DEPARTMENT OF CORRECTIONS

Policy Number:	**203.060**
Title:	**Supervised Release Board Review Process**
Effective Date:	**xx/xx/xx**

PURPOSE: To review incarcerated individuals serving life sentences who are eligible for release consideration and those individuals who qualify under Minn. Stat. § 244.05 subd. 4b; Individuals who were under 18 at the time of offense to make determinations relevant to their release or continued incarceration by ensuring these individuals are getting direction, guidance, understanding, and opportunity for their review hearing(s) with the Supervised Release Board. Any incarcerated person with a current or consecutive sentence of life without parole is not reviewed.

APPLICABILITY: Minnesota Department of Corrections (DOC); adult facilities, hearings and release unit (HRU) community services division staff and Community Corrections Act (CCA) counties.

DEFINITIONS:

Board Review Book – Documentation prepared for the Supervised Release Board regarding the eligible individual that includes all documentation from Minn. Stat. § 244.05 subd. i 1-12.

Minimum Confinement Milestone – The date an individual who was under 18 years old at time of offense and received a sentence(s) over 15 years is minimally eligible for release. See Minn. Stat. § 244.05 subd. 4b for eligibility requirements.

Juvenile Offense Case (JOC) – Individuals who committed their offense under the age of 18 and are serving an adult sentence(s) over 15 years of incarceration.

Life sentence – A mandatory life sentence for first degree murder and certain other offenses not governed by the sentencing guidelines.

Multi-Disciplinary Team (MDT) – A team of facility staff that will assess and make recommendations for incarcerated individuals. This team may consist of the following staff including, but not limited to, Warden(s) or Designee(s), Program Director supervising Case Workers, and Case Worker. The Warden(s) or Designee(s) will determine additional team members on a case-by-case basis.

Parole Eligibility Date (PED) – Minimum confinement milestone (MCM) for an individual sentenced to a mandatory life sentence with the possibility of parole.

Constructive Parole – A granting of parole from one sentence to start serving a consecutive sentence(s).

Stepdown Process – The transition of an incarcerated individual moving to a lower custody correctional facility or the Work Release Program.

Supervised Release Board (SRB) -- also referred to as "The Board" – Consists of five (5) to seven (7)

individuals appointed by the Governor to review eligible cases and make release, violation disposition, and final discharge decisions. This includes the Commissioner of Corrections as the Chair of the Board. See Minn. Stat. 244.049 for qualifications of SRB members.

Victim – Victim is a person(s) who has directly suffered loss or harm from the incarcerated person/person serving a life sentence or the murder victim's surviving spouse, next of kin, or family kin.

Victim Services Restorative Justice (VSRJ) - The unit within MN-DOC responsible for victim notification, input, and support.

PROCEDURES:

A. Initial Case Review

1. Within 90 days of admission, a case worker notifies the eligible individual, during their initial case review, of the statutorily defined treatment expectations that must be met prior to their minimum confinement milestone (MCM), also called parole eligibility date (PED).

B. Annual Case Review

1. The case worker conducts programming reviews at least annually to determine the incarcerated person's progress and update information as necessary. Incarcerated people who are in the custody or responsibility of a non-Minnesota Department of Corrections (MN DOC) entity during the month of their review are reviewed in absence by the MN DOC Case Worker. The Case Worker must offer the incarcerated person a copy of the report from the meeting or review.

C. Facility Comprehensive Case Review

1. The hearings and release unit (HRU) executive officer or designee identifies incarcerated people who fall within the following ranges for comprehensive case review:
   a) 17-year minimum life sentence, review in year 7;

   b) 30-year minimum life sentence, review in year 20;

   c) Indeterminate sex offenders as follows:
      (1) If the individual has more than a 30-year sentence, the review is conducted in year 20;
      (2) If the individual has a sentence of less than 30 years, the review is completed halfway through their sentence.

   d) Individuals who were under 18 years old at the time of offense and received a sentence(s) over 15 years as follows:
      (1) 15-year minimum eligibility, review in year 7;
      (2) 20-year minimum eligibility, review in year 10; or
      (3) 30-year minimum eligibility, review in year 20.

   e) Cases that were continued from a previous year's comprehensive case review

2. The HRU executive officer or designee distributes the list of identified incarcerated people who are due for their comprehensive case review to the facility chairpersons and the victim services & restorative justice (VSRJ) unit and establishes a timeframe for completion within that calendar year.

3. The case worker assembles the comprehensive review packet for distribute to the MDT prior to the comprehensive review. The packet will include the following sections:
   a) Facility comprehensive case review report;
   b) Case summary;
   c) Initial case review report;
   d) Criminal complaint or indictment;
   e) Pre/Post sentence investigation – including confidential section;
   f) LS/CMI or Case Plan/Relevant Assessment Review Data;
   g) MnSTARR/MnSafeD;
   h) MnSOST-R, if applicable;
   i) Treatment programming assessments, if applicable and available;
   j) Victim/survivor family investigation, completed by VSRJ;
   k) Educational history; and
   l) Medical/behavioral health information, if applicable

4. The MDT will review the case and may provide recommendations for programs and services that may be needed or beneficial to the incarcerated person.

5. Incarcerated people may be recommended for medium-custody placement or scheduled for another comprehensive review in the future.

6. The case worker documents the facility comprehensive case review recommendations in COMS using the "Special" case review option in the Case Management module and distributes the recommendations according to policy, ensuring a copy is sent to the HRU executive officer or designee.

7. The case worker notifies the HRU executive officer or designee and VSRJ unit if a transfer to a different facility is recommended.

8. The sending facility coordinates a multidisciplinary group meeting with the receiving facility prior to the incarcerated person's transfer.

9. Transfers will be coordinated between the sending and receiving facility.

10. Victim(s) registered in Haven are automatically notified of any change in placement.

D. Review Hearings

1. Incarcerated people serving life sentences are reviewed by the Supervised Release Board (SRB) three (3) years prior to completion of their minimum term of imprisonment and at intervals thereafter if parole or release is not granted, as defined by Minn. Stat. § 244.05.

DRAFT

2. The board shall convene to review eligible incarcerated people.

3. The review date is subject to change based on the reasonable availability of the board, operational security issues, or other articulable factors as determined by the commissioner or designee.

4. The HRU executive officer or designee coordinates the scheduling of the board review hearings, maintains and updates all current review dates in COMS, SharePoint, and Access databases.

5. Incarcerated people must not be released prior to their PED or minimum eligibility date. At that time, the board may recommend participation in programs and services that will improve the future likelihood of the incarcerated person's parole release.

6. The HRU executive officer or designee must add the incarcerated person to the board review book SharePoint page, if an entry is not already created.

7. Incarcerated people eligible for review have the right to be given at least 60 days' notice prior to the scheduled review hearing date. The 60-day notification may be waived by the individual.
   a) 120 days (4 months) prior to the review hearing:
      (1) The case worker is provided with a hearing notification and certification documents to inform their assigned eligible incarcerated people of the review hearing, about the process, and begin making the necessary arrangements at the facility.
      (2) Eligible incarcerated people have the right and are encouraged to submit written documentation to the board describing what they seek from the board and the related rationale.
      (3) Eligible incarcerated people may have an advocate of their choice, including an attorney, present during the review hearing or violation disposition hearing for support and to speak on the incarcerated person's behalf. The advocate may not introduce new legal arguments during the hearing.
      (4) Incarcerated people who committed their offense as a juvenile and were certified as an adult, may have both an attorney and a separate advocate to support and speak on their behalf.
      (5) Case workers are responsible for requesting and obtaining all necessary facility reports and recommendations, including the confidential file, if appropriate, for the board review book.
      (6) The case worker schedules the MDT interview with the eligible incarcerated person and appropriate staff. A memo for the board is completed summarizing the interview and includes the MDT's recommended options for the board members to consider. The memo is included in the board book.
      (7) The community corrections supervising agency is provided notice of the review hearing by the executive officer or designee and must:

DRAFT

(a) Provide a community investigation Report. For specific incarcerated people, input from the prosecuting attorney(s) is emphasized.
(b) Submit community investigation report, including input from the criminal justice community to the HRU executive officer or designee and case worker for inclusion in the board review book.
(c) Notify the DOC VSRJ unit of any information revealed or accumulated in the course of obtaining input from the criminal justice community that may relate to any surviving victims. Agents should not attempt to contact any victim family members.

(8) Behavioral health staff are assigned to complete a comprehensive risk assessment for the board book. If the prior review by the board was conducted less than 3 years prior, a memo with any updated information can be submitted with the last risk assessment report to be included in the board review book.

(9) VSRJ staff will make reasonable efforts to contact all victims of the upcoming hearing and provide the opportunity to meet with the board in a closed meeting prior to the board hearing or address the board during the public meeting, if they choose to. In cases where there are multiple victims, separate meetings with the board will be made available to the victims if advised by VSRJ staff. The participant(s) may have a support person present at any in-person or virtual meetings with the Board.

b) 30 to 60 days prior to the review hearing:

(1) Case worker

(a) Convenes a facility person-centered MDT to review and provide programming and service recommendations for the board to consider. The MDT may not include a specific recommendation for stepdown or parole, but may include options for the board to consider.

(1) For incarcerated people who may be considered for a minimum custody placement, the facility will conduct a person centered MDT review and may provide recommendations with regard to a specific minimum facility stating the benefits of that particular placement.
(2) Any programming recommendations must include the location the program is offered and the length of the program.
(3) A memo summarizing options for the board to consider from the MDT meeting must be included in the Board Review Book.

(2) Behavioral health, RA/CN and department psychologists

(a) Submit comprehensive risk assessment report to HRU and the case worker. If the prior review by the board was conducted in less than three years, a memo with any updated information can be submitted with the last risk assessment report to be included in the board review book.

(3) Correctional supervision entity investigation

(a) Submit a community investigation report, including input from the criminal justice community to the HRU executive officer or designee and case worker for inclusion in the board review book.

(b) Notify the DOC VSRJ unit of any information revealed or accumulated in the course of obtaining input from the criminal justice community that may relate to any surviving victims. Agents should not attempt to contact any victim family members.

(b) If the board has recommended a transitional plan to affect the potential release consideration at a future date for a predatory incarcerated person with a life sentence the following must occur:

(i) The sexual psychopathic personality/sexually dangerous person (SPP/SPD) screening committee and independent legal counsel must review the incarcerated person's transition plan and case to provide a written advisory to the board regarding forwarding the case to the county attorney for civil commitment consideration.

(ii) The end of confinement review committee (ECRC) must review the incarcerated person's transitional plan and file materials, then assign a provisional risk level. The ECRC must provide a written report to the board noting the provisional risk level assigned. If the incarcerated person is later granted supervised release, the provisional risk level determination must be reviewed, and the risk level confirmed or reassigned at least 60 days prior to release.

c) 21-28 days (3-4 weeks) prior to the review hearing

(1) Case worker

(a) Organizes and compiles the documentation and loads it into the board review book SharePoint page.

(b) Provide a copy of the board review book to the incarcerated person, removing confidential sections. This may include the Pre/Post-Sentence Investigation, Victim Services Report, and any personal contact information of individuals.

(c) Returns the completed notification and, and certification document to the HRU executive officer or designee.

(2) HRU Executive Officer or Designee

(a) Provides a copy of the material to the Board Members

d) Day of review hearing

(1) Hearings are subject to open meeting law, available for public to observe, and are recorded and posted.

(2) The eligible incarcerated person has the right to be present and participate at the review hearing, or they may waive their right to be present. If they waive their right to be present, the board will conduct the review without their participation.

(3) The eligible incarcerated person has the right to have one person with

DRAFT

them as an advocate/support person, unless it is a juvenile offense case.

(a) The advocate may be present in person if facility admittance paperwork is completed prior to the review, or virtually.

(b) This can be an attorney; however, this hearing is not for the discussion of the merits of the legal case.

(4) VSRJ staff may be present for the board review hearing for observation and to be available for questions from the victim survivors. VSRJ staff coordinate and support victim survivors who wish to make a public statement.

(5) The HRU executive assistant will manage all technology connections.

(6) The case overview pertaining to the eligible incarcerated person are provided by the HRU/SRB executive officer or designee to the board members.

(7) The Board will ask the eligible incarcerated person questions and ask for input from their advocate, if present.

(8) The board reviews and considers an assortment of information including, but not limited to, the following:

(a) Community investigation report;

(b) Development report, when making a supervised release decision regarding an incarcerated person who was under 18 years of age at the time of the commission of the offense, prepared by a mental health professional qualified to provide services to a client under section 245I.04, subd. 2, clause (1) to (4) or (6), which must address the incarcerated person's cognitive, emotional, and social maturity. The board may use a previous report that was prepared within 12 months immediately preceding the hearing;

(c) Victim statement(s), in person or in writing, if submitted;

(d) Statement of a prosecutor, if submitted;

(e) The risk the incarcerated person poses to the community if released;

(f) Treatment progress, if applicable;

(g) Behavior while incarcerated;

(h) Psychological or other diagnostic evaluation of the incarcerated person;

(i) Information on the incarcerated person's rehabilitation while incarcerated;

(j) The incarcerated person's criminal history;

(k) If the incarcerated person was under 18 years of age at the time of the commission of the offense, relevant science on the neurological development of juveniles and information on the individual's maturity and development while incarcerated; and

(l) Any other relevant conduct of the incarcerated person while incarcerated or before incarceration.

(9) The board members will close commenting for the review and deliberate in the public meeting or may defer the decision (up to 30 days) by majority vote of the board members present.

DRAFT

(10) Board decisions reflect a majority vote of a quorum of the board based upon case type (JOC/non-JOC). In cases of tie votes, the decision is by the vote of the commissioner/board chairperson.

(11) While the board may make recommendations on facility placement or security levels, placement decisions remain the exclusive authority of the commissioner of corrections.

(12) The incarcerated person will be informed of the final decision

e) Hearing disposition

(1) The board will vote to grant or deny parole. The incarcerated person is given either a projected release date (PRD) or a future review date. A projected release date is conditional and may be modified or rescinded by the commissioner of corrections without a review, if any of the following are present:

(a) The incarcerated person fails to complete a required assessment or treatment;

(b) The incarcerated person is determined to present a risk to public safety;

(c) The incarcerated person lacks an agent-approved release plan, including an approved residence or other placement in the community;

(d) The incarcerated person's release date was based on incomplete or inaccurate information;

(e) The incarcerated person failed to participate in the release planning process; or

(f) The incarcerated person's institutional behavior has been unsatisfactory;

(2) Disposition of the review hearing will be communicated to the incarcerated person in writing within 30 days of the hearing.

(3) The HRU executive officer or designee provides a copy of the disposition letter to the incarcerated person's case worker, records staff, and the VSRJ unit. They retain a copy of the disposition letter in ODocS, SharePoint, and the HRU file.

(4) The VSRJ unit will communicate hearing dispositions to victim survivors.

(5) If the commissioner of corrections rescinds the Board decision to grant parole prior to the parole date, the board must set a release review date within 90 days of the commissioner's rescission.

(6) If the commissioner revokes supervised release/parole of a person serving a life sentence, the revocation is not subject to the limitations in statute 244.30 and the board must set a release review date that occurs within one year of the commissioner's final revocation decision.

E. 6-month updates following a review hearing

1. After the eligible incarcerated person has their initial review hearing, every 6 months following until they are paroled, the case worker must complete the 6-month update document (attached) and send it to the HRU executive officer or designee.

DRAFT

a) When the eligible incarcerated person reaches their minimum eligibility date or PED and they have not been granted parole, the requirement to submit a 6-month update may be substituted with an annual review in the following circumstances:
   (1) The incarcerated person has reached their PED and has not been paroled;
   (2) The commissioner and/or board has set the continuance period for three (3) years or longer; and
   (3) The incarcerated person is in a medium or higher custody facility.

F. Paroled/released incarcerated people

1. If the incarcerated person is serving a life sentence with parole and has a consecutive sentence(s) the supervised release board may grant constructive parole to begin serving the consecutive sentence(s). The consecutive sentence parole agreement must be signed by the incarcerated person, institution staff, and the HRU executive officer or designee.

2. If the incarcerated person was under 18 years old at the time of their offense and are eligible under MN Stat § 244.05 Subd. 4b.
   a) For cases involving multiple sentences, the board must grant or deny supervised release as follows:
      (1) if an incarcerated person is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all unexpired sentences; and
      (2) notwithstanding any other law to the contrary, if an inmate who was under the age of 18 at the time of the commission of the relevant offenses and has served the minimum term of imprisonment specified in subdivision 4b is serving multiple sentences that are consecutive to one another, the board may grant or deny supervised release on one or more sentences.

3. Incarcerated people with a life sentence will be paroled on intensive supervised release (ISR). The supervising agent must submit an annual progress report requiring information regarding the parolee's progress while on supervision including, but not limited to, the following:
   a) Level of supervision;
   b) Number of contacts during the past year;
   c) Date of last in-person contact;
   d) Current residence;
   e) Current employment information;
   f) Violation behaviors; and
   g) Criminal history check.

4. All alleged violation behavior or concerns of supervising agents of any SRB eligible person must be reported directly to the executive officer or designee.

G. Discharge consideration for life sentenced persons on parole

1. Minimum criteria to be eligible for discharge:
   a) On supervision for a minimum of 10 years. Excluding time on any early release status such as the work release program. Unless an articulable and compelling

reason exists, for example, compassionate discharge due to grave medical condition, hospice, etc.

b) Violation free for at least 7 years.

2. Eligible life sentence parolees may complete and submit the application for life-sentence discharge to the hearings and release unit executive officer, providing a copy to their supervising parole agent as well. HRU will provide the applicant and applicant's supervising agent with written confirmation of receipt of the application**.**

3. If the application is complete and accepted by HRU, HRU will provide the application to the Department of Corrections VSRJ Unit. VSRJ will make reasonable efforts to contact the victim(s) to advise that the commissioner has received an application for parole discharge and offer the victim(s) the opportunity to meet with or provide written input to the board opposing, supporting, and/or requesting supportive services as part of the consideration for parole discharge. The board will weigh the interests of the victim(s), but a lack of victim support will not in itself preclude parole discharge.

4. If the application is deemed incomplete, HRU will notify the applicant and applicant's supervising agent in writing that the application has been deemed incomplete, citing the additional information that is required.

5. HRU will also elicit the written input and recommendation of the supervising agent. Supervising agents will be asked to provide rationale for their recommendation, provide an assessment of the applicant's compliance with parole conditions, and identify any areas of concern should discharge be granted.

6. The board may require the applicant to appear for a hearing as part of the discharge determination process. If the commissioner grants discharge from parole, HRU will prepare a certificate of final discharge for signature by the commissioner.

7. If parole discharge is denied, the denial is not appealable. As part of the denial, the Board may establish a time period for reapplication. If no reapplication period is stated, reapplication may occur on an annual basis.

8. If parole discharge is granted by the board. HRU will notify the applicant, supervising agent, sentence administration unit, VSRJ, and records and a certificate of discharge and restoration of civil rights will be provided.

H. Requests for reconsideration or appeal

1. Requests for reconsideration or "appeals" of any decision made by the standing board, a board that comprised different appointed members, or previous parole authority of the commissioner of corrections will not be accepted unless required by law, to correct an error, follow a directive of the board of pardons, or by judicial or legislative action.

I. Board Member Administrative Requirements

1. Board members will receive the statutorily determined per diem (and mileage, if applicable) for the following board activities: attendance at board case review meetings (where the board member is present for all case reviews scheduled for that day), one day of prep time for each board meeting date, board training days, and per diem for one annually required facility visit.

2. Board members shall submit per diem, and mileage disbursement claims to HRU/SRB as soon practicable following completion of an authorized board activity.

3. Board members must protect private, confidential, or facility security data that are provided in board review books, including, but not limited to, medical, psychological, victim input, and other records associated with case reviews.

4. Board members are provided with state-issued devices for the purpose of accessing case review data and are provided with a state (DOC) email account for the purpose of sending and receiving board-related emails. Board members shall not access, upload, or download case review case materials on to a personally owned device. Any data produced by board members, including, but not limited to, board member-created case notes, email correspondence, or other member-created case review data, may become public data and must be maintained in accordance with the Minnesota Government Data Practices Act

INTERNAL CONTROLS:

A. An original copy of the board review book is retained by the case worker.

B. HRU maintains copies of all material submitted for review and the final disposition letters.

C. Review dates are documented in COMS file and the HRU/SRB databases.

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES: Minn. Stat. §§609.106; 609.185, clause (1), (3), (5), (6) and (7); 609.3455; 609.385; 243.166. 244.05; 244.049; 243.05

REPLACES: Policy 203.060, "Life Sentence Review Process," 03/17/2015. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Community Investigation Materials (203.060A)
Initial hearing questionnaire (203.060C)
Waiver of Right to Appear (203.060D)
Waiver of 60-day Notification (203.060E)
Continuance Hearing Notification and Certification (203.060F)
6-Month Update Document (203.060G)
Consecutive Sentence Parole Agreement (203.060H)

Annual Parole Review Report (203.060I)
Application for Discharge Consideration for Life Sentenced Persons on Parole (203.060J)
Comprehensive Case Review Report (203.060K)
Comprehensive Review Instructions (203.060L)

APPROVALS:
Commissioner of Corrections
Supervised Release Board XX/XX/XXXX

DRAFT