Minnesota Department of Corrections

Policy:	**106.110**	**Title: Juvenile Adjustment Reviews**
Issue Date:	**1/3/17**	
Effective Date:	**1/17/17**	

AUTHORITY: Minn. Stat. §§242.10; 242.19; 244.05, subd. 2 and 5

PURPOSE: To ensure the rights of juvenile residents and public safety through consistent and fair administrative reviews.

APPLICABILITY: Minnesota Department of Corrections (DOC); hearings and release unit (HRU), all juvenile facilities, and field services staff

POLICY: The HRU conducts reviews of juvenile residents to monitor each residents' adjustment on parole in the community. Reviews are retained in the base file and/or electronically at the juvenile holding facility.

DEFINITIONS: None

PROCEDURES:

A. Juvenile facilities staff schedule non-appearance parole adjustment reviews at six-month intervals following parole.

B. HRU staff conducts parole adjustment reviews every six months to monitor the resident's adjustment in the community in relation to the parole plan and to determine whether discharge, continuation of parole, or modification of the parole plan should be ordered.

C. Agents may initiate special adjustment reviews by submitting a Juvenile Adjustment Report (attached) recommending discharge or a change in the level of supervision.

D. Regular reviews are scheduled according to the following guidelines.
   1. Juvenile facilities staff notify field agents monthly of offenders due for review (call-up list);
   2. The agent submits the parole adjustment report as requested by the HRU;
   3. HRU staff review the completed adjustment report and provide written notification to the agent of the decision;
   4. The agent modifies supervision according to the HRU review and report; and
   5. Juvenile facilities staff enter the review date and decision into the automated information system. The agent sends a discharge order to the district court when needed.

E. Discharge decisions - all residents committed to the department are discharged on their 19th birthday, or their 21st birthday if they have been sentenced as an extended jurisdiction juvenile (EJJ), unless the commissioner orders an earlier discharge. The HRU is the authority responsible for considering and granting discharges prior to the resident's expiration date. The HRU considers recommendations for discharge contained within adjustment reports and discharge based on the following criteria.
   1. Person offense resident discharge - a juvenile resident who has been committed to the department or has been under intensive supervision for a person offense(s) is not eligible

for discharge until he/she has completed 12 months on parole. A resident committed to the department for homicide must remain under the department's jurisdiction until his/her 19th birthday, or his/her 21st birthday if he/she is EJJ.

2. Regular discharge - a juvenile resident who meets the criteria under each of these categories is considered for discharge prior to his/her 19th birthday.
   a) Offense
      (1) Six months or more have elapsed since the occurrence of the last adjudicated misdemeanor level offense;
      (2) Twelve months or more have elapsed since the occurrence of the last adjudicated felony level offense; and
      (3) No petition is currently pending for criminal level offenses that have occurred within the past six months.

   b) Residence
      (1) The resident has remained in a community residence(s) approved by the agent for at least three months; or
      (2) The resident is leaving the State of Minnesota to live with relatives, to join the armed services, to accept employment, or vocational or educational training.

   c) Means of support
      (1) If the resident has a legal means of support, and there is no reason to expect that support will discontinue in the immediate future;
      (2) The special conditions of parole have been met; and
      (3) Restitution has been paid or docketed.

3. Criteria for discharge while absent - a resident whose whereabouts are unknown at the regularly scheduled review may be discharged if he/she is 18 years of age or older and meets the offense criteria identified in Procedure E.2.(a). This does not apply to a resident that has committed homicide, was on intensive supervision, or was on facility status when he/she absconded.

4. Criteria for discharge to other authorities - a resident sentenced in adult court or who has received a new disposition in juvenile court, other than recommitment to the department, may be considered for discharge. This does not apply if the jurisdiction of the new adult or juvenile sentence would expire prior to the resident's original juvenile expiration, or the adult sentence does not establish a level of supervision deemed necessary by the HRU.

5. Criteria for discharge on facility status - the facility staffing team may request a special review for discharge consideration by the HRU during regularly scheduled facility reviews and hearings. The facility staff report sites the discharge criteria and rationale for any exceptions to the criteria. The agent files a separate report (s) either concurring with the facility staff or offering an alternative recommendation with rationale. The juvenile facility staff and the agent ensures their reports are available to the HRU before the discharge consideration is scheduled for review.

6. Criteria for special discharge - the agent may initiate a special review for discharge at any time by submitting a parole adjustment report to the HRU. The adjustment report is reviewed by the HRU within six weeks of receipt. If immediate action is requested, the

agent must contact the HRU via telephone or include a special cover memorandum along with his/her report.

7. Discharge due to death - extreme sensitivity must be exercised when a resident is discharged because of death. A discharge order due to death must be prepared, for record purposes only, and copied to the agent for official case file closing.

8. Exceptions to the criteria - residents who meet the criteria are discharged, unless the facility staffing team, agent, or the HRU provides, in writing, substantial and compelling reasons for continuing the commitment. If the rationale relates primarily to the best interests of the resident rather than public protection, the written reasons must explain why the resident's interest cannot be met voluntarily or under an authority other than the department.

INTERNAL CONTROLS:

A. Review schedules are developed and maintained by the juvenile holding facility.

B. Hearing officer decisions are retained in paper form in the base file and/or electronically at the juvenile holding facility.

REVIEW: Annually

REFERENCES: None.

SUPERSESSION: Policy 106.110, "Adjustment Reviews," 5/4/10.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Juvenile Adjustment Report (106.110A)

/s/
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services