



Tuesday, May 4, 2021

Senator Warren Limmer, Chair
Judiciary Committee
Minnesota Senate
3221 Minnesota Senate Building
Saint Paul, MN 55155

Representative Carlos Mariani, Chair
Public Safety & Criminal Justice Reform Committee
Minnesota House of Representatives
479 State Office Building
Saint Paul, MN 55155

Dear Chairs Limmer and Mariani,

On behalf of Americans for Prosperity activists across Minnesota, I am writing today to call your attention to several important provisions we have supported throughout the session that are being considered by the conference committee for inclusion in the Public Safety Omnibus bill. We believe there should be urgency moving forward this session with criminal justice reforms that have bipartisan support. Despite the divide, there are several criminal justice initiatives this session that enjoy support not only from a wide range of coalition groups but also bipartisan support among legislators.

At Americans for Prosperity, we believe an effective criminal justice system protects people and preserves public safety, respects human dignity, and removes barriers to opportunity for people seeking a second chance. A core function of our justice system is imposing accountability, but it should be done in a manner that ensures those being held accountable achieve restoration and do not return to our justice system. To do this we must seek to incentivize – rather than inhibit – the success of those who have been held accountable through incarceration.

Minnesota has one of the lowest recidivism rates in the country, but [almost 40%](#) of those exiting our state prisons will be convicted of another felony in just three years. This rate has stayed [relatively consistent](#) over the past decade and it is time we do more to ensure increased public safety across Minnesota. We cannot keep doing the same thing and expect a different result.

Our goal should be to ensure individuals exiting our justice system do so with the skills, character, and practical knowledge necessary for them to be successful upon reintegration into their community. This bill includes several sets of reforms that will help achieve that goal that have already been passed with bipartisan support in states across the nation. In addition, these proposals are supported not only by leaders and activists working on criminal justice issues but have also earned the approval of law enforcement officials as common-sense ways to increase public safety and focus resources where they are needed the most.

Rehabilitation and Reinvestment Act

In Article 12, the Rehabilitation and Reinvestment Act (HF2349) will improve second chances for those currently in our state's justice system. It will help foster a constructive culture in state prison and community supervision programs by expanding on evidenced-based programming in treatment and training, creating a needs assessment tool to help individualize programming, allowing participants to earn release credits, incentivizing compliance within community supervision, ensuring victim notification and input, and reinvesting 75% of the savings back into further improving Department of Corrections programming.

These innovations are based on the success of similar programs in other states that have received bipartisan support, and that have been found to reduce recidivism, correctional spending, and prison populations. Compliance credit policies for those on community supervision adopted in several states have enabled individuals to reduce their supervision term by an average of 14 months without any impact on recidivism or public safety.

Re-Entry Identification and Homelessness Mitigation Plan

The provisions in Article 11, Sections 2, 24, and 25 originally heard in HF553 would assist those released from a state facility in obtaining their social security card, birth certificate, necessary medication, and a driver's license or other identification cards, all vital elements in securing housing and employment upon release. The bill would also establish a homelessness mitigation plan and increase state reporting on homelessness. With more than 10% of those coming in and out of prisons and jail becoming homeless in the months following their incarceration, a comprehensive mitigation plan is needed to ensure proper housing. Taken together, these elements will assist individuals with re-establishing themselves back into the community and have better opportunities to secure employment and housing.

Court Fines and Fees

Court fines and fees have significant impact on individuals with limited or no financial ability to pay. Lack of payment of fines and fees may result in other adverse actions against individuals that lead to a cascading set of unintended consequences and run counter to efforts to ensure public safety. Fines and fees are often evaluated by policymakers from the perspective of revenue raised, yet there are other costs and tradeoffs that should be considered. For example, the time law enforcement spends on individuals with outstanding fines and fees could be better targeted at more critical public safety needs.

This reform is often mentioned in conjunction with driver's license suspension reform that received support from members of this committee when it was heard in both the House and the Senate. Though it is traveling separately in the Transportation Omnibus bill, I wanted to quickly highlight it here as suspension of driver's licenses is another barrier that government puts in place that actually makes it harder to get the original debts paid and diverts resources by engaging law enforcement in debt collection, not public safety.

Asset Forfeiture Reform

AFP-MN has worked for years to make reforms to asset forfeiture laws both here in Minnesota and across the nation. As a participant in the interim stakeholder negotiations, we fully support the compromise language originally heard in committee as HF75 (Article 9 in current language). While it does not fully eliminate the civil forfeiture process, this legislation is a strong step forward that will protect Minnesotans'

property and due process rights and help keep the vast majority of claimants from being forced into the onerous and convoluted civil system in the first place.

Under current law, the property owner enters criminal court but the seized property itself enters civil court, where the government has a far lower standard of proof. In these proceedings, the burden falls on claimants to demonstrate their own innocence by filing a separate lawsuit – against their own property – within a narrow window of 60 days after seizure in order to even have a chance of getting it back. This process is time consuming, expensive, and generally unused. In Minnesota, over 95% of would-be claimants lose their property through administrative process, without even making an attempt at recovery.

Because many forfeitures are small dollar amounts, the massive procedural barriers put in place by the state quickly make the choice to pursue litigation a more expensive option than the value of the seized property. Many claimants – even those likely to prevail or never charged with a crime – make the economic choice to simply walk away.

By enacting these bipartisan policy changes, Minnesota can move one step closer to respecting the dignity of all humans, reducing the recidivism rate, improving public safety, and removing the barriers that prevent individuals who are released from prison from earning a true second chance.

Thank you for your time and attention to these important issues. Please don't hesitate to reach out if you have questions, need more information, or if you would like to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Flohrs', with a stylized, cursive flourish at the end.

Jason Flohrs
State Director
Americans for Prosperity – Minnesota

Cc: Representative Jamie Becker-Finn
Representative Cedrick Frazier
Representative Kelly Moller
Representative Tim Miller
Senator Andrew Mathews
Senator Mark Johnson
Senator Bill Ingebrigtsen
Senator Ron Latz