

Fiscal Analysis Department

Minnesota House of Representatives



ISSUE BRIEF

Short-Term Offenders

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Over the last 20 years there has been considerable debate over who should be responsible for the short-term offender. Should these offenders and the costs associated with them be the responsibility of the state correctional system or local correctional facilities?

Short-Term Offender – Defined

The Department of Corrections (DOC) defines short-term offenders as those offenders serving less than six months in prison. The DOC said this occurs most frequently with:

- Offenders whose actual time to be served in prison is less than six months after receiving credit for time served and credit for good time; and
- Probation violators who have their sentence executed and would go to prison for less than six months.

The DOC does not recognize sex offenders under the short-term offender category.

History

1993

The DOC proposed that all offenders with one year or less to serve remain the responsibility of the county where the offender is committed.

The Legislature did not accept this proposal but instead required the DOC to report on this issue.

1994

The 1994 report did not support the issue of short-term offenders being the responsibility of the counties. It did recommend: (1) expanding the Challenge Incarceration Program;

(2) the state should look into operating facilities at appropriate locations for short-time offenders; (3) new funds to DOC to support new initiatives for supervision and transitional programming; and (4) the Sentencing Guidelines Commission should study and develop sentencing initiatives to better utilize state prisons.

2001

The Legislature directed the DOC to report on alternatives for dealing with offenders who serve less than one year in prison. The report came out in 2003 and addressed several options.

2003

In the 1994-95 biennial budget the Governor and the DOC recommended that short-term offenders serving sentences of less than six months be housed in county jails rather than DOC facilities. This would shift the financial responsibility for these individuals from the state to the counties. This proposal had an estimated savings to the DOC's budget of \$8.79 million for fiscal years 2004 and 2005. The savings to the state for the next biennium (fiscal years 2006-07) were projected to be over \$10 million.

This proposal was made at a time when the state faced a large budget deficit and the Governor and the Legislature were looking at ways to reduce spending. The DOC had 592 admissions of short-term offenders in 2001. On any one day the DOC estimated that this population represented 200 of its inmates. In addition to saving dollars by reducing the need for bed space, the DOC suggested that these individuals would be better served in county jails. The Governor's proposal did not include any funding to help offset the cost to counties.

The Legislature adopted the Governor's proposal, but included an appropriation of \$1.207 million a year to help with the costs to the counties. The counties estimated the cost to be over \$4 million per year (based on 200 short-term offenders per year at an average per diem cost of \$55). The state appropriation of \$1.207 million per year would cover approximately \$12 per day. This law became effective on July 1, 2003.

2007 Session

The Governor recommended an increase of \$2.19 million per year in the reimbursement to counties for housing short-term offenders. The Legislature increased the Governor's request and passed an appropriation of \$2.5 million per year. This change brought the per diem rate to approximately \$30. The Legislature once again asked the DOC to study the issue and a report was released in 2007.

2008 Session

Because of budget problems the funding for short-term offenders was reduced by \$2.1 million per year beginning in fiscal year 2009. This now results in an overall appropriation of \$1.607 million per year. The daily per diem is now estimated at between \$8 and \$10 for counties who house the short-term offender.

Number of Short-Term Offenders

The number of short-term offenders for whom counties have responsibility is growing (the original proposal was based on 200 short-term offenders at any one time). The following chart shows the increase in the average number of short-term offenders by fiscal year.

FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
242	297	319	356	360

If the Legislature completely funded the local impact at an average per diem rate of \$55 using the current average of 360 beds, the estimated cost to the state would be \$7.227 million per year or \$5.62 million per year in new money (the current appropriation is \$1.607 million per year).

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