

CHAPTER 241

DEPARTMENT OF CORRECTIONS

241.01 Creation of department.
 241.015 Annual performance reports required.
 241.277 Pilot project work program at Camp Ripley.

241.42 Definitions.
 241.44 Powers of ombudsman; investigations; action on complaints; recommendations.

241.01 CREATION OF DEPARTMENT.

[For text of subds 1 and 2, see M.S.1996]

Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates. Inmates may serve on the board of directors or hold an executive position subordinate to correctional staff in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility with written permission from the chief executive officer of the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota correctional facility—Stillwater or the Minnesota correctional facility—St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

Subd. 3b. Mission; efficiency. It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve service to the public, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) include specific objectives in the performance report required under sections 15.91 and 241.015 to increase the efficiency of agency operations, when appropriate; and

(7) recommend to the legislature, in the performance report of the department required under sections 15.91 and 241.015, appropriate changes in law necessary to carry out the mission of the department.

[For text of subds 4 to 7, see M.S.1996]

History: 1997 c 7 art 2 s 30; 1997 c 239 art 9 s 7,8

241.015 ANNUAL PERFORMANCE REPORTS REQUIRED.

Notwithstanding section 15.91, the department of corrections must issue a performance report by November 30 of each year. The issuance and content of the report must conform with section 15.91.

History: 1997 c 239 art 9 s 9

WORK PROGRAM AT CAMP RIPLEY

241.277 PILOT PROJECT WORK PROGRAM AT CAMP RIPLEY.

Subdivision 1. Program established. The commissioner of corrections shall establish a four-year pilot project work program at Camp Ripley. The program must serve adult male nonviolent felony and gross misdemeanor offenders who are ordered to complete the program by courts under section 609.113.

Subd. 2. Request for proposals. After consulting with and considering the advice of the association of Minnesota counties, the commissioner may issue a request for proposals and select a vendor to operate the program. Section 16B.17 does not apply to the issuance of the request for proposals.

Subd. 3. Program described. The program must require offenders placed there to perform physical labor for at least eight hours a day either at the facility or in other locations in the surrounding area and must provide basic educational programming in the evening.

Subd. 4. Program guidelines. The commissioner shall develop guidelines for the operation of the work program. These guidelines must, at a minimum, address the nature and location of the physical labor required and the extent of the educational programming offered.

Subd. 5. Status of offender. An offender sentenced to the work program is not committed to the commissioner of corrections. Instead, the offender is under the continuing jurisdiction of the sentencing court. Offenders sentenced to the work program are not considered incarcerated for purposes of computing good time or credit for time served.

Subd. 6. Length of stay. An offender sentenced by a court to the work program must serve a minimum of two-thirds of the pronounced sentence unless the offender is terminated from the program and remanded to the custody of the sentencing court as provided in subdivision 7. The offender may be required to remain at the program beyond the minimum sentence for any period up to the full sentence if the offender violates disciplinary rules.

Subd. 7. Sanctions. The commissioner shall ensure that severe and meaningful sanctions are imposed for violations of the conditions of the work program. The commissioner shall require that an offender be removed from the program and remanded to the custody of the sentencing court if the offender:

- (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances.

Subd. 8. Disciplinary rules. By January 1, 1998, the commissioner shall develop disciplinary rules applicable to the work program, a violation of which may result in extending an

offender's stay at the program for any period of time up to the maximum sentence. These rules may address violations of program rules, refusal to work, refusal to participate in the educational program, and other matters determined by the commissioner. Extending an offender's stay shall be considered to be a disciplinary sanction imposed upon the offender, and the procedure for imposing the extension and the rights of the offender in the procedure shall be those in effect for the imposition of other disciplinary sanctions at state correctional institutions.

Subd. 9. Costs of program. Counties sentencing offenders to the program must pay 25 percent of the per diem expenses for the offender. The commissioner is responsible for all other costs associated with the placement of offenders in the program, including, but not limited to, the remaining per diem expenses and the full cost of transporting offenders to and from the program.

Subd. 10. Report. By January 15, 2002, the commissioner shall report to the chairs of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on this program. The report must contain information on the recidivism rates for offenders sentenced to the program.

History: 1997 c 239 art 9 s 10

241.42 DEFINITIONS.

[For text of subd 1, see M.S.1996]

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the commissioner of corrections, the board of pardons, and any regional or local correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, including, but not limited to, programs or facilities operating under chapter 401, adult halfway homes, group foster homes, secure juvenile detention facilities, juvenile residential facilities, municipal holding facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses, work farms, and detention and treatment facilities, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or the governor's personal staff;
- (d) any instrumentality of the federal government of the United States; or
- (e) any interstate compact.

[For text of subd 3, see M.S.1996]

History: 1997 c 239 art 9 s 11

241.44 POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.

Subdivision 1. Powers. The ombudsman may:

- (a) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsman may not levy a complaint fee;
- (b) determine the scope and manner of investigations to be made;
- (c) Except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals; provided, however, that the governor or a representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. Neither the ombudsman nor any member of the ombudsman's staff shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the ombudsman's official duties except as may be necessary to enforce the provisions of sections 241.41 to 241.45;
- (d) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;

- (e) request and shall be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;
- (f) examine the records and documents of an administrative agency;
- (g) enter and inspect, at any time, premises within the control of an administrative agency;

(h) subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state;

(i) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

(j) be present at commissioner of corrections parole and parole revocation hearings and deliberations.

[For text of subds 1a to 3, see M.S.1996]

Subd. 3a. Investigation of adult local jails and detention facilities. Either the ombudsman or the department of corrections' jail inspection unit may investigate complaints involving local adult jails and detention facilities. The ombudsman and department of corrections must enter into an arrangement with one another that ensures that they are not duplicating each other's services.

[For text of subd 4, see M.S.1996]

History: 1997 c 239 art 9 s 12,13