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Internal Memo

Date: January 8, 2025

To: The Incarcerated Population and Friends and Family

From: Commissioner Paul Schnell

RE: December MRRRA Update - FAQs

The legislature passed the Minnesota Rehabilitation and Reinvestment Act in May 2023 with the knowledge that it would take 18-24 months to develop the policies that will significantly change the incarceration and supervision experience in Minnesota. The massive shift in the state's approach to corrections remains on target. As I write, we are engaged in the final review of the high-level and core policies that will govern MRRRA. We are developing and refining retroactive review procedures for a staged implementation process that will begin with a limited pilot at certain facilities.

- 1. What happens in January 2025?** As mentioned in previous updates, it is our intention to publish the core MRRRA policies by the end of this month. Working groups are also developing procedures for retroactive review of those currently incarcerated.
- 2. When will incarcerated people be released through retroactive review?** Beginning in mid- to late-February, we will initiate a limited pilot of retroactive review at MCF-Shakopee and MCF-Moose Lake. The limited pilot allows us to test review processes and procedures. We intend to start retroactive review at the two pilot facilities with a select group of individuals who are closer to their supervised release date and meet the statutory and basic policy requirements. Early releases could start in late March or early April. A slow rollout will allow the DOC to review the process and make changes that will improve efficiencies and aid success with a systemwide rollout. Once again, I believe it is essential that the MRRRA rollout be done right, not quickly. Anyone committed to the DOC on or after September 1, 2025, will be reviewed for earned incentive release in accordance with the published policy and review procedure. Anyone currently committed to the DOC and individuals committed before September 1, 2025, will be subject to the retroactive review procedure.
- 3. Should an incarcerated person reach out to their case manager to find out if or when they are eligible to be considered for earned incentive release?** No! Individuals who will be considered as part of the pilot will be contacted by their case manager and provided instructions to initiate the retroactive review process.

4. **How will the DOC prioritize who gets reviewed first?** Eligible individuals at the two pilot sites who have a low (risk) MnSTARR score and are within 18 months of release will be the first to be retroactively reviewed for earned incentive release through MRRRA. Lessons learned from the pilot will guide implementation team planning for broader application of the retroactive review process. We are currently working to create the retroactive review process and criteria, which will include that the incarcerated person be assessed as low risk on the MnSTARR.
5. **How can a person move to the front of the line?** There is no mechanism to jump to the front of the line. In fact, attempts to do so, such as kiting your case manager or badgering staff, could have an adverse impact on the DOC's ability to implement the retroactive review process by delaying expansion outside the pilot locations.
6. **Why is MRRRA starting with low-risk people only?** MRRRA is likely one of the biggest changes affecting Minnesota corrections since implementation of the sentencing guidelines. Incentivizing people to fully and deeply engage in change by offering sentence reduction comes with the expectation that we will achieve the intended result – advancing public safety through successful outcomes. Starting retroactive review with this select population will allow us to gain experience applying the retroactive review procedures so that it will be easier when we begin assessing those with higher MnSTARR scores.
7. **What should incarcerated people be doing to prepare for possible earned incentive release?** Incarcerated people should continue to participate in the programming and activities that can reduce the risk of reoffending, like education, employment, treatment, and other prosocial offerings, programs, and activities. In addition, if incarcerated people want early release, they should stay out of trouble and demonstrate change in what they say and, more importantly, in what they do. When an incarcerated person is able to be considered for earned incentive release, they will be required to document their demonstrated change efforts including a plan to remain successful as they transition back home.
8. **What if the programming an incarcerated person needs isn't available?** Retroactive review will not allow for early release to complete programming in the community. In the future, there may be circumstances when an incarcerated person could complete targeted interventions in the community under certain conditions.
9. **How does discipline impact getting out?** Earned incentive release must be earned. The earned incentive release review process will include a thorough review of discipline records. Misconduct can impact someone's eligibility. Please note that people who have disciplinary convictions for assaulting staff members will not be eligible to request an earlier release to complete programming in the community.
10. **What's the timeline?** Please note that the below timeline is tentative but reflects our anticipated implementation and rollout plan. We understand and respect that some will be disappointed that we are not initiating a rapid review process to move MRRRA early releases forward quickly. From the beginning, we said that early release must be earned. *Earned* early release was, and is, the legislature's expectation for good reason. MRRRA is not a population reduction program. MRRRA is a comprehensive

model to support transformative change by system-involved people. MRRRA rewards transformative change efforts with the opportunity for early release and sentence reduction, as well as the possibility of being considered for supervision abatement status. While we want the advantages of MRRRA to be accessible to everyone eligible, the advantages must be earned. We will implement MRRRA as swiftly and efficiently as we can, but we are mindful that failing to thoughtfully implement the plan could potentially jeopardize the future of MRRRA.

January 2025 – Finalize and share retroactive MRRRA policies and procedures for earned incentive release and supervision abatement.

February 2025 – Begin pilot of retroactive review, analyze processes, and implement best practices.

March - April 2025 – Continued review of processes and best practices while refining MRRRA policies and procedures. Early releases for qualified individuals in the pilot programs. Preparation for full MRRRA implementation and retroactive review.

May 2025 – Analysis of pilot retroactive review process learnings and modification or revision of procedures as may be needed in preparation for expansion of retroactive review.

June - July 2025 – Retroactive review continues along with final preparation for full implementation of the regular MRRRA policy.

September 2025 – All new DOC commitments will be subject to MRRRA policy. Retroactive reviews to continue for those already incarcerated.