

CHAPTER 241

DEPARTMENT OF CORRECTIONS

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241.01 CREATION OF DEPARTMENT.

[For text of subds 1 and 2, see M.S.1990]

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, and two internal affairs officers for security.

(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 and the state legislature commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

[For text of subds 4 to 7, see M.S.1990]

History: 1991 c 238 art 1 s 11

241.022 GRANTS-IN-AID TO COUNTIES FOR ADULT DETENTION FACILITIES AND PROGRAMS.

Subdivision 1. **Authorization to make facility grants.** (a) The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to construct or rehabilitate local adult detention facilities and to assist counties or groups of counties in the construction or rehabilitation of regional jails and lockups, work houses, or work farms, and detention and treatment facilities for adult offenders.

Subd. 2. [Renumbered subdivision 4]

Subd. 2. **Authorization to make program grants.** The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to develop and maintain adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to the facilities described in subdivision 1. Eligible programs also include, but are not limited to, alternatives to detention or incarceration programs containing home detention components.

Subd. 3. [Renumbered subdivision 5]

Subd. 3. **Federal funds.** The commissioner may also receive grants of funds from the federal government or any other lawful source for the purposes of subdivisions 1 and 2. These funds are appropriated annually to the commissioner.

Subd. 4. [Renumbered subdivision 6]

Subd. 4. **Minimum standards for facilities.** The commissioner shall establish minimum standards for the construction, rehabilitation, size, area to be served, training and treatment programs, and staff qualifications in adult facilities to be rehabilitated or constructed. Compliance with these standards constitutes a minimum requirement for the granting of assistance as provided by this section.

Subd. 5. [Renumbered subdivision 7]

Subd. 5. **Application for facility grants.** (a) A county or group of counties operating any of the adult facilities described in subdivision 1 or desiring to construct and operate or to rehabilitate existing facilities may apply for assistance under this section by submitting to the commissioner of corrections for approval its plans, specifications, budget, program for training and treatment, and staffing pattern, including personnel qualifications. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards provided in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or groups of counties an amount not more than 50 percent of the cost of construction or rehabilitation of the facilities described in this section.

(b) In the case of improvement of a program and continued operation of a program in an adult regional facility as described in subdivision 2, the commissioner may pay to the governing board of the facility a sum not more than \$1,800 per year for each adult bed.

Subd. 6. **Inspection.** The commissioner shall inspect at least annually each adult facility covered by this section and review its projected annual operating costs to insure continued compliance with minimum standards, and may withhold funds for noncompliance.

Subd. 7. **Limitation of grants to future projects.** Completion and acceptance of new construction or rehabilitation of existing facilities must occur after July 1, 1991, to enable a county or group of counties to receive any sums provided by this section.

History: 1991 c 292 art 8 s 4

241.0221 JUVENILE DETENTION SERVICES SUBSIDY PROGRAM.

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) "Commissioner" means the commissioner of corrections.

(b) "Local detention facility" means a county or multicounty facility that detains or confines preadjudicated or adjudicated delinquent and nondelinquent offenders, including offenders defined in section 260.015, subdivisions 21, 22, and 23.

(c) "Twenty-four-hour temporary holdover facility" means a physically restricting or a physically unrestricting facility used for up to 24 hours, excluding weekends and holidays, for the care of one or more children who are being detained under chapter 260.

(d) "Twenty-four-hour temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed \$7 per hour for wages for staff supervision services provided to a delinquent child held within a 24-hour temporary holdover facility.

(e) "Eight-day temporary holdover facility" means a physically restricting and unrestricting facility of not more than eight beds, two of which must be capable of being physically restricting. The maximum period that a child can be detained under chapter 260 in this facility is eight days, excluding weekends and holidays.

(f) "Eight-day temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed 50 percent of the annual actual operating costs of the facility and not to exceed \$100,000, whichever is less.

(g) "Secure juvenile detention center" means a physically restricting facility licensed under Minnesota Rules, chapter 2930, and used for the temporary care of a delinquent child being detained under chapter 260.

(h) "Alternative detention programs" include, but are not limited to, home detention services, transportation services, including programs designed to return runaway children to their legal place of residence, custody detention services, training subsidy programs, and administrative services.

(i) "Secure juvenile detention center subsidy" means the \$1,200 per bed subsidy authorized under subdivisions 2 and 5, paragraph (b).

(j) "Transportation service" means transportation of a child who is being detained under chapter 260, including costs of wages, mileage and meal expenses, and costs for transporting and returning delinquent children who have absconded from their legal place of residence.

(k) "Home detention service" means:

(1) supervision of children who are residing at their legal place of residence and who are being detained under chapter 260 and includes costs incurred for wages, mileage, and expenses associated with supervision;

(2) a training subsidy used to pay for expenses incurred in training home detention staff; and

(3) electronic surveillance program costs incurred in electronic monitoring of children who are being detained at home or at their legal place of residence under chapter 260.

(l) "Custody detention service" means secure and nonsecure detention per diem costs for a child who is being detained under chapter 260.

(m) "Training subsidy" means a subsidy associated with training required staff to implement temporary holdover facility programs, transportation services, and home detention services.

(n) "Administrative services" means administering, coordinating, and implementing the 24-hour temporary holdover facilities, juvenile detention alternative programs involving transportation, home detention, and custody detention services.

(o) "Administrative start-up subsidy" means a subsidy associated with services rendered to get a 24-hour temporary holdover facility established and operating as required and not to exceed \$2,000 per facility.

Subd. 2. Authorization to make subsidies to counties. The commissioner may, out of money appropriated for the purposes of this section, subsidize counties or groups of counties to assist in:

- (a) construction or rehabilitation of local detention facilities; and
- (b) developing or maintaining adequate local detention facility operations or alternative detention programs.

Subd. 3. Federal funds. The commissioner may also receive funds from the federal government or any other lawful source for the purposes of subdivision 2.

Subd. 4. Minimum standards. (a) The commissioner shall establish, under chapter 14, minimum standards for the construction or rehabilitation of all local detention facilities and their operations by July 1, 1993. Interim standards developed by the commissioner may be used until that time.

(b) The commissioner shall establish requirements for alternative detention program subsidies and the maximum amount of funding each eligible participating county can receive. These subsidy requirements are not subject to chapter 14 procedures. Compliance with requirements established by the commissioner constitutes a minimum requirement for the granting of subsidy funding.

Subd. 5. Application for subsidy funding. (a) A county or group of counties operating or desiring to operate any of the facilities defined in subdivision 1 may apply for facility construction or rehabilitation subsidy funds. Applications must be submitted in a format provided by the commissioner. Subsidy funds granted are contingent on approval of plans and budget proposals submitted. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards established in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or counties an amount not more than 50 percent of the costs of construction or rehabilitation of the facility or facilities for which a subsidy has been granted, with the following exceptions:

(1) a 24-hour nonsecure temporary holdover facility may receive a one-time payment of up to a maximum of \$3,000 per facility for construction or rehabilitation purposes and furnishings;

(2) a 24-hour secure temporary holdover facility may receive a one-time payment of up to a maximum of \$10,000 per facility for construction or rehabilitation purposes and furnishings; and

(3) an eight-day temporary holdover facility may receive a one-time payment of up to a maximum of \$10,000 per bed for no more than eight beds for construction or rehabilitation purposes and furnishings.

(b) A county or group of counties operating a secure juvenile detention center may apply for secure juvenile detention center subsidy funds. The commissioner may pay to the governing board of a local secure juvenile detention center a sum not more than \$1,200 per year for each secure juvenile bed as approved in the submitted plans and specifications. These subsidy funds must be expended for alternative juvenile detention programs felt to be appropriate by the local governing board. The \$1,200 per bed, per year subsidy shall be known as the secure juvenile detention center subsidy.

(c) A county or group of counties operating an eight-day temporary holdover facility may apply for an operational subsidy in an amount not to exceed 50 percent of the facility's approved operational budget. Reimbursement would occur based upon actual expenditures and compliance with standards and requirements established in subdivision 4 and could not exceed \$100,000 per year, per facility.

(d) The commissioner may also pay to a county or group of counties a subsidy for alternative detention programs. Subsidies may cover costs for:

- (1) home detention services;
- (2) transportation services;
- (3) custody detention services;
- (4) training; and
- (5) local administrative services.

(e) Counties operating a juvenile eight-day temporary holdover facility or a secure juvenile detention center are not eligible to receive a subsidy for alternative detention programs described in paragraph (d).

(f) The commissioner may pay to counties desiring to operate a secure or nonsecure 24-hour temporary holdover facility a one-time administrative start-up subsidy of \$2,000 for staff services rendered for development and coordination purposes.

Subd. 6. Application review process for subsidy funds. To qualify for a subsidy, a county or group of counties must enter into a memorandum of agreement with the commissioner agreeing to comply with the minimum standards and requirements established by the commissioner under subdivision 4. The memorandum of agreement is not subject to the contract approval procedures of the commissioner of administration or chapter 16B. The commissioner shall provide forms and instructions for submission of subsidy applications.

The commissioner shall require a county or group of counties to document in its application that it is requesting subsidy funds for the least restrictive alternative appropriate to the county or counties detention needs. The commissioner shall evaluate applications and grant subsidies for local detention facilities and alternative detention programs described in this section in a manner consistent with the minimum standards and requirements established by the commissioner in subdivision 4 and within the limit appropriations made available by law.

Subd. 7. Inspection. The commissioner shall inspect each local detention facility covered by this section in accordance with requirements set forth in section 241.021 to ensure continued compliance with minimum standards and requirements established by the commissioner in subdivision 4 and may withhold funds for noncompliance.

Subd. 8. Limitation of subsidies. Funds for the purposes of subdivision 5, paragraph (a), are available only for construction projects begun after July 1, 1991.

History: 1991 c 292 art 8 s 5

241.08 MONEY OF INMATES OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of corrections shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law under section 243.23, subdivision 3, or by the commissioner of corrections, taking vouchers therefor. All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

[For text of subd 2, see M.S.1990]

History: 1991 c 326 s 9

241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN.

Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as deemed necessary to discharge responsibil-

ities. The ombudsman and full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate a deputy ombudsman in the unclassified service.

[For text of subd 3, see M.S.1990]

History: 1991 c 238 art 1 s 12,13

241.70 PROGRAMS FOR FEMALE OFFENDERS.

Subdivision 1. **Type of programs.** Adult women charged with or convicted of crimes, and juvenile females charged with an offense that would be a crime if committed by an adult or adjudicated delinquent, shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes or delinquencies. Programs for female offenders shall be based upon the special needs of female offenders.

Subd. 2. **Model programs.** Within the limits of money appropriated, the commissioner of corrections shall provide model programs for female offenders which respond to statewide needs and geographical areas and shall award grants for the programs. Listed in the order of importance, the programs shall:

(a) respond in a rehabilitative way to the type of offenses female offenders generally commit;

(b) respond to the problems of female offenders with dependent children;

(c) respond to the importance of developing independent living skills;

(d) assist female offenders to overcome their own extreme degree of dependency; and

(e) prepare to offer technical assistance and training toward the implementation of other similar programs when requested by local communities.

Subd. 3. **County plans.** Counties shall annually submit a plan to the commissioner of corrections for approval which provides for services to female offenders in their area and which incorporates criteria for model programs established by the commissioner. Counties may agree to cooperate in preparing a joint plan and may submit and administer their plan jointly.

History: 1991 c 135 s 1

241.71 CREATION OF ADVISORY TASK FORCE.

The commissioner of corrections may appoint an advisory task force on the woman and juvenile female offender in corrections. The task force shall have no more than 20 members and shall reflect a statewide geographical representation. The provisions of section 15.059, subdivision 6, shall govern the terms, expenses, and removal of members of the advisory task force. Notwithstanding section 15.059, the advisory task force shall continue until it is terminated by the commissioner.

History: 1991 c 135 s 2

241.72 PROGRAM FUNDING.

Subdivision 1. **Grants-in-aid.** To assist those counties or agencies that have existing programs for the female offender, and to encourage counties and agencies to develop and implement programs, the commissioner of corrections, from funds appropriated for the purposes of sections 241.70 to 241.73, shall make grants-in-aid in those counties or to agencies electing to participate in the grant program established by sections 241.70 to 241.73. The percent of matching dollars provided by the county or agency for programming established in sections 241.70 to 241.73 shall be determined by the rules of the commissioner adopted under sections 14.22 to 14.28.

Subd. 2. **Applications.** To qualify for the grants-in-aid provided under this section, those counties or agencies with existing programs and those counties or agencies that

want to participate shall, request that they be allowed to participate and submit an application or respond to a request for proposals in accordance with the provisions of section 241.70, subdivision 2, and the rules of the commissioner. An agency seeking funding for a program to serve female offenders on probation in a community corrections act county shall obtain the endorsement of the county corrections authority before submitting a grant-in-aid application or proposal.

Subd. 3. Multicounty or agency programs; local matching funds. Where several counties or agencies combine to provide one or more of the programs under sections 241.70 to 241.73, the local matching funds shall be borne proportionately by the participating counties or agencies on the basis of need or use as determined by the rules of the commissioner.

History: 1991 c 135 s 3

241.73 DUTIES OF COMMISSIONER.

The commissioner of corrections shall:

- (a) review all county plans for programs for female offenders;
- (b) review grant-in-aid applications or proposals for model programs and award grants for programs;
- (c) appoint the members of the advisory task force created under section 241.71 and provide staff and other administrative services to the advisory task force;
- (d) consult with the state advisory task force on the female offender in corrections before making a choice of the programs to be awarded funding;
- (e) monitor the delivery of services provided under grant-in-aid programs for female offenders; and
- (f) establish by rule a method of determining the amount of local matching contribution to receive a grant-in-aid under sections 241.70 to 241.73.

History: 1991 c 135 s 4