



April 23, 2020

Commissioner Paul Schnell
Minnesota Department of Corrections
1450 Energy Park Drive
St. Paul, Minnesota 55108

Dear Commissioner Schnell:

Thank you for meeting with us last week to discuss our concerns about the risks posed to incarcerated people by the COVID-19 pandemic and the need to mitigate those risks. As you are undoubtedly aware, congregate settings such as prisons and detention centers experience elevated risk for contagious diseases. We consider this situation a public health emergency that must be addressed immediately.

As you will recall, we presented the following demands:

- Reduce all prison populations to no more than 60% capacity, including ICE detainees, within two weeks.
- Ensure the right of prisoners to protest without retaliation such as loss of privileges or solitary confinement.
- Provide free phone calls for all people in prisons, including ICE detention, beyond the two free calls per week currently allowed.
- Provide free hygiene and cleaning products to inmates on request.
- Expand medical staffing to ensure inmates are seen within 24 hours of request

Reduction of Inmate Population

You stated that while you have put into place a mechanism to receive applications for conditional medical release, you lack authority to release inmates who fall into other categories, and that the Senate has proven to be a barrier to granting you that authority. However, our understanding is that no legislative approval is needed for you to order the release of thousands of technical violators and those who qualify for work release under the full extent of the law (MN Stat. § 244.05, 241.26, 244.065).

Further, MN Stat. § 243.57 specifically outlines your authority in times like these: “In case of an epidemic of any infectious or contagious disease in any state correctional facility under control of the commissioner of corrections, by which the health or lives of the inmates may be endangered, the chief executive officer thereof, with the approval of the commissioner of corrections may cause the inmates so affected to be removed to some other secure and suitable place or places for care and treatment.” Since congregate settings, including jails and prisons, have experienced the highest percentages of COVID-19 cases and deaths, it would appear that you are authorized under this statute to move large numbers of inmates to home confinement, halfway houses, or other community settings. Given the critical nature of this situation, we urge you to exercise your authority to meet our two week timeline for reducing carceral facility populations by 40%.

ICE Detainees

You stated that you have no authority to intervene in the Sherburne County or other jails’ contract with ICE. However, the Department of Corrections has oversight of conditions in the jails. Given the need to reduce jail populations to mitigate COVID-19 infection risk and pursuant to MN Administrative Rule 2911.0360, you can and should order a reduction in operational bed capacity to allow for social distancing such that ICE detainees must be released from all Minnesota jails in which they are currently held.

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Access to Medical Care

Medical care in the prisons is provided by private corporations under contract with the state. The DOC should require that these organizations deploy enough medical staff to each facility that inmates who request services can be seen within 24 hours and those with serious symptoms are seen immediately. Despite your assurances that community health resources are being brought to these facilities, we continue to hear from inmates that they are not being seen in a timely manner. We hope to hear soon that the measures you are putting in place are improving inmate access to care.

Other Demands

You assured us inmates who protest their conditions of confinement will not experience retaliation. You stated that you are working to secure funding that would allow all inmates to have unlimited free telephone calls but did not expect that funding to be available until early May. You also stated that while the prisons had experienced supply chain issues, they are now providing soap and other hygiene and cleaning products to inmates on request. We appreciate your progress on these demands.

Communications

We discussed our request that you provide a response to these demands and evidence toward their achievement in writing on a weekly basis. You stated that information about inmate population reduction will be added to the DOC website. While we appreciate that added transparency, we will still need to hear updates from you on the totality of the demands.

Coordination with Governor Walz

You agreed to relay our concerns to the governor. We ask that you do so to get support for any funds reallocation necessary to enable emergency release for anyone who poses no danger to the community. Given that your department would have reduced costs related to inmates that are released, those funds normally allocated for each inmate could, instead, be provided to inmates or to community agencies to make housing and other resources available to inmates to ensure their success.

As we discussed, please communicate with Adam Zahller via email at adamzahller@gmail.com as you respond to our concerns.

We appreciate the opportunity to partner with you on this very serious matter.

Sincerely,

Representatives of Free Them All Coalition
Member Organizations

Free Them All Coalition Member Organizations: Amnesty International Group 37, Asian American Organizing Project, Black Vision Collective, Communities United Against Police Brutality, Decarcerate MN, Decriminalizing Communities Coalition, Filipinx for Immigrant Rights & Racial justice MN (FIRM), Interfaith Coalition on Immigration, Jewish Community Action, Minnesota Immigrant Movement (MIM), Minnesota Immigrant Rights Action Committee (MIRAC), MN Educators Against ICE, NAACP- Minneapolis Branch, Navigate/UnidosMN, No Cages MN, Party for Socialism and Liberation-Minneapolis Branch, Pueblos de Lucha y Esperanza, Racial Justice Network, ReleaseMN8, Sanctuary & Resistance to Injustice (SARI), Twin Cities Incarcerated Workers Organizing Committee (IWOC), Voices for Racial Justice, Winona Against Family Separation, Women's March MN