

# Assessment of the Urgent Challenges in **Minnesota's Prison System**

*Report Prepared for Arnold Ventures*

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To understand the scope and the urgency of these challenges in Minnesota, state leaders sought assistance from the Crime and Justice Institute (CJI), funded by Arnold Ventures, to examine aspects of the state's criminal justice system. This assessment included an examination of past and current prison population trends, prison conditions in the oldest prison facilities, and the costs associated with potential solutions. CJI analyzed publicly available data, performed statutory analysis, and interviewed criminal justice practitioners and stakeholders, including system-impacted individuals, attorneys, legislators, and staff at advocacy organizations.

## EXECUTIVE SUMMARY

The United States built its first prison in 1773 in an old copper mine.<sup>1</sup> The nation's criminal justice system has grown and evolved, yet many facilities that the system continues to rely on were built in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Minnesota is an example of this, with over 2,000 individuals housed in two facilities built more than 100 years ago.<sup>2</sup> Continued use of these facilities is problematic as their structures prohibit the programming necessary for effective rehabilitation, and the conditions within their walls create dangerous safety and health hazards for staff and those incarcerated.<sup>3</sup>

Since 1990, Minnesota's prison population rose steadily until it peaked at over 10,000 people in 2016. The prison population declined during the COVID-19 pandemic, as it did nationally. However, post-pandemic, the population climbed, from 7,300 incarcerated people in 2021 to 8,277 in January 2025.<sup>4,5</sup> As of January 2025, the 109-year-old prison in Stillwater houses more than 1,100 people, and the 135-year-old prison in St. Cloud houses nearly 950 people.<sup>6,7</sup>

The dangerous conditions within these two facilities present an urgent need to act. Since 2023, there have been major disruptions in operations at both facilities. Individuals in custody refuse to return to their cells, and violent incidents that necessitate lockdowns further create stress and frustration inside the prison gates.<sup>8,9,10</sup>

This assessment found:

- While Minnesota's prison population and incarceration rate are below the national average, they are rising at a faster pace than the national rate.<sup>11</sup>
- Stillwater and St. Cloud house a significant number of incarcerated individuals whom other facilities would have to accommodate if either facility had to shut down.<sup>12</sup>
- The conditions at these facilities limit opportunities for programming, education, vocational training, and, thus, the ability for incarcerated individuals to earn credit to receive time off their sentences and to prepare to integrate successfully into their communities.<sup>13,14</sup>
- While the recent passage of the Minnesota Rehabilitation and Reinvestment Act (MRRA) and other similar pieces of legislation are expected to reduce the amount of time incarcerated individuals serve in the state and, ultimately, the size of the overall prison system,<sup>15</sup> these impacts will not be immediate.

As the state waits to see these legislative efforts bear fruit, immediate steps are necessary to improve public safety, reduce recidivism, and improve the safety of the people who live and work in the prison system. This examination, which includes ways other states addressed similar challenges, will enable state leaders to make informed decisions about potential next steps to achieve these goals.

## CRIMINAL JUSTICE TRENDS OVER TIME

Minnesota historically incarcerates fewer people than the national average, experiences lower crime rates than most other states, and has the seventh-lowest incarceration rate in the country.<sup>16,17</sup> Despite relatively low incarceration and crime rates, Minnesota has experienced the same peaks and valleys as the rest of the country. This includes a longer-term expansion of the prison population in the last several decades and the recent drop-off and subsequent bounce back of the prison population due to the COVID-19 pandemic.<sup>18</sup> Understanding the historical and recent changes in Minnesota's prison population and crime rates can help lawmakers and system actors understand what drives past trends and plan accordingly for where their system may be headed.

### *Historical Trends*

The prison population in Minnesota has risen steadily over the last 30 years. In 1990, Minnesota prisons held 3,182 people, and the incarceration rate was 72 incarcerated persons per 100,000 individuals.<sup>19</sup> Since then, both the prison population and the incarceration rate have crept upward.<sup>20</sup> According to the Minnesota Department of Corrections, Minnesota recorded its peak prison population in 2016, with 10,111 people incarcerated,<sup>21</sup> more than tripling the population within 30 years.<sup>22</sup>

Minnesota's trajectory largely followed national trends. Nearly all states experienced rapid growth in their prison populations over the last several decades. In 1990, the average national incarceration rate was 293 incarcerated persons per 100,000 individuals,<sup>23</sup> which grew 73 percent until its peak in 2007, with a rate of 506 incarcerated persons per 100,000 individuals.<sup>24</sup>

State and federal policy changes that increased sentence lengths largely drove this growth.<sup>25</sup> These policy changes included the establishment of mandatory minimum sentences, "three strikes" laws requiring individuals to be sentenced to life for repeated criminal conduct, laws that reduced parole eligibility or credit accumulation to achieve "truth-in-sentencing," and an increase in laws that mandated life without the possibility of parole for certain offenses.<sup>26</sup> While policymakers primarily cited these measures as a response to growing crime rates, data and research show that incarceration is an ineffective tool for crime deterrence.<sup>27</sup>

This period was also significant for the volume of research on policies and practices that reduce recidivism and improve public safety. Prior to this research, the consensus was that incarceration was an effective deterrent to criminal behavior; it kept people off the street, deterred others from committing crimes, and compelled the incarcerated person to change their behavior to avoid future punishment. However, research over the past 30 years shows that incarceration does not compel positive behavior change and, in fact, can have the opposite effect. According to an article by noted criminologists that assessed the growing body of research by 2011, "there is little evidence that prisons reduce recidivism and at least some evidence to suggest that they have a criminogenic effect."<sup>28</sup> Since then, the research

increasingly shows that incarceration can increase criminal behavior and that justice-involved individuals who suffer from behavioral health challenges are better served through supervision and community-based treatment than incarceration.<sup>29,30</sup>

However, during this period of growth in the prison population, national crime rates declined, dropping by 61 percent between 1990 and 2023.<sup>31</sup> Research shows the decline is largely attributable to factors such as improved economic conditions, the waning of the crack epidemic, and more sophisticated security devices and policing practices, with only 10-20 percent attributable to increased incarceration.<sup>32</sup> Similar to prison population growth trends, Minnesota also followed national trends with respect to crime, with Minnesota's crime rate dropping 56 percent between 1990 and 2023, from a rate of 4,539 to 1,991 reported crimes per 100,000 residents.<sup>33</sup>

**Main Takeaway:** Prison populations nationally and in Minnesota swelled in the 20<sup>th</sup> century largely due to policy decisions that increased the amount of time people remained in custody. While data shows that crime similarly dropped during this time frame, research shows that increased incarceration did not drive these reductions. As leaders make further policy decisions about who is going to prison and the length of their sentences, it is imperative to understand historical trends and the research that established what actually works to prevent crime.

### *Recent Fluctuations in Population and Crime*

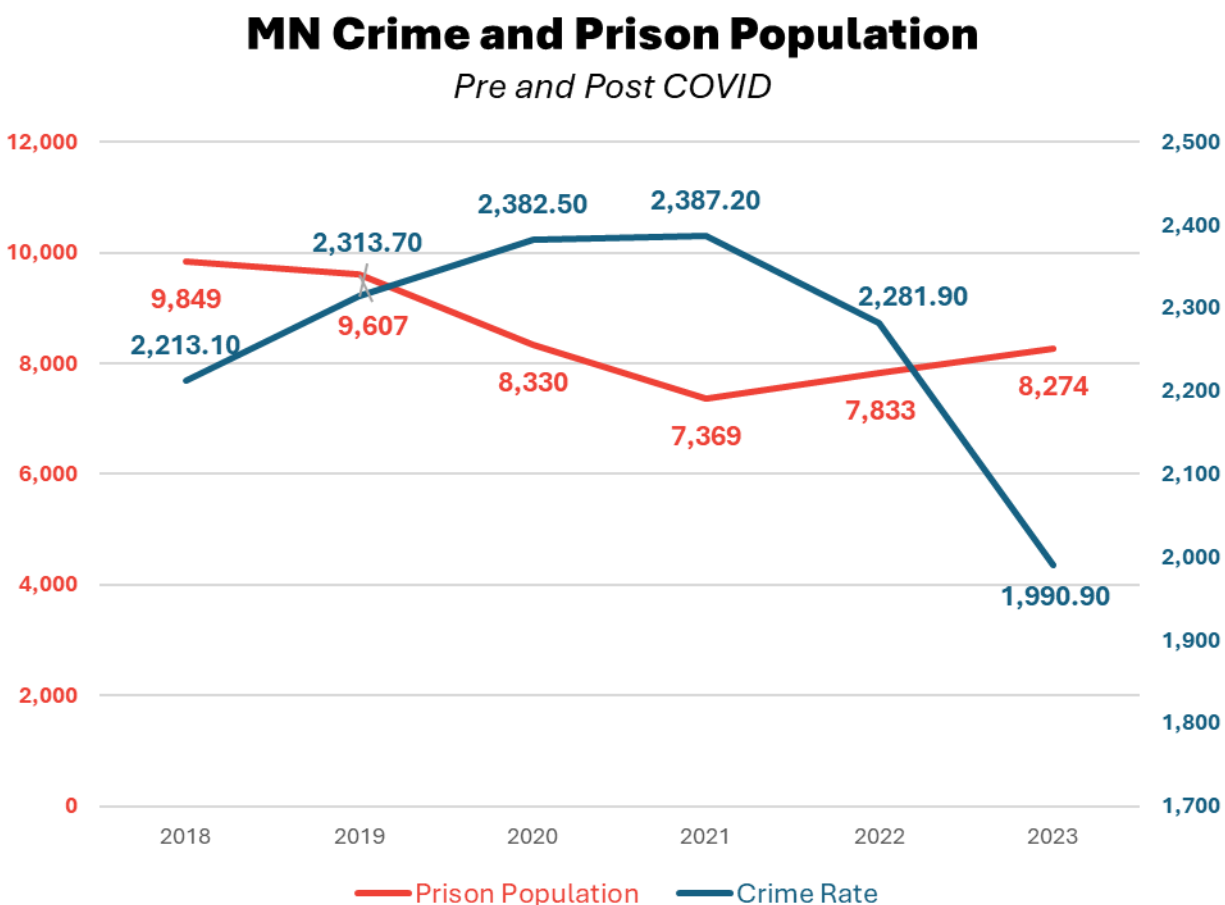
While clear trend lines in historical data are apparent, the COVID-19 pandemic led to sudden fluctuations in crime rates and prison populations. In 2019, Minnesota housed 9,607 people in the state prison system.<sup>34</sup> However, at the height of the pandemic, the population dropped 23 percent to 7,369 individuals in 2021.<sup>35</sup> This mirrors national trends, which saw the national average incarceration rate drop 15 percent between 2019 and 2021.<sup>36</sup> For Minnesota, the decline was primarily due to a decrease in prison admissions, as opposed to the increase in releases that many other states experienced.

Since the pandemic, the prison population in Minnesota has been on the rise and is approaching pre-pandemic levels. In 2025, the population was 8,277 individuals, up 12 percent since mid-year 2021.<sup>37</sup> This growth is significant as it outpaces other states in the years following the pandemic. From 2021 to 2022, Minnesota's incarceration rate grew by eight percent compared to just two percent nationally.<sup>38</sup> This increased incarceration rate is primarily due to more people being admitted to state prison. Minnesota experienced a 17 percent increase in admissions between 2021 and 2022 compared to a 12 percent increase nationally during the same time.<sup>39</sup>

Like the fluctuations in prison population and incarceration rates, the pandemic brought spikes and drops in crime rates. Prior to the pandemic, Minnesota's crime rate was 2,314 per 100,000 residents in 2019.<sup>40</sup> At the pandemic's height in 2021, that rate increased three percent to 2,387

per 100,000 residents.<sup>41</sup> This overall increase was driven by the rise in violent crime, which jumped 17 percent from 2019 to 2020 and another 22 percent from 2020 to 2021.<sup>42</sup>

Minnesota's crime rate has returned to pre-pandemic levels over the last few years, dropping to 1,991 per 100,000 in 2023 – below the rate in 2019.<sup>43</sup> Minnesota's violent crime rate of 261.3 remained below the national average of 363.8 per 100,000 people in 2023.



Sources: MNDoc Adult Prison Population Summaries; MN UCR Annual Report to Legislature, 2023.

**Main Takeaway:** While Minnesota experienced a recent dip in the prison population and an uptick in crime during the pandemic, both have reversed over the last two years. Minnesota's prison population trends indicate a return to pre-pandemic levels, with projections showing the continued growth of the prison population. As Minnesota looks to the future, it is important to acknowledge that the changes in incarceration levels and crime rates experienced during the pandemic were temporary.

## CURRENT LANDSCAPE OF MINNESOTA PRISON POPULATION

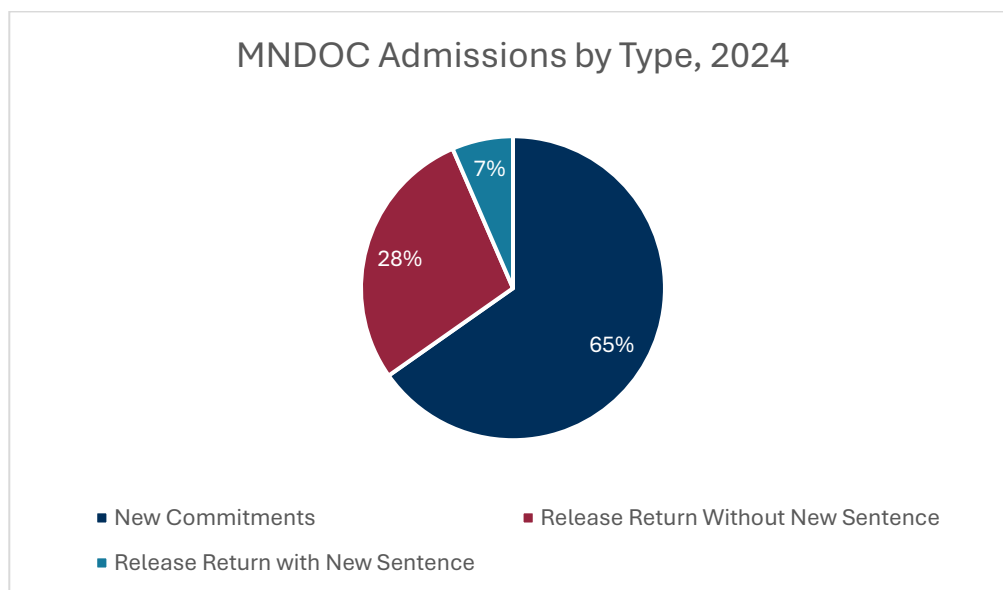
Minnesota's use of incarceration and its crime rates in relation to national trends are valuable for seeing how one may have influenced the other. But the state's recent growth in prison population and its overutilization of aging facilities require it to examine the data from key decision-making points in the criminal justice system.

***The overall prison population declined over the past decade but rose rapidly in recent years.***

Minnesota's prison population declined over the last decade, dropping 17 percent from 9,943 people in 2015 to 8,277 people in 2025.<sup>44,45</sup> However, as noted above, since the COVID-19 pandemic, the population jumped 12 percent between 2021 and 2025, and the state's incarceration rate grew eight percent.

***Most people are entering prison due to new offenses.***

Two-thirds (65 percent) of people who entered the Minnesota prison system in 2024 were "new commitments;" this cohort is comprised of individuals who committed a new criminal offense and were not under any type of supervision.<sup>46</sup> Violations of supervised release conditions, called "release return without new sentence," made up 28 percent of admissions, and new crimes committed by someone on supervised release, called "release return with new sentence," comprised the final seven percent of admissions.<sup>47</sup> This large composition of new commitment admissions is growing, as the proportion of admissions for a new offense increased by two percent over the last decade. As new crime admissions increased, the proportion of admissions without a new sentence decreased by 12 percent over the previous decade.<sup>48</sup> This data signals an overall shift in the prison population toward more serious offenses.



Source: MN Department of Corrections, Adult Prison Population Summary as of 1/1/2025.

### ***A majority of people leave prison under supervision.***

In Minnesota, 77 percent of people who left prison in 2024 did so on supervised release or parole. The next most common release type was through community programs (15 percent), followed by discharge (with no supervision) at six percent.<sup>49</sup> This is unsurprising, as Minnesota's current sentencing laws mandate that most incarcerated individuals are eligible to serve the final third of their sentence on supervised release.<sup>50</sup>

### ***Releases outpace admissions, and both have declined over the last decade.***

Minnesota's prison system has consistently released more people than it admits in a year.<sup>51</sup> Over the past decade, Minnesota's releases have, on average, outpaced admissions by 483 people, except for 2022, when the prison system admitted 4,999 people and only released 4,586.<sup>52</sup> Both admissions and releases have declined over the past decade. In 2014, the state admitted 7,687 people and released 7,919; in 2024, those figures dropped 41 percent and 39 percent, respectively, to 4,552 people admitted and 4,799 released.<sup>53</sup>

### ***People incarcerated for weapons offenses are on the rise.***

Person-based offenses, such as assault, homicide, and criminal sexual conduct, comprised 57 percent of the prison population as of January 2025, a share that increased steadily over the past decade, up from 52 percent in 2015.<sup>54,55</sup> Conversely, fewer people were incarcerated as a result of property crimes in 2025 than in 2015, making up seven percent and 12 percent of the prison population.<sup>56</sup> Drug crimes and DWI offenses declined in the last decade, making up 18 percent and seven percent of the population in 2015 and dropping to 15 percent and five percent of the population in 2025.<sup>57</sup> The most significant shift in the prison population has been the number of people incarcerated for weapons offenses, which increased by 25 percent, from 670 people in 2015 to 836 in 2025.<sup>58,59</sup>

### ***Minnesota is incarcerating a substantial and growing number of older people.***

As of January 2025, individuals over the age of 50 comprised nearly 20 percent of the incarcerated population.<sup>60</sup> This number has risen in the last decade, up 14.5 percent from 1,403 people in 2015 to 1,602 in 2025.<sup>61</sup>

### ***Black and American Indian individuals are overrepresented.***

Minnesota incarcerates a disproportionate number of Black and American Indian people, not unlike the rest of the United States. Black individuals are over seven times more likely to be incarcerated than white individuals, and American Indian individuals are over 10 times more likely to be incarcerated than white individuals in Minnesota.<sup>62</sup> In the last decade, the racial makeup of the population incarcerated in Minnesota's facilities has become less White and increasingly Black. In 2015, 53 percent of the prison population was White, and 35 percent was Black; by 2025, this makeup changed to 48.5 percent White and 39 percent Black.<sup>63</sup>



**Main Takeaway:** Minnesota’s prison population has declined over the past decade due to reduced admissions and releases. Most people leaving prison do so on supervised release, and violations of supervision conditions account for one-fourth of prison admissions. Black and American Indians continue to be overrepresented in the prison population and the prison population is aging.

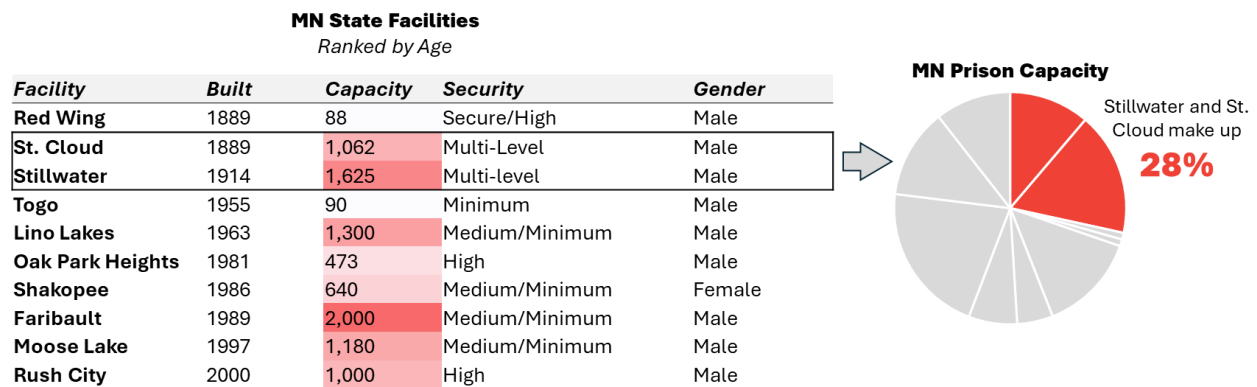
## FACILITIES

### Overview

Minnesota has 10 state correctional facilities with varied capacities and security levels. The facilities range from minimum to high security, and their locations span the state. At the end of 2024, the facilities employed approximately 4,300 staff.<sup>64</sup> The total capacity of the state’s prison system to safely house individuals is 9,522.<sup>65</sup> As of January 2025, the prison facilities were at 86 percent capacity, with approximately 8,000 people incarcerated in state facilities.<sup>66</sup> About half (49 percent) of the state’s prison population is housed in the three largest facilities: Faribault, Stillwater, and Lino Lakes.<sup>67</sup>

### Focus on Aging Facilities: Stillwater and St. Cloud

Almost half of Minnesota’s prisons were built more than 50 years ago, and the conditions in two of these facilities pose increasing safety risks for those incarcerated and working there: Stillwater and St. Cloud.



Source: MNDOC 2023 Performance Report

Stillwater was built in 1914 and is a minimum and close security facility. It has a capacity of 1,484 people and currently houses 1,124 adults.<sup>68</sup> At yearend 2024, the average sentence at Stillwater was 127 months, with 178 people serving life sentences with or without parole.<sup>69</sup> Stillwater’s population is about 12 percent of the Minnesota Department of Corrections (MNDOC) population, and its FY24-25 budget is \$44 million, which comprises 5.5 percent of MNDOC’s total budget.

St. Cloud was built in 1889. It is a close security facility, and in 1996, it became the central intake center for adult males. Men entering MNDOC are assessed and classified at St. Cloud, and most are transferred to other facilities.<sup>70</sup> The facility faces unique challenges as the state's intake center, which is the initial point of entry to the correctional system, resulting in a constant flow of new inmates. The facility is responsible for providing medical, dental, mental health, and substance use disorder assessments and continued medical care until an individual is transferred.<sup>71</sup> Managing the regular turnover of individuals in the facility and the wide range of needs within this population increases the responsibility of staff to prioritize safety.

St. Cloud has a capacity of 1,058 and currently houses 1,026 adults on-site.<sup>72</sup> At the end of 2024, the average sentence length was 53 months, with eight individuals serving life sentences with or without parole.<sup>73</sup> St. Cloud's population is also about 12 percent of the total population, and its FY24-25 budget is \$32 million, comprising four percent of MNDOC's total budget.

### ***Safety Concerns***

The conditions at Stillwater and St. Cloud pose safety risks for those who live and work there. Both facilities have standing water, falling bricks, a lack of central air conditioning, and leaky roofs, among other impairments. Incarcerated individuals have limited access to showers due to plumbing issues, and officers and incarcerated individuals face excessive heat in the summer.

In both facilities, the main housing units are stacked-tier, common in prisons built in the early 1900s, with several dozen cells next to each other in a row and multiple floors of rows stacked on top of each other. Because of this design, officers do not have full sight and surveillance of the cells on the block in a manner that ensures safety. An Office of the Legislative Auditor (OLA) Evaluation Report in 2020 concluded, "(t)hese older living unit designs create several challenges to protecting the safety of prisoners and staff. It is almost impossible for officers based in a central location to see or hear what is occurring in cells far out to the side or high over their heads, and they can be isolated when responding to incidents and requests."<sup>74</sup> The stacked-tier design can be hazardous in warm weather. Without air conditioning, temperatures rise significantly on the top floors of the unit. The OLA report included a description by a warden of the impact of the heat: "...the conditions on those days were 'like an oven'" for prisoners who are in their cells. He said that packing hundreds of prisoners together at such temperatures is practically a recipe for violence."<sup>75</sup>

The impact on officer safety and health can negatively affect recruitment and retention, which are essential to maintaining safe staff levels. Staffing shortages are a critical issue nationwide, exacerbated by the COVID-19 pandemic, and Minnesota has been no exception. From 2018 to 2022, MNDOC staffing levels decreased by over 10 percent, from 2,716 positions filled to 2,278 positions filled.<sup>76</sup> However, after significant state investments and a collective bargaining agreement that led to increases in officer compensation, in December 2024, the Department reported 97 percent staffing levels across all facilities.<sup>77</sup>

Safety remains a primary concern for both corrections officers and the incarcerated population. Notably, in September 2023, 100 incarcerated individuals at Stillwater refused to return to their cells. As a result, the facility was locked down for extended periods, which was especially onerous due to excessive heat.<sup>78</sup> MNDOC confirmed that people had “limited access facility-wide to out-of-cell time for showers, phone use, and recreation.”<sup>79</sup>

In May 2024, after two corrections officers were assaulted at Stillwater, the prison was forced to lock down,<sup>80</sup> and in June 2024, an incarcerated individual at Stillwater died after ingesting narcotics. In an MPR News report, MNDOC Commissioner Schnell said that when a person requires medical attention, it affects the whole housing unit because an adequate number of staff must accompany that individual.<sup>81</sup> In September 2024, nine staff members at Stillwater required medical attention after potential exposure to drugs, which again forced a lockdown at the facility.<sup>82</sup> In his December 2024 testimony before Minnesota’s House Committee on Public Safety and the Judiciary, Commissioner Schnell stated that transporting incarcerated individuals for medical emergencies and appointments directly impacts staffing because two officers must escort each individual to medical appointments or emergencies.

The conditions at both facilities impact the critical programming needs for individuals to address what led to their incarceration effectively and to rehabilitate themselves. Sustained recruitment and retention, both of which are hindered by the poor conditions at the facilities, are critical to effective programming; facilities need to be adequately staffed to ensure safety and security inside the facility while people move around to attend classes and run the programs themselves. Programming is also impacted when recreational spaces are in poor condition.

### **Costs**

A 2014 study estimated that replacing the St. Cloud prison would cost \$400 million.<sup>83</sup> In December 2024, the Ombudsperson testified before the Minnesota House Committee on Public Safety and Judiciary and reported that this number had reached approximately one billion dollars. Minnesota would need to dedicate significant additional resources to replace the two antiquated prisons. Still, patchwork repairs or deferred maintenance costs are even more substantial. Deferred maintenance is the cost of supporting systems past the point of upgrade or replacement, such as computer-based security systems, roofs, and HVAC. In December 2024, MNDOC reported these costs to be \$723 million – an increase of \$92 million from just two years ago.<sup>84</sup> This figure will likely grow until critical issues are appropriately handled; an independent data analysis conducted by CGL, a national facilities management research and policy firm, found that deferred maintenance costs double every five years if unaddressed.<sup>85</sup>

For Minnesota, deferred maintenance costs may already be at a tipping point. Only \$3.9 million of the Department’s FY24-25 budget was allocated for asset preservation, which is the funding for deferred maintenance costs across all MNDOC facilities.<sup>86</sup> This is \$719 million short of the

deferred maintenance estimate of \$723 million and equates to nearly half of MNDOC's entire budget allocation for FY24-25.

**Main Takeaway:** Building a new prison to replace an old, crumbling facility is expensive and requires a significant allocation of a state's budget; however, the cost to repair and maintain antiquated facilities that remain open long past their useable life becomes increasingly expensive over time. Safety concerns for those who live and work in these facilities are ever-present and have long been acknowledged. While the state requires more updated information on the options available to address the issues faced at St. Cloud and Stillwater, the cost of all solutions will continue to rise yearly. A nuanced, considered process that weighs the conditions of both facilities against the cost of the various options to address those conditions is greatly needed.

## STATE EXAMPLES

Several states have confronted the dual problems of a growing or stagnant prison population and aging facilities. Below are three examples of states that adopted policies tailored to their unique challenges to decrease their prison population and improve safety and programming within their facilities.

### *Utah*

From 2004 to 2013, Utah's prison population grew 18 percent, and the state projected 37 percent additional growth by 2034.<sup>87</sup> Utah faced an estimated cost of over \$500 million to accommodate this growth.<sup>88</sup>

At the same time, state leaders decided to shutter the state prison and construct a new facility. Before lawmakers determined the size of the prison, the state underwent an analysis of its criminal justice system to understand the causes of the growth in the prison population as well as the likely drivers of the projected increases. The study found that 62 percent of Utah's new prison admissions were for non-violent offenses, and revocations from parole and probation comprised nearly half of Utah's prison population.<sup>89</sup>

With this new insight, Utah leaders decided to reduce the projected growth of its prison population through a comprehensive reform package focused on reduced penalties for non-violent offenses such as theft and drug offenses, expanded access to diversion opportunities across the state, and funding for community behavioral health initiatives.<sup>90</sup> As a result of this legislation, Utah's incarcerated population decreased by 21 percent from 2014 to 2021.<sup>91</sup> The percentage of the prison population made up of non-violent offenders declined from 41 percent in 2014 to 28 percent in 2021. After seven years, the prison population was 31 percent lower than initially projected.<sup>92</sup>

Utah opened its new state prison in 2021 with space for 3,600 individuals, a facility far smaller than initially conceived.<sup>93</sup> Although the facility was smaller than planned, delays in identifying a

viable location for the new prison and starting construction, increased construction costs, and increased construction costs, and raised the final price to \$1.05 billion from the original estimate of \$650 million.<sup>94</sup>

## **Nebraska**

In 2019, Nebraska had the country's second most crowded prison system and an aging state prison facility.<sup>95</sup> The Nebraska prison system housed over 5,500 people in facilities designed for 3,535.<sup>96</sup> Many of those incarcerated were held at Nebraska's State Penitentiary, which opened in 1869 and was in a state of decay.<sup>97</sup>

The state planned to build a new facility to accommodate the projected incarcerated population growth, an estimated 25 percent, by 2030, while maintaining the existing state penitentiary.<sup>98</sup> This would have cost the state \$500 million in annual corrections spending and new facility construction.<sup>99</sup> Before investing in a new facility, the state chose to examine how it arrived at this moment and what could be done legislatively to address its population problem. A task force appointed by the governor found that Nebraska had slowly crept towards this crisis for years. Between 2011 and 2020, Nebraska's incarceration rate grew 17 percent.<sup>100</sup> The primary driver of this growth was an increase in the time people spent in prison, known as length of stay. The length of stay for incarcerated individuals increased 38 percent from 2011 to 2020.<sup>101</sup>

Guided by these findings, in 2023, the Nebraska legislature adopted a package of policy changes designed to curb the growth of their prison population. The package amended sentence lengths for non-violent offenses, expanded parole eligibility, streamlined the process for the release of rehabilitated individuals, and increased access to diversion opportunities in the community.<sup>102</sup> With these policy changes, the state projected an estimated 1,000-person reduction in anticipated growth by 2030 and savings of approximately \$55 million.<sup>103</sup>

As a result of the new laws, Nebraska Governor Pillen announced the construction of one facility and the closure of much of the state penitentiary. The new facility will have 1,500 beds, just 300 more than the facility it will replace.<sup>104</sup> The original estimated cost was \$270 million, and the updated cost is \$366 million. Nebraska broke ground on the new prison in August 2024 and anticipates a completion date of May 2028.<sup>105</sup> According to state leaders, the facility design will meet the highest standards for safety and security and provide opportunities for education, skills training, and other programming benefiting the incarcerated and correctional staff.<sup>106</sup> The facility will house maximum and medium security units, and programming spaces will be located directly in the housing units.<sup>107</sup>

## **Illinois**

Illinois, like Minnesota, incarcerates fewer people than the national average<sup>108</sup> and has crumbling facilities that jeopardize safety, programming, and health care.<sup>109</sup> Twenty percent of Illinois' facilities were built before 1926,<sup>110</sup> and the oldest facilities cost the state \$2.5 billion in deferred maintenance costs.<sup>111</sup>

Two of the state's oldest facilities are Stateville and Logan. Stateville was built in 1925 and has an operational capacity of 3,020, including intake operations and minimum- and maximum-security units.<sup>112</sup> Logan was built in the 1870s and houses exclusively women, with an operational capacity of 1,397.<sup>113,114</sup> The conditions at both facilities resemble those at Stillwater and St. Cloud: antiquated stacked-tier design, lack of adequate electricity, water, and HVAC, and inadequate health care and programming spaces.<sup>115</sup> Stateville carries a deferred maintenance cost of \$286 million, and Logan carries \$116 million.<sup>116</sup>

From 2012 to 2021, Illinois saw a 44 percent decline in its prison population.<sup>117</sup> This decline was largely due to law enforcement practices and crime reduction strategies; arrests for felony drug offenses declined, and prosecutors increased the threshold for felony retail theft.<sup>118</sup> In 2021, Illinois passed the SAFE-T act, which made sweeping changes to pre-arrest diversion, policing, pretrial, sentencing, and corrections.<sup>119</sup> The act's effects will take some years to bear out. Still, data already shows that since the pretrial portion of the act took effect in 2023, the statewide volume of reported crimes declined 11 percent, violent crime declined seven percent, and property crime declined 14 percent.<sup>120</sup> While no causal link can be made, the data supports that crime did not increase due to criminal justice reforms.

The decreased incarceration rate allowed Illinois to explore closing or repairing its outdated and costly facilities. In 2024, Illinois allocated \$900 million to rebuild and repair its facilities, beginning with Stateville and Logan.<sup>121</sup> This amount will cover deferred maintenance costs and the demolition and rebuilding of Stateville and Logan to accommodate better programming and health care. Illinois has not yet broken ground but released a request for proposal (RFP) to construction firms in November 2024.<sup>122</sup>

## **RECENT LEGISLATION THAT IMPACTS THE PRISON POPULATION**

Two recent pieces of legislation passed in Minnesota show the ever-present conflict in criminal justice policymaking. The Minnesota Rehabilitation and Reinvestment Act (MRRRA) of 2023 seeks to improve reentry and incentivize good behavior and program completion with the expected result of fewer people cycling into the prison system. That same year, another piece of legislation, the Public Safety Omnibus Bill, was adopted. It includes policies that increase penalties for certain types of criminal behavior and are likely to increase the flow of people into the justice system. Consequently, Minnesota adopted pieces of legislation in the same year that have the potential to both increase and decrease its incarcerated population.

### ***Minnesota Rehabilitation and Reinvestment Act (MRRRA)***

In 2023, the legislature passed HF1319, which Governor Walz signed into law. This legislation established the MRRRA to improve rehabilitation and successful reentry and incentivize programming participation while individuals are in the Department's custody. The legislation resulted from an extensive analysis of criminal justice data focused on reducing recidivism and the effectiveness of the Department's current rehabilitation and reentry planning approach. The legislation expands programs, including substance abuse treatment programs, medical and

mental health services, vocational, employment, career, educational, and other rehabilitative programs.<sup>123</sup>

Additionally, the legislation established clear, individualized objectives and programming plans for each incarcerated person based on their unique needs. The legislation allows people to earn time off their sentence for following through on these concrete objectives and will enable people to lessen their time on supervised release. With the passage of the MRRA, Minnesota is among a handful of states that have adopted and are implementing research-supported policies that identify and address the specific challenges or needs of incarcerated people. Research shows that this type of approach can reduce recidivism as well as the use of incarceration.<sup>124</sup>

### ***Public Safety Omnibus Bill***

Minnesota also adopted the Public Safety Omnibus Bill (SF2909, 2023), which established new crimes and enhanced penalties for others.

The bill created the crime of carjacking, establishing it as distinct from robbery, and established mandatory maximum sentences based on the offenses' severity, ranging from 10 to 20 years. The bill also defined organized retail theft as a crime distinct from simple retail theft. The maximum penalties hinge on the value of the items stolen, and that value can be aggregated across offenses within the same enterprise; sentences for organized retail theft range from one to 15 years. Notably, the Omnibus Bill also enacted a cap of five years on probation. According to the fiscal note attached to the bill, the legislation is likely to increase the prison population as more people are expected to be sent to prison, and some will remain incarcerated longer.<sup>125</sup>

### ***Other Recent Legislation***

Minnesota passed several other pieces of criminal justice legislation in recent years: for example, Expanded Reentry Services (SF519, 2022) aims to assist individuals returning to their communities by providing them with identification cards and medical and court-related documentation and through expanded access and coverage for medical needs, including non-narcotic medication. Prosecutor-Initiated Sentence Adjustment (HF226, 2023) allows the prosecutor responsible for a conviction to initiate a proceeding to reduce that sentence post-conviction. Clemency Review (SF2908, 2023) established the Clemency Review Commission to review more applications for pardons and commutations before they are referred to the Board of Pardons for consideration and to increase access to the clemency process.

While the long-term reduction in the prison population as a result of the MRRA could outweigh the population increase from the Omnibus Bill, there is little indication that the policies will reduce the population to the point where the closure of a facility and distribution of those housed in the facilities, temporary or otherwise, is feasible.



**Main Takeaway:** Minnesota’s recent criminal justice legislation will impact the population differently. Some policies in the Omnibus Bill may grow the prison population, either through increased admissions or length of stay. According to the fiscal note for the Omnibus Bill, many policies will begin to impact the prison population immediately. Data show that the policies in the MRRA should reduce the prison population but the timeline for this is unclear. The state anticipates MRRA implementation to proceed through mid to late 2025, and any reduction in the prison population will likely take a few years to materialize.

## **NEXT STEPS**

### ***Face the Problem Directly***

Minnesota is facing severe challenges on several fronts. The prison population is rising again after the steep decline during the pandemic, while facilities like Stillwater and St. Cloud are outdated and, according to many reports, unsafe for habitation or as a work environment.

Taken separately, these issues may not appear to have reached crisis level. However, Minnesota’s prisons are so antiquated that those who live and work in these facilities face dangerous conditions, and the threat of an event that makes them uninhabitable looms large. The prison population has not stabilized to a level that allows people in these prisons to be transferred to other facilities while new construction occurs. If either of these facilities is forced to close, the state would have to figure out how to distribute anywhere from 1,000 to 2,000 individuals with different custody levels and unique needs to alternative facilities under extreme time pressure. Solving any problem of this magnitude, especially under emergency circumstances, will come at a significant and likely unplanned-for cost.

Perhaps most importantly, Minnesota’s aging facilities present an urgent and substantial threat to the goals the state has so painstakingly and successfully fought for in recent years. The goal of the MRRA is to create a safe environment where those incarcerated can engage in the work of rehabilitation. This will require funding, staff, and fully operable facilities to maximize success. The current conditions of St. Cloud and Stillwater directly undermine that mission.

### ***Collectively Commit to Solve the Problem***

In the last few years, legislators, corrections officials, community members, and directly impacted individuals have partnered to tackle some of the biggest challenges in Minnesota’s criminal justice system. That same collective effort should be deployed to solve the problem of these aging facilities, or the state risks subverting their recent successes before they have a chance to make an impact. State leaders should appoint an entity charged with tying vital information together and identifying actionable, time-sensitive options to address these challenges sustainably.



### ***Create a Working Group to Study Path Forward***

This entity, or working group, should be established as soon as possible and be comprised of legislators, representatives from the Governor's office and judicial branch, MNDOC, community members, and financial experts to develop an agreement on the problem statement and explore the available options.

The Working Group should have three immediate priorities:

1. Create a clear decision-making process and timeline.
2. Reach consensus about the dangerous, unmanageable challenges of the facilities in their current condition and the cost of all options to address these problems.
3. Identify the maximum prison population for Minnesota and the levers that can be implemented to ensure the state remains under the maximum population.

The Working Group should utilize all available data and information to study and analyze the operational costs of Stillwater and St. Cloud, the costs to replace or restore them, and the associated challenges and costs to execute the two options. Minnesota decision-makers should agree on which option best suits its budget and population, with an eye toward swift construction to avoid mounting costs over time.

As this report lays out, Minnesota's prison population has grown to and remains at levels significantly higher than in the 1990s, despite steep drops in the crime rate. Leaders should consider how big Minnesota's prison system should be and what options, other than prisons, should be part of the state's approach to ensuring public safety. Research shows that incarceration is rarely the best option to reduce recidivism and protect the public.

How should Minnesota invest in public safety, and how should the state's facilities be repaired or built to adequately accommodate priority programming, medical needs, and an aging population? Before Minnesota commits resources to repairing or constructing new prison beds, it should take time and care to ensure it is building toward the future it wants. With the cost of deferred maintenance at these facilities increasing yearly, the state must act quickly to resolve these complicated questions. The 2025 legislative session represents an opportunity to establish this effort and commit to a timely resolution.

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