

Short-Term Offenders. \$2,500,000 each year is to increase funding for the costs associated with the housing and care of short-term offenders. The commissioner may use up to 20 percent of the total amount of the appropriation for inpatient medical care for short-term offenders. All funds remaining at the end of the fiscal year not expended for inpatient medical care must be added to and distributed with the housing funds. These funds must be distributed proportionately based on the total number of days short-term offenders are placed locally, not to exceed \$70 per day.

The department is exempt from the state contracting process for the purposes of paying short-term offender costs relating to Minnesota Statutes, section 609.105.

Short-Term Offender Study; Report. The commissioner shall study the use and effectiveness of the short-term offender program and identify gaps in the current system relating to programming and re-entry services for short-term offenders. On or before November 1, 2007, the commissioner shall submit a report detailing the commissioner's findings and recommendations to the house of representatives and senate committees with jurisdiction over public safety policy and funding.

## **DOC POLICY 203.017 (Short Term Offenders Case Management Process)**

**AUTHORITY:** Minn. Stat. § 609.105  
Policy 203.010, “Case Management Process.”

**PURPOSE:** To provide case management services for short-term offenders committed to the Minnesota Department of Corrections (DOC).

**APPLICABILITY:** Minnesota Correctional Facility – St. Cloud (MCF-SCL), Minnesota Correctional Facility-Shakopee (SHK), Hearings and Release Unit (HRU), and Community Services.

**POLICY:** Offenders committed to the Commissioner of Corrections who, at the time of sentencing, have 180 days or less to serve after calculating jail credit will be processed according to the guidelines established in this policy.

### **DEFINITIONS:**

Case managers (caseworker) - facility staff responsible for coordinating programming and release planning and assisting offenders in facility adjustment.

End of Confinement Review Committee (ECRC) - a standing committee established and administered by the commissioner of corrections that assesses the public risk posed by sex offenders who are about to be released from confinement and the public risk posed by sex offenders who are accepted from another state under a reciprocal interstate compact. Each ECRC consists of the chief executive officer or the head of the correctional or treatment facility where the offender is currently confined or that person’s designee, a law enforcement officer, a treatment professional who is trained in the assessment of sex offenders, a caseworker experienced in supervising sex offenders and a victim services representative.

Extended Incarceration (EI) - a possible penalty for conviction of a violation of the offender discipline regulations. An offender sentenced before May 1, 1980 is subject to extended incarceration by failing to earn a reduction of the offender’s maximum term of sentence. An offender sentenced after May 1, 1980, and before August 1, 1993, is subject to extended incarceration by failing to earn a reduction of the offender’s term of imprisonment. An offender sentenced after August 1, 1993, is subject to extended incarceration equal to the disciplinary confinement period imposed by the hearing officer. Regardless of when an offender was committed to the department, extended incarceration has the same effect on the length of time that an offender is incarcerated.

Program Review Team (PRT) - a team designated by the warden to conduct program reviews. The team makes directives or recommendations for facility programming, makes recommendations to the Hearings and Release Unit on discretionary releases and release plans, and give Disciplinary Confinement Legislation directives.

Short Term Offender (STO) - an offender committed to the Commissioner of Corrections who, at the time of sentencing, has 180 days or less to serve after all jail credit is calculated and is housed in a local facility/county jail (excluding predatory offenders, see Procedure C.7 below.)

## PROCEDURES:

- A. Intake Guidelines: in order to assist county personnel in determining the actual days of imprisonment left to serve, DOC has made available a sentence calculator that can be accessed via the DOC Web Site. Go to <http://www.doc.state.mn.us/>, click on "Other DOC Sites," and then click on "Sentence Calculator." Follow the instructions that come with the calculator, using the "Calculate Date" and "Guidelines Rel/Exp" tabs.
1. New commits determined to be an STO
    - a) The responsible party will fax a copy of the Warrant of Commit and/or Sentencing Order, Criminal Complaint and Pre-Sentence Investigation to MCF-SCL intake/records staff (MCF-SHK for female offenders) for a final review and determination as to the offenders STO status. **MCF-SCL Fax Number: 320-240-7028. MCF-SHK Fax Number: 952-496-4912.**
    - b) The faxed document must include the name and fax number or e-mail address of the person that will need confirmation of the DOC's acceptance of the court commit as well as the person responsible for ongoing issues for the offender (case manager contact person at the local facility).
    - c) The Minnesota Department of Corrections will not consider the offender as a commit to DOC until MCF-SCL/MCF-SHK intake/records staff has reviewed the Warrant of Commit. DOC will review and respond to faxed Warrant's of Commit the same business day whenever possible.
    - d) After completing the review of the Warrant of Commit, MCF-SCL/MCF-SHK intake/records staff will fax back or e-mail to the responsible party a confirmation indicating that the offender is a STO committed to the DOC to be housed in a local facility. The confirmation response will include the offenders full commit name, offender identification number (OID), release date, case manager name and a request for release plan information for the offender to complete. Should there be a determination made that the offender is not an STO, DOC will notify the responsible county with direction to transport the offender to DOC.
    - e) For billing purposes, the start date for offenders housed in local facilities will be the effective sentence date (the actual date of sentence by the court).
    - f) The sentencing court or local facility responsible party will also mail the original warrant of commit, criminal complaint, pre-sentence investigation (PSI) and any other court documents that are available to MCF-SCL/MCF-SHK.
  2. Local Facility Intake Responsibilities
    - a) The local facility is responsible for DNA collection. (Refer to Policy 203.040, "DNA Analysis of Offenders.") DOC facility case managers will check the Bureau of Criminal Apprehension (BCA) database to verify the collection of a DNA sample and notify the local facility if a sample is still needed.

- b) BCA requires fingerprints on each felony for each offender. The local facility is responsible for fingerprinting offenders and submitting prints to the BCA.
- c) Programming for offenders is at the local facility's discretion. The decision to utilize work release, electronic monitoring, sentencing to service (STS), minimum custody placements and furloughs is delegated to the local facility. No additional DOC approval is needed for such programming.
- d) The decision to use "pay for stay" on STO's is at the discretion of the local facility.

3. DOC Intake Responsibilities

- a) DOC staff will make any adjustments to the offender's release date. Good time lost (extended incarceration) and jail credit ordered by the sentencing court are the only factors that will be used to adjust an offender's release date. The MCF case manager will communicate any changes made to an offenders release date to the local facility contact person.
- b) The MCF case manager will provide any forms that the DOC needs processed to the local facility contact. This includes, but is not limited to, change of address forms for sex offenders that are required by BCA, and waiver of appearance at ECRC hearings when necessary.
- c) Once the Program Review Team process is complete (usually within 30 days), the MCF case manager will provide the local facility contact person any information that could affect local facility program decisions. This will include Public Risk issues as well as any release conditions that may impact offender programming options.
- d) DOC will provide all local facilities a copy of Offender Discipline Regulations. (See Policy 303.010, "Offender Discipline.")

B. Release Guidelines

- 1. The release planning process usually begins 120 days prior to the offenders release date. STO's will need this process adjusted depending upon the time left to serve.
  - a) The MCF case manager will work with the local facility contact person to get a determination from the offender as to the proposed release residence and address. This is usually accomplished at the time the offender is acknowledged as an STO by sending a release plan request to the local facility.
  - b) MCF case manager will forward to the Field (Community Services) supervisor of the county of proposed residence the agent assignment packet requesting an agent assignment with a copy to the contact person at the local facility.



- c) Once the agent has developed the release plan, it is sent to the MCF case manager. The case manager will enter the plan into Corrections Operations Management System (COMS), arranged for review by PRT and notify HRU of the need for review.
- d) HRU will process the release plan as per current practice. (See Policy 106.112, "Release Reviews.")
- e) The local facility contact is responsible to have the offender read and sign the Minnesota Department of Corrections Conditions of Release document unless, by mutual agreement between the county and the local agent, the local agent completes this process. The MCF records unit/case manager will arrange to either mail or fax the conditions of release documents to the local facility contact up to one week prior to but at least 48 hours prior to the offenders release date (with the exception of offenders that are already past their release date, see Procedure B.3 below). The local facility contact will read the conditions to the offender and have the offender sign the document. A copy will be provided to the offender and one to the supervising agent, returning the original signed document to the MCF case manager.
- f) Gate money will not be provided to STO's. Offenders must be released from a state facility to be eligible for gate money. STO's returned to any DOC facility for any other reason than a release violator, and subsequently released from a DOC facility, will receive gate money upon release.
- g) The local facility contact will arrange for the release of the offender on the day of his release. Offenders cannot be released on Friday, Saturday, Sunday or holidays. The date on the offenders release document will be the actual release date for the offender. Offenders cannot be released prior to or after the actual release date and only DOC can adjust offender's release dates.
- h) For those offenders where special transportation arrangements are mandatory by statute or necessary by policy (i.e., intensive supervised release (ISR)), the MCF case manager will work with the agent and local facility contact person to finalize issues. (Any offender being released to a residential placement such as a halfway house must, according to statute, be transported. The supervising agent according to policy transports any offender released to ISR.)
- i) The local facility contact will notify the appropriate MCF records department of the date and time of the actual offender release. The MCF records department will then enter this information into COMS.
- j) If the STO meets criteria for residential placement upon release the DOC will transport for CCA counties and efforts will be made to have the agent transport for non-CCA counties. These will be reviewed on a case-by-case basis.

2. Release of a STO after sentencing by the sentencing court
  - a) Offenders released by the sentencing court and told to report to the local facility/county jail at some specified later date will not be considered a STO during the time that they are not in custody.
  - b) DOC will not be sending the local facility an Acknowledgement of Commitment as an STO. These offenders will still be considered as an offender under the custody of the sentencing court and not DOC. When the offender reports to the local facility DOC will then enter the sentence and send the faxed acknowledgement to the county.
  - c) On the report date, DOC will contact the county to verify that the offender is in custody. If the offender is not in custody (did not report as directed by the sentencing court) DOC will, at that time, enter the sentence and issue a warrant. DOC will also fax an acknowledgement that the offender is now considered a STO on fugitive status.
  - d) The start date for these offenders will be the report date, not the effective sentence date. The start date will apply to both those that do report and those that do not report. Since we do not consider such offenders an STO until they report or fail to report they do not get sentence credit for this time.
3. Same Day Release - offenders who have reached scheduled release date (SRD) or are beyond SRD at the time of sentencing must be released as soon as an acceptable release plan can be developed. Counties and agents must realize that this is a priority and should respond as quickly as possible.
4. Warrants
  - a) DOC will issue a warrant for all offenders who abscond/escape from work release, home monitoring, STS, furloughs or minimum custody placements. The local facility will be responsible for notifying DOC of the need for a warrant. Local facilities can use some discretion as to when there is a need to contact DOC and to issue a warrant. As a general rule, local facilities can have up to six hours from the time an offender is to report before contacting DOC to issue a warrant. If circumstances dictate the local facility can request that the warrant be issued earlier. The incident reports or other documents regarding the absconder should be faxed to MCF-SCL or MCF-SHK as soon as possible after the incident. Once a warrant is issued the offender's STO time stops.
  - b) If the STO has already reached SRD, the warrant must be issued as a regular DOC or MCF-OPH issued warrant. For warrants to be issued between the hours of 8:00 AM and 4:30 PM on business days, contact HRU at 651-361-7107. For warrants to be issued any other time, contact MCF-OPH at 651-779-1400.

- c) If the STO has not reached SRD, the warrant must be issued as a STO warrant. For warrants to be issued between the hours of 7:00 AM and 3:30 PM on business days, contact MCF-OPH Records Unit at 651-779-1478. For warrants to be issued any other time, contact MCF-OPH at 651-779-1400. Division Directive 301.025 provides additional information on escape warrants.
- d) If a local facility apprehends a DOC STO fugitive they should notify DOC via Teletype of the apprehension. The notification should go to MCF-SCL or MCF-SHK and MCF-OPH.

5. Warrant Process for MCF's SCL, SHK and OPH

- a) Generally, the case manager of record or Records Unit staff will contact MCF-OPH or HRU Warrants Unit (HRWU) to authorize the issuing or cancellation of a warrant. In the absence of the case manager of record, another case manager can make the contact regarding the warrant. In the event there is a need to issue a warrant after normal business hours and no case manager is available, the watch commander from MCF-SCL or MCF-SHK will notify MCF-OPH of the need to issue a warrant.
- b) MCF-OPH will issue warrants for offenders that escape/abscond/are released by mistake while not on supervised release and HRWU will issue for those STO offenders that are on supervised release that abscond. If an offender is released without a signed release agreement from HRU, the assigned agent and the case manager will attempt to facilitate agent/ offender contact to obtain a signed release agreement. If this is not successful within a reasonable time HRU will issue a warrant.
- c) The warrant issuer is responsible for updating COMS regarding warrant issued, fugitive apprehended and cancellation of the warrant. For verification and confirmation of warrants and cancellation of warrants (see Policy 106.150, "Warrants"). The warrant issuer is responsible to notify SCL and SHK of any warrants issued or cancelled on STO offenders. Notice should be via e-mail whenever possible.
- d) MCF's SCL and SHK are responsible for entering the escape time for warrants issued on STO's prior to their release date and DOC HRU will enter stop time for STO's on release status.

6. Apprehension and Transportation of STO's

- a) In any situation where DOC is to transport offenders DOC will follow existing policy (see Policy 301.090, "Transportation-Offenders" and Division Directive 301.095, "Central Transportation-Offenders") and perform an unclothed search of the offender before transport.
- b) STO's who abscond/escape from work release, home monitoring, STS, furloughs or minimum custody placements, and are apprehended on a DOC issued warrant, will be returned to MCF-SCL or MCF-SHK. DOC is responsible for the transport of these offenders.

- c) STO offenders who are facing other charges in addition to the DOC fugitive warrant may be transported back to DOC custody by the charging county depending on the outcome of charges. The charging county must fax incident reports regarding the offender's absconding/escape to MCF-SCL or MCF-SHK.
  - d) Offenders will not be placed in segregation for the abscond/escape behavior and will not be disciplined by DOC. It is the county's decision whether to prosecute the offender.
7. Revocation procedures for offenders currently housed in a local facility as an STO
- a) If a current STO offender being housed locally is committed to DOC for an additional offense where the actual offense activity did not occur while the offender was in custody as an active STO there is no revocation and the length of the new sentence determines STO status (i.e. the offender is serving an STO sentence in Anoka County and Hennepin County writes the offender out on an old charge and executes the sentence committing the offender to the Commissioner of Corrections). If the sentence length of the additional offense is more than 180 days, the offender is brought to DOC. If the sentence length is 180 days or less the offender is held locally and the county with the latest release date is responsible for coordinating the offenders release with DOC.
  - b) If a current STO offender being housed locally is committed to DOC for an offense that occurs while on active STO status including escape, failure to return from furlough or other criminal behavior, the sentence length makes no difference. The offender's STO status ends and the offender will be returned to DOC custody.
8. Revocation procedures for STO offenders currently on supervised release
- a) If an STO offender is on supervised release and is committed to DOC for an offense with an offense date that is prior to the current STO sentence offense date the length of the sentence determines the STO status (in most cases these will be offenders being released to a detainer that HRU had knowledge of at the time of release). If the sentence length is more than 180 days the offender is brought to DOC. If the sentence length is 180 days or less the offender is held locally and the county with the latest release date is responsible for coordinating the offenders release with DOC.
  - b) Any STO offender on supervised release who is involved in behavior resulting in HRU issuing a warrant will be returned to DOC regardless of the outcome of the violation.
  - c) If an STO offender on supervised release commits a new offense, the offender is brought back to DOC regardless of the sentence length of the new offense.

9. Revocation Procedures for Offenders currently on Supervised release from a non-STO offense

- a) Any offender on supervised release who commits a new offense with an offense date greater than the offenders current release date, and is committed to the Commissioner of Corrections will be brought back into DOC custody as a release violator with a new sentence regardless of the length of the sentence.
- b) Any offender on supervised release who is committed to the Commissioner of Corrections for an offense that was committed before the offenders current release date will be considered a STO if the length of the new offense is 180 days or less.

C. General Guidelines

1. Multiple Counties

- a) The county with the latest release date will be the county that holds the offender and is responsible for coordinating the offender's release with DOC. The DOC will notify each county as to their respective release date in these cases. While the county with the latest release date is responsible for coordinating the release, counties can mutually agree to house offenders based on their own respective needs.
- b) If the original holding county moves an offender to another county for housing, the responsible county will notify DOC of the new location so DOC can forward information regarding detainers etc. If DOC is not notified, payment will be to the county originally holding the offender.
- c) If a county sends an offender out of state for housing, the offender must be returned to the county for release.

2. Extended Incarceration (EI), Good Time Loss

- a) Discipline issues that occur at the local facility will be dealt with by the local facility within the local facility's current discipline process. If the local facility imposes a penalty resulting in good time loss to the offender, the local facility contact person must notify the MCF case manager so that the appropriate adjustment can be made to the offender's release date. The local facility must provide DOC with a copy of the discipline report, a copy of the offender's waiver of hearing or a copy of hearing notes. DOC will take no action to adjust an offender's release date without these documents. DOC will review the recommended penalty to insure that it is consistent (falls within the minimum and maximum penalty ranges for the charged offense) with DOC Offender Discipline Regulations and Penalties. If the penalty is appropriate DOC will adjust the offender's release date and provide notice to the local facility. If the proposed penalty is not consistent with DOC Offender Discipline Regulations the local facility will be notified so that an appropriate penalty can be agreed upon.

- b) DOC will not add lost good time back to an offender's sentence. The DOC prohibits restoration of good time other than in unusual circumstances.

3. Programming for STOs

- a) The Commissioner has delegated programming decisions for STO's to the local facility. It is the local facility's decision as to the type of programming for STO's and no further DOC approval is necessary. Programming can include work release, electronic monitoring, STS, minimum custody placement and furloughs. The time spent in programs will count toward satisfaction of the offender's sentence and toward final payment from DOC. Time spent on furloughs in excess of five days will be reviewed on a case by case basis to determine if the time will count toward satisfaction of sentence and final payment from DOC.
- b) Offenders will not be granted any sentence reduction time for program involvement (STS etc.) regardless of the local facility's programming practices.

4. Medical Expenses for STO's

- a) DOC is responsible for all inpatient medical expenses. Per Minnesota Session Laws, 2003 1st Special Session, Chapter 2, Section 13, subd. 4, DOC will withhold 20% of funds appropriated to cover medical expenses. Upon receipt of the bill, the local facility will pay the hospital and invoice DOC for reimbursement.
- b) Local facilities are responsible for all other (non-inpatient) medical expenses.
- c) If an individual case presents an undue hardship to the local facility in either accommodation or cost, the local facility may appeal to the DOC STO contact (see Procedure C.11 below) for case-by-case consideration.

5. Jail Credit

- a) If the court does not pronounce jail credit or orders "credit for time served" DOC follows existing process of researching credit and applies time that is verified. If the offender has been transported to DOC and jail credit makes the offender a STO the DOC will contact the county to pick up the offender.
- b) The statutory requirement that DOC not release offenders on Friday, Saturday, Sunday or holidays will not be used to determine an offender's STO status. Only the actual sentence length minus jail credit will be used.
- c) When offenders are determined to be an STO after jail credit is calculated, but while in DOC custody are involved in discipline that results in segregation, they are required to finish serving their segregation sentence and have EI (good time lost) added before being returned to the county as an STO.

- d) If the court does pronounce jail credit at the time of sentencing then DOC will only apply the amount of time ordered by the court. Should the offender or DOC become aware of additional jail credit the offender will have to go back to court get an amended warrant of commit to adjust the jail credit. If the offender has been transported to the DOC and after adjustment for additional jail credit then becomes a STO, DOC will maintain custody of the offender.
6. Special Management Cases - STO offenders presenting extreme management/medical/psychological problems for the local facility should be referred to the DOC STO Contacts listed below for review.
  7. STO-Requested Interstate Transfer
    - a) An STO's interstate transfer request cannot be denied if the offender has a legitimate reason for the request (i.e., resident of the other state, immediate family and employment or visible means of support). The case manager will submit appropriate interstate paperwork.
    - b) If the request does not meet the criteria listed above the case manager will not submit interstate paperwork.
  8. Predatory Offenders (Sex Offenders)
    - a) Any offender sentenced as an STO after June 1, 2004, required by statute to register as a predatory offender, will be brought into DOC custody.
    - b) The requirement to register as a predatory offender does not have to be a part of the STO commitment offense for the offender to be brought into DOC custody.
    - c) If, at the time of sentencing, it is clear that the offender meets the statutory requirement to register the offender must be transported to DOC.
    - d) If after sentencing and while in local custody as an STO, DOC determines that the offender meets requirements for predatory offender registration, the local facility will be notified to bring the offender to DOC custody.
  9. Stop Time and Escape Time the DOC will always stop time on STO offenders that are not in custody, regardless of the reason for the offender's release. If the jail releases an offender early the DOC will stop time and apply escape time for any days not in custody even though it may be no fault of the offender. The same applies for stop time on offenders on release status.
  10. STO Reports - DOC will send out a monthly report to all local facilities detailing the offenders held by each respective facility.
  11. Short Term Offender Contacts - questions regarding STO's should be directed to Collin Gau (320-240-3018) or Ken Merz (651-361-7237).

**REVIEW:** Annually

**This page is intentionally blank.**