

CLIENT BEHAVIORAL EXPECTATIONS

Minnesota Sex Offender Program

Issue Date: 7/11/23 Effective Date: 8/1/23 Policy Number: 420-5010

POLICY: The Minnesota Sex Offender Program (MSOP) provides clients with written behavioral guidelines consistent with shaping prosocial behavior while maintaining program safety and a therapeutic environment conducive to change. Clients who violate these behavioral guidelines may be subject to disciplinary restrictions.

AUTHORITY: Minn. Stat. § 246.014, subd. (d)

APPLICABILITY: MSOP, program-wide excluding Community Preparation Services (CPS)

PURPOSE: To provide procedures designed to shape prosocial behavior appropriate to a secure treatment environment and to offer clients due process for appealing decisions of the behavioral expectations hearing panel.

DEFINITIONS:

Accessory – a client who assists another or joins another in the commission of a prohibited act before, during, or after the act, including one who aids, abets, commands, counsels, instigates, or conceals the prohibited act.

Aggravated penalty – use of a weapon, injury, disorderly conduct or disturbance in a high-risk situation, other unsanctioned behavior with multiple participants, or action taken for the benefit of a security threat group. Any violation that is motivated on the basis of an individual’s status under a protected class may be subject to an aggravated penalty. The maximum penalty is double the existing restriction. An aggravated penalty may only be used for a major rule violation leading to formal restriction.

Attempt – an act that is a step toward the violation of a rule.

Behavioral Expectations Report (BER) – a report generated when a behavioral expectation is violated.

Behavioral Expectations supervisor/designee – staff assigned to investigate and process allegations of client misconduct.

Business day – see MSOP Division Policy 120-5600, “Client Computer Network.”

Client Behavioral Expectations – written rules of client conduct specifying prohibited acts within the program and disciplinary restrictions that may be imposed.

Concurrently – when a client is found to have committed two or more behavioral violations and serves those restrictions at the same time, with the most restrictive controlling followed by the longest period controlling.

Consecutively – when a client is issued a BER for a Major Rule Violation and must finish serving the disciplinary restriction for one behavioral violation before the client starts serving the disciplinary restriction for another behavioral violation.

Confidential testimony and/or confidential evidence – information of a sensitive nature, which, if given openly, could jeopardize the security of the facility or the safety of an individual.

Conspiracy –planning with another person to commit a violation of facility rules or a criminal act, and one or more of the parties does some overt act in furtherance of such plans.

Contraband – as defined in MSOP Division Policy 415-5030, “Contraband.”

Disciplinary restrictions – withholding or limiting privileges otherwise available to a client as a consequence of violating facility rules. Examples include: withholding or limiting privileges such as vocational assignments, leisure and recreational activities, client movement or access to parts of the facility.

Evidence – any item or information relating to a possible violation of a law or MSOP behavioral expectations, or as defined in DCT Security Policy 145-1035, “Evidence Handling by Staff.”

Hearing panel –representatives from various areas of the program, appointed by the facility director, to include clinical and operations.

Major Rule Violation – behavior determined by staff to jeopardize the safety or security of clients, staff, or others, or continued minor rule violations as defined in this policy.

Major Violation Hearing – an administrative fact-finding examination conducted by a hearing panel convened for the purpose of establishing whether a client has violated a major client behavioral expectation.

Minor Rule Violation – behavior determined by staff to violate facility policy and/or procedure, but neither placing anyone in immediate jeopardy nor presenting immediate disruption to the therapeutic environment.

Minor Violation Review – an informal administrative fact-finding examination, conducted by the Behavioral Expectations supervisor/designee, convened for the purpose of establishing whether a client has violated a minor client behavioral expectation.

Positive Support Rule – refer to MSOP Division Policy 210-5020, “Positive Supports.”

Pre-Hearing Restriction Status – a client status initiated by the issuing supervisor to maintain safety or manage behavior prior to a hearing or waiver offer.

Preponderance standard – evidence is more reasonable, more likely to have occurred, and more credible than not.

Protected class – see MSOP Division Policy 110-5020, “Nondiscrimination Policy.”

Restitution – payment for theft of and/or damage to property including clean up and restoration costs as a result of client actions. An opportunity for the client to make restitution may be offered by the Behavioral Expectations supervisor/designee or agreed to by waiver.

Restriction Status (RS) – a disciplinary restriction imposed on the client for violating client behavioral expectations.

Treatment team – refer to MSOP Division Policy 215-5005, “Treatment Overview.”

Waiver – a client’s admission to a violation prior to a hearing and agreeing to a restriction.

PROCEDURES:

A. Rules of Conduct

1. The MSOP Behavioral Expectations Handbook (420-5010a) contains descriptions of behavioral violations, the restriction review and hearing processes, and rights in these processes.
2. At admission, staff provide an individual copy of the MSOP Behavioral Expectations Handbook (420-5010a) to each client.
3. MSOP may issue disciplinary restrictions for rule violations identified as attempts, conspiracy, or accessory (as defined in this policy and the MSOP Behavioral Expectations Handbook (420-5010a)) the same as the actual infraction.
4. Clients who violate behavioral expectations may be subject to restrictions and/or loss of privileges.
5. MSOP reserves the right to investigate any occurrence of client misconduct and/or violations as cited in the MSOP Behavioral Expectations Handbook (420-5010a). MSOP has ten business days from the date the behavior was first documented and/or reported to issue a client a BER for violating the MSOP Behavioral Expectations Handbook (420-5010a).

B. Disciplinary Restrictions

1. Disciplinary restrictions must:
 - a) be in proportion to the rule’s importance to the order, safety, and security of the treatment program and to the severity of the violation;
 - b) be reasonably related to the nature of the behavior; and
 - c) take into consideration the client’s past behavior while in the program and the client’s treatment needs.
 - d) For clients subject to the positive support rule, refer to MSOP Division Policy 210-5020, “Positive Supports” and MSOP Division Policy 215-5015, “Individualized Program Plan.”
2. If the immediate risk of harm reaches the standards for Protective Isolation (PI) status, staff impose disciplinary restrictions upon the client’s conclusion of PI status. Clients may not apply time spent on PI status toward behavioral expectations restrictions.
3. Clients serve all disciplinary restrictions concurrently unless consecutive restrictions are agreed upon through the waiver process or the hearing panel specifically orders the restrictions be served consecutively based on the serious or repeated nature of the client’s behavioral violations.
4. MSOP may refer a behavior which violates both facility rules and criminal statutes to appropriate authorities for possible criminal prosecution in addition to the behavioral expectations process. MSOP continues the behavioral expectations process independent of any possible criminal investigation.

- a) Clients may be on Administrative Restriction (AR) status and behavioral expectation restrictions concurrently. The client must follow the more stringent restriction.
- b) MSOP may credit a client's time spent on AR status towards the client's behavioral expectations restrictions.

5. MSOP determines a client's disciplinary restrictions based on the client's history of the same or similar behavior, the severity of the violation, and the client's treatment needs.

- a) Minor Violation Restriction
Restriction Status 1 (RS1) – disciplinary restriction imposed proportionately to the occurrence of a rule violation, resulting in the limited use or full restriction of the area and/or item involved in the violation. In addition to RS1, the client's clinical staff or treatment team may assign treatment assignments.

- b) Major Violation Restriction
(1) Restriction Status 2 (RS2) – disciplinary restriction including, but not limited to, restriction of client movement and/or full restriction from off-unit or on-unit activities, and/or vocational assignments. Unless specified in the restrictions imposed, clients may continue to attend treatment and educational/recreational activities specifically listed on their individual schedules, even if those occur in an area generally prohibited while on RS2 status. Additional RS2 restrictions or amendments to this restriction may be imposed or agreed to upon a waiver offer.

Clients on RS2 may continue to attend regular spiritual ceremonies and/or studies. Clients on RS2 may attend special spiritual events outside of regular spiritual programming if approved as outlined in MSOP Division Policy 420-5300, "Spiritual Practices" section C.

- (2) Restriction Status 3 (RS3) – disciplinary restriction including full restriction from all off-unit and on-unit activities. Unless specified in the restrictions imposed, clients may continue to attend treatment and educational/recreational activities specifically listed on their individual schedules, even if those occur in an area generally prohibited while on RS3 status. Additional restrictions or amendments to this restriction may be imposed or agreed to upon a waiver offer.

Clients on RS3 may continue to attend regular spiritual ceremonies and/or studies if approved as outlined in MSOP Division Policy 420-5300, "Spiritual Practices" section C. Clients on RS3 may attend special spiritual events outside of regular spiritual programming if approved as outlined in MSOP Division Policy 420-5300, "Spiritual Practices" section C.

C. Progressive Restriction

- 1. MSOP considers progressive restrictions when determining appropriate consequences.
- 2. Staff may verbally redirect the client when the client violates behavioral expectations if the violation does not require immediate disciplinary restrictions. Verbal redirections are intended to assist clients in identifying and modifying their behaviors so they may avoid the restriction process and make personal changes assisting them in developing a pro-social lifestyle. Staff document verbal

redirections per MSOP Division Policy 410-5300, “Incident Reports” and MSOP Division Policy 410-5075, “Communication Log.”

3. Staff may issue informal restrictions to clients who continue to engage in minor rule violations, despite redirection. Clients are subject to increased duration of restriction for multiple violations of the same or similar behaviors within a 45-day period.
 - a) For the first violation in 45 days, the duration of the restrictions imposed may range from 1 to 14 days.
 - b) For the second violation in 45 days, the duration of the restrictions imposed may range from 1 to 28 days.
 - c) For the third violation in 45 days, the duration of the restrictions may range from 1 to 45 days.
 - d) Multiple minor violations may result in a major violation.

4. Staff may issue formal restrictions to clients who have major rule violations. Clients are subject to further loss of privilege and increased duration of discipline for multiple violations of the same or similar behavior within a 180-day period.
 - a) For the first violation in 180 days, the duration of the restrictions imposed may range from 1 to 14 days.
 - b) For the second violation in 180 days, the duration of the restrictions imposed may range from 1 to 28 days.
 - c) For the third violation or more in 180 days, the duration of the restrictions imposed may range from 1 to 56 days.
 - d) Use of a weapon, injury, disorderly conduct or disturbance in a high-risk situation, other unsanctioned behavior with multiple participants, or action taken for the benefit of a security threat group may double the existing restriction. Staff may only use an aggravated penalty for a major rule violation leading to formal restriction.
 - e) The hearing panel is not subject to limitations in the duration or maximum level of restrictions imposed.

- D. Extended Restrictions – when a client is issued a restriction status of 30 days or more, the Behavioral Expectations supervisor/designee notifies the client’s primary therapist.
 1. In consultation with a clinical supervisor, the primary therapist and the unit group supervisor determine if an Individualized Program Plan (IPP) will be developed. (Refer to MSOP Division Policy 215-5015, “Individualized Program Plan.”)
 2. If the client is placed on an IPP, the primary therapist notifies the Behavioral Expectations supervisor/designee.
 3. Except as specifically modified through an IPP, clients must follow all disciplinary restrictions imposed by the hearing panel and/or agreed to in a waiver.

E. Issuance of a Behavioral Expectations Report (BER)

When staff believe a client has violated a rule, the following procedures must be followed:

1. The staff and a supervisor discuss the incident and make a determination if a verbal redirection, minor BER or major BER will be issued. For clients subject to the positive support rule, refer to MSOP Division Policy 210-5020, "Positive Supports" and MSOP Division Policy 215-5015, "Individualized Program Plan."
2. Staff must complete an Incident Report (Phoenix) in accordance with MSOP Division Policy 410-5300, "Incident Reports." Staff complete a Behavior Expectations Report – Notification (420-5010b-3520) from the information contained in the Incident Report.
3. The supervisor reviews and approves the BER prior to the BER being issued to the client.

F. Minor Violation Restriction

1. MSOP offers minor violation restrictions as a means for the client to modify and self-correct the client's behavior.
2. Staff may use minor violation restrictions when a client has violated a behavioral expectation. Staff review the incident with a unit group supervisor, area supervisor, clinical supervisor or facility officer of the day (OD) to determine the appropriate level of restriction.
3. If the minor violation restriction process is selected, the staff provide the client a copy of the Behavior Expectation Report – Notification (420-5010b-3520), which includes:
 - a) the behavioral expectation(s) violated;
 - b) a description of the behavior, and how it violated expectations; and
 - c) the restriction, including the beginning day and time and duration. If a specific time is not entered in the report, MSOP bases the start and duration time on the time of the incident as listed in the BER.
4. The client must discuss behavioral expectations violations with the treatment team as an expectation of treatment. A designated treatment team member documents completion as outlined in MSOP Division Policy 410-5075, "Communication Log."

G. Minor Violation Restriction Review Process

1. Within five business days of receiving a minor violation restriction BER, a client may request a review of the minor violation restriction by submitting a Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) to the Behavioral Expectations supervisor/designee. The Behavioral Expectations supervisor/designee conducts a review within three business days of receiving the Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) and forwards the Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) to Health Information Management Services (HIMS) for filing in the client record.
2. A client's request for a review does not delay the restriction.
3. Only the client and the Behavioral Expectations supervisor/designee participate in the review.

4. During the review, the client may present the client's perspective on the situation leading to the BER.
5. MSOP proceeds with a review even if the client chooses not to participate, or the client is asked to leave after engaging in disruptive and/or threatening behavior during the review. The Behavioral Expectations supervisor/designee documents reasons for a client's absence in the Behavior Expectation Report - Minor Violation Review Report (420-5010c-3521).
6. Evidence
 - a) The Behavioral Expectations supervisor/designee may consider physical evidence if it is determined to be necessary, relevant and not unduly repetitious.
 - b) The Behavioral Expectations supervisor/designee may consider photocopies, photographs, and video of evidence at the review instead of physical evidence.
7. Findings
 - a) The Behavioral Expectations supervisor/designee:
 - (1) bases the decision on information obtained in the investigation and review process;
 - (2) utilizes the preponderance standard for determining whether or not a Behavioral Expectations rule violation occurred; and
 - (3) determines what restriction, if any, will be imposed at the completion of the review.
 - b) When multiple violations are listed on a single report, the Behavioral Expectations supervisor/designee notes the results for each individual violation are noted in the Behavior Expectation Report - Minor Violation Review Report (420-5010c-3521).
 - c) The Behavioral Expectations supervisor/designee electronically forwards the Behavior Expectation Report - Minor Violation Review Report (420-5010c-3521) to the facility director/designee for review and signature.
 - d) The Behavioral Expectations supervisor/designee announces the findings and restriction imposed to the client at the conclusion of the review and sends a Behavior Expectation Report - Minor Violation Review Report (420-5010c-3521) to the client no later than five business days following the review.

H. Major Violation Restrictions

1. MSOP places a client's liberties outside the secure perimeter on hold pending a major BER.
2. Process for imposing a Major Violation Restriction
 - a) The program staff witnessing/involved in the violation immediately notifies the OD, unit group supervisor, clinical supervisor, and/or area supervisor/designee. These staff ensure an Incident Report (410-5300a) (Phoenix) and BER are completed if they believe the client has:
 - (1) committed a major rule violation; or
 - (2) committed one or more minor rule violations constituting a major rule violation.

- b) The OD, unit group supervisor, clinical supervisor, or area supervisor may place the client on Pre-Hearing Restriction Status.
- (1) Only the Behavioral Expectations supervisor/designee can remove a client from Pre-Hearing Restriction status.
 - (2) If the client is placed on Pre-Hearing Restriction Status, the Behavioral Expectations supervisor/designee reviews this status within two business days to determine if the status should continue. The Behavioral Expectations supervisor/designee:
 - (a) notifies the client of the determination; and
 - (b) documents the notification in the communication log (410-5075a) (Phoenix).
 - (3) The Behavioral Expectations supervisor/designee may remove a client from Pre-Hearing Status when the status is no longer necessary to manage the client's behavior, regardless if the client signed a waiver for the violation(s).
 - (4) MSOP reviews the list of clients currently on Pre-Hearing Restriction Status at the daily supervisory meeting.
- c) After the OD, unit group supervisor, clinical supervisor, or area supervisor has reviewed and signed the BER:
- (1) the staff provides a copy of the Behavior Expectation Report – Notification (420-5010b-3520) to the client; and
 - (2) if the client has not been placed on Pre-Hearing Restriction Status, the Behavioral Expectations supervisor/designee reviews the BER within five business days of the issuance of the BER.
- d) The Behavioral Expectations supervisor/designee may review the BER with the client. At this time, the client may:
- (1) acknowledge the behavior, accept the restriction and waive the right to a major restriction hearing;
 - (a) The Behavioral Expectations supervisor/designee has discretion to offer a waiver and may withdraw a waiver at any time before the hearing. The Behavioral Expectations supervisor/designee may partially or entirely impose or suspend any or a combination of restrictions as part of the waiver agreement. The Behavioral Expectations supervisor/designee may offer restrictions to be served consecutively, concurrently, or a combination thereof, to any current restrictions. The Behavioral Expectations supervisor/designee, upon consultation with the clinical supervisor and the client's primary therapist/designee, may offer a treatment assignment during the waiver process. A treatment assignment may be considered when it could be more effective at addressing the rule-breaking behavior through a client's Individual Treatment Plan (215-5007a-3050) (Phoenix). Treatment assignments may be considered for clients who do not have a history of engaging in rule-breaking behaviors. The client's successful completion of the treatment assignment may partially or entirely suspend restrictions outlined in the waiver agreement.

The client's primary therapist/designee completes a Communication Log (410-5075a) (Phoenix) entry detailing whether the treatment assignment is met or unmet. The Behavioral Expectations supervisor/designee documents the agreement on a Behavior Expectations Report – Waiver of Hearing (420-5010f-3523).

- (b) A client forfeits the right to a hearing and subsequent appeal by signing a waiver.
- (c) The Behavior Expectations Report – Waiver of Hearing (420-5010f-3523) is not final until reviewed and approved by the facility director/designee. In the event the waiver is not approved by the facility director/designee, the Behavioral Expectations supervisor/designee notifies the client and offers an amended waiver or schedule for a BER hearing. MSOP credits all time served on the restriction against any restriction imposed in an amended waiver or hearing. The Behavior Expectations supervisor/designee forwards the Behavior Expectations Report – Waiver of Hearing (420-5010f-3523) to HIMS.

- (2) or choose to take the violation(s) to a hearing. The Behavioral Expectations supervisor/designee sets a hearing date.

3. Clients must discuss these violations with the treatment team as an expectation of treatment. A designated treatment team member documents completion as outlined in MSOP Division Policy 410-5075, “Communication Log.”

4. Amendment of BER

- a) The Behavioral Expectations supervisor/designee may modify the violation and restrictions information contained in the BER.
- b) The client may request a continuance if an amendment is made the day of the scheduled Restriction Hearing.
- c) The hearing panel may modify the violations on a BER at a major violation hearing.

I. Major Violation Hearing Process

- 1. Behavioral Expectations Unit staff schedule the client for a hearing and send a Notice of Behavioral Expectations Hearing (420-5010e) to the client. A client has the right to be present during the hearing unless:
 - a) the client chooses not to participate in the hearing;
 - b) the client engages in conduct prior to the hearing that is disruptive or poses a threat to the security of the facility as determined by the Behavioral Expectations supervisor/designee;
 - c) the client engages in conduct during the hearing that is disruptive or poses a threat to the security of the facility and is asked to leave. MSOP proceeds with the hearing in the client’s absence and staff document the reason for the client’s absence in the Behavior Expectation Report - Hearing Findings (420-5010d-3522);

- d) if the client is not present when the hearing is scheduled to begin, and has not been excused, or is not on time, MSOP proceeds with the hearing without the client; and/or
 - e) the client has previously been presented with the hearing notice and has been placed in the High Security Area (HSA). The hearing proceeds without the client.
 - f) Clients residing in the High Security Area (HSA) are provided a Notice of Behavioral Expectations Hearing (420-5010e) with the scheduled date and time. The client may attend the hearing in person if the criteria to be released from the High Security Area (HSA) are met prior to the scheduled hearing. The Behavioral Expectations Hearing proceeds as scheduled, without the client, if the criteria are not met for release from the High Security Area prior to the scheduled hearing.
2. Continuance of a Hearing Date:
- a) Either party may request the hearing be continued for a reasonable amount of time. The client must submit a request for a continuance on a Client Request (420-5099a) to the Behavioral Expectations supervisor/designee by noon one business day prior to the scheduled hearing. The request must include the reason for the requested continuance and the requested length of continuance.
 - b) The Behavioral Expectations supervisor/designee may grant continuances if a client refuses to participate in the hearing.
 - c) The Behavioral Expectations supervisor/designee must approve facility requests for a continuance.
3. MSOP does not proceed with a Major Violation Hearing until the Behavioral Expectations supervisor/designee has determined the client:
- a) is able to communicate in and understand English, with the assistance of an interpreter if needed (see MSOP Division Policy 215-5017, "Communication Tools and Accessibility Services" and MSOP Division Policy 215-5250, "Clients with Disabilities");
 - b) is able to understand and fully participate in the hearing process; and
 - c) has been notified no less than 24 hours prior to their hearing.
4. If a client's ability to participate in the hearing is in question, the Behavioral Expectations supervisor/designee contacts the client's primary therapist (or client resource coordinator) to ensure the client is able to:
- a) tell the hearing panel the client's version of the incident;
 - b) understand the proceedings;
 - c) understand the consequences of the hearing; and
 - d) represent self.

If these abilities are not present or remain in question, the Behavioral Expectations supervisor/designee determines if the client has an appointed guardian who is contacted by the client's primary therapist (or client resource coordinator).

5. During a Major Violation Restriction Hearing, clients may not:
 - a) have representation; or
 - b) call witnesses.
6. The hearing panel reserves the right to request the testimony of witnesses at the hearing.
 - a) Clients are not required to appear or testify.
 - b) Witnesses may present testimony in person, by videoconference, telephone, written statement, or video or audio tape.
 - c) Witnesses may provide confidential testimony when the hearing panel determines the disclosure presents a danger to the safety and security of an individual or the security of the facility. Witnesses may give confidential testimony in person, by videoconference, telephone, written statement, or video or audio tape.
7. Evidence
 - a) MSOP may present physical evidence at the hearing when the hearing panel determines it is necessary, relevant and not unduly repetitious.
 - b) MSOP may accept photocopies, photographs and video of evidence at the hearing instead of physical evidence.
8. Findings
 - a) The hearing panel:
 - (1) bases their decision solely on information obtained in the hearing process, including staff reports, statements of the client, physical evidence and evidence derived from witnesses and documents;
 - (2) utilizes the preponderance standard for determining whether or not the client violated the behavioral expectation;
 - (3) determines what restriction, if any, will be imposed upon the completion of the hearing. The hearing panel may amend the violations on the BER at a Major Violation Hearing; and
 - (4) determines if a treatment assignment will be offered in lieu of restrictions. The hearing panel may utilize the client's Individual Treatment Plan (215-5007a-3050) (Phoenix) to determine if a treatment assignment is a suitable option to address rule breaking behaviors as these behaviors relate to the client's treatment goals. When a treatment assignment is offered, the clinical representative will complete a Communication Log (410-5075a) (Phoenix) entry explaining the expectations of the assignment including the anticipated completion date of the assignment. The clinical representative communicates with the client's assigned primary therapist/designee and unit clinical supervisor to ensure that the

expectations for the assignment are clear for both the client and the treatment team. The client's primary therapist/designee complete a Communication Log (410-5075a) (Phoenix) entry noting whether the assignment expectations have been successfully met or unmet.

- b) The hearing panel announces the findings and restriction(s) imposed to the client at the conclusion of the hearing and documents them on the Behavior Expectation Report - Hearing Findings (420-5010d-3522).
- c) If the hearing panel cannot come to a decision, the hearing panel chair contacts the assistant facility director/designee for assistance.
- d) Behavioral Expectations Unit (BEU) staff send a Behavior Expectation Report - Hearing Findings (420-5010d-3522) to the client no later than five business days following the hearing. When multiple violations are listed on a single report, the violations resulting in "dismissed" are noted on the Hearing Findings Report.

9. Imposition of Restrictions

- a) The hearing panel may partially or entirely impose or suspend any or a combination of restrictions and may go beyond the established duration guidelines.
- b) If the hearing panel imposes restrictions on a client, they begin immediately and are not delayed pending an appeal.
- c) MSOP credits all time served on Pre-Hearing Restriction Status against a restriction imposed by the hearing panel except when the client is in the HSA or East Observation Area (Moose Lake).

J. Major Violation Hearing Appeals

1. The client may appeal the decision of the hearing panel by submitting a Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) to the facility director/designee within ten business days from the date of the hearing panel decision. Clients must submit a separate Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) for each BER being appealed. The facility director/designee forwards the Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) to HIMS for filing in the client record.
2. The facility director/designee has all documents used in the Major Violation Hearing process available and the client may reference these documents in the appeal.
3. The facility director/designee responds within ten business days from the receipt of the appeal. Failure to respond within ten business days results in reversal of the decision.
4. The facility director/designee may affirm, modify or dismiss the restriction by completing the Behavior Expectations Report – Hearing Facility Appeal (420-5010g-3525) in Phoenix.
5. If a client is not satisfied with the facility director's response, the client may submit an appeal of that decision to the MSOP Executive Director within 15 business days of the date of the facility director's response. Clients must submit a separate Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524) for each BER being appealed. The client or the client's

authorized representative mail the appeal at their own expense to: MSOP Executive Director, 3200 Labore Road, Vadnais Heights, Minnesota 55110.

6. The MSOP Executive Director/designee may affirm, modify or dismiss the restriction by completing the Behavior Expectations Report – Hearing Executive Appeal (420-5010h-3526) in Phoenix.
7. The decision of the MSOP Executive Director/designee is final.

K. Declaration of Emergency

1. The facility director/designee may suspend the provisions of this policy if there is a facility emergency.
2. The facility director/designee determines the length of the suspension and if all or a portion of the clients is affected by the suspension.

REVIEW: Annually

REFERENCES: MSOP Division Policy 415-5030, “Contraband”
DCT Security Policy 145-1035, “Evidence Handling by Staff”
MSOP Division Policy 225-5301, “CPS Contraband”
MSOP Division Policy 420-5099, “Client Requests and Grievances”
MSOP Division Policy 215-5017, “Communication Tools and Accessibility Services”
MSOP Division Policy 120-5600, “Client Computer Network”
MSOP Division Policy 215-5005, “Treatment Overview”
MSOP Division Policy 215-5250, “Clients with Disabilities”
MSOP Division Policy 410-5300, “Incident Reports”
MSOP Division Policy 415-5084, “Administrative Restriction Status”
MSOP Division Policy 415-5085, “Protective Isolation Status”
MSOP Division Policy 415-5087, “High Security Area”
MSOP Division Policy 420-5300, “Spiritual Practices”
MSOP Division Policy 215-5015, “Individualized Program Plan”
MSOP Division Policy 410-5075, “Communication Log”
MSOP Division Policy 210-5020, “Positive Supports”
MSOP Division Policy 215-5015, “Individualized Program Plan”
MSOP Division Policy 110-5020, “Nondiscrimination Policy”

ATTACHMENTS: MSOP Behavioral Expectations Handbook (420-5010a)
Behavior Expectations Report – Notification (420-5010b-3520) (Phoenix)
Behavior Expectations Report - Minor Violation Review Report (420-5010c-3521) (Phoenix)
Behavior Expectations Report - Hearing Findings Report (420-5010d-3522) (Phoenix)
Behavior Expectations Report – Waiver of Hearing (420-5010f-3523) (Phoenix)
Notice of Behavioral Expectations Hearing (420-5010e)
Behavior Expectations Report – Hearing Facility Appeal (420-5010g-3525) (Phoenix)
Behavior Expectations Report – Hearing Executive Appeal (420-5010h-3526) (Phoenix)
Behavior Expectations Report – Request for Review/Appeal (420-5010i-3524)

Client Request (420-5099a)

Individual Treatment Plan (215-5007a-3050) (Phoenix)
Communication Log (410-5075a) (Phoenix)

SUPERSESSSION: MSOP Division Policy 420-5010, “Client Behavioral Expectations,” 11/1/22.
All facility policies, memos, or other communications whether verbal, written, or
transmitted by electronic means regarding this topic.

/s/

Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program