



Date: March 3, 2026

To: Amy Lauricella
Director, Policy and Rulemaking
Minnesota Department of Corrections

From: Abby Mock
Executive Budget Officer
Minnesota Management & Budget

Subject: M.S. 14.131 Review of Proposed Permanent Rules Relating to Jail Facilities; Rules Chapter 2911, Rule Draft 4445

Background

The Minnesota Department of Corrections (DOC) proposes to amend Minnesota Rules, Chapter 2911, to improve the standards of confinement in jails and ensure basic levels of care. The existing rules have not been substantially revised since 2013 and don't reflect the current correctional environment and societal changes, especially around healthcare. These changes are in response to 2021 legislative goals to update minimum standards to comply with best corrections practices, increase transparency among jails, and ensure a higher level of accountability when inspecting jails and enforcing minimum standards. These changes further stem from jails continuing to see deaths and suicide attempts. This rulemaking is required under Minn. Stat. § 241.021, subd. 1(a), created by the 1976 Minnesota Legislature (Chapter 299, Section 1). Pursuant to Minn. Stat. § 14.131, the DOC has requested Minnesota Management and Budget (MMB) evaluate the proposed amendments for fiscal impact and benefits on units of local government.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness to help evaluate the fiscal impact these rules may have on local governments.

Fiscal Impact on Local Governments

The proposed rulemaking will have a fiscal impact on local governments. Considerations in this evaluation included impact on costs for local jail facilities. There are 85 local jail facilities across Minnesota's 87 counties which are primarily funded through local county property taxes supplemented by different types of state and federal funding (i.e. grants, subsidies, reimbursements, etc.). Thus, any identified cost to the jail facilities assumes a fiscal impact on local governments.

Jails vary significantly across each facility by factors such as size, supervision style, classification, location, and make up of incarcerated population (i.e. health care needs, length of stay, alternative sentence) which makes it difficult to assess the cost impact of each rule change on each facility. The fiscal impacts are broadly outlined in

the following paragraph but are not quantified as the rules will impact each facility differently and could not be calculated with accuracy without significant time and effort.

The following are identified as potential costs to jail facilities as a result of the rule changes: increased staff resources and workloads; small equipment costs (i.e. two-way radio devices) and supplies (i.e. emergency delivery kits); additional training costs (i.e. first aid and CPR training); increase to health care personnel and/or contracts for health care services; increased costs for contracts with a dietician or nutritionist as well as additional food item costs; transportation costs for incarcerated persons; and, healthcare supplies (i.e. Narcan, long acting injectables).

The rules are developed with flexibility to allow jails to manage costs within their budgets while meeting the intent of the proposed rule. In many instances, jails are given flexibility to write their policies and procedures in response to a rule change. Jails may also apply for variances for any rule requirement that is cost prohibitive or burdensome. The rules establish minimum standards for basic care which are intended to prevent injury and death and therefore may reduce costs to local governments regarding litigation and settlements (e.g., In 2022, Hennepin County paid \$3.4 million to settle a lawsuit for death in its jail, the jail has a current budget of approximately \$183 million). To the extent these changes improve treatment and quality of life and reduce a client's likelihood to reoffend, overall costs for reincarceration may decrease, also potentially reducing local jail costs.

Other Notes on Fiscal Impacts

The proposed amendments are not expected to have any effect on local ordinances or regulations. The DOC has not proposed any conflicting requirements.

The proposed rule is not expected to have any impact on state revenues.

The DOC will be the sole Minnesota government agency responsible for implementing, administering, and enforcing the proposed rule. The estimated impact for compliance with the proposed rules will vary by jail facility though is expected to have some fiscal impact on all facilities. The DOC may experience an increase in administrative costs due to increased variance requests as well as additional time for inspections based on the revised rules.

Sincerely,
Abby Mock
Executive Budget Officer (MMB)

Cc: Paul Schnell, Commissioner (DOC)
Nick Lardino, Budget Policy and Analysis Director (MMB)