DEPARTMENT OF CORRECTIONS

Policy Number:	**106.113**
Title:	**Responding to Alleged Violations of Release Conditions by Adults on Release**
Effective Date:	**1/21/26**

PURPOSE: To provide consistent procedures for responding to alleged violations of conditions of release or parole and for ensuring that an individual's release status is not revoked without due process.

APPLICABILITY: Hearings and Release Unit (HRU), and all agents supervising adults on release from the Department of Corrections (DOC) follow procedures in policy to satisfy due process requirements.

DEFINITIONS:
Counsel – a licensed attorney representing an individual who has allegedly violated one or more release conditions.

Emergency situation – a circumstance when there are reasonable grounds for believing, based on specific and objective facts, that an individual's immediate apprehension is necessary to prevent imminent harm to the individual or another person, or to prevent their flight from the area of supervision.

Officer of the day (OD) – the HRU officer designated to handle reports of alleged release violations on a particular day.

Pre-Hearing Violation Worksheet – a screening tool submitted to HRU by an agent/designee for individuals on active supervised release or conditional release, including those on intensive supervised release. This screening tool is not applied to those who are on supervision abatement or indeterminately sentenced individuals granted release by the Supervised Release Board.

Probable cause – reasonable grounds to believe that alleged violation conduct occurred.

PROCEDURES:

A. Addressing Violations

1. When an agent has reason to believe an individual has violated one or more conditions of their release, the agent may:
   a) Make adjustments to supervision without initiating formal HRU action;
   b) Request a restructure, as described in section B; or
   c) Request a warrant, as described in section C.

B. Restructures

1. If the agent has reason to believe an individual has violated one or more conditions of release, and that a restructure may be appropriate, the agent contacts the officer of the

day (OD) to discuss the violation behavior and potential modifications to the individual's conditions of release.

2. If the OD determines there is probable cause that a violation occurred, the OD may authorize a restructure or instruct the agent to follow the process for issuance of a warrant as outlined in section C.

3. When a restructure is authorized, the agent:
   a) Completes a restructure report (attached) and sends the completed restructure report and pre-hearing worksheet to the HRU for signature and approval.

   b) After approval of the restructure report and the pre-hearing violation worksheet, HRU staff distribute the documents to the agent and upload a copy to the individual's electronic file.

4. If the individual declines the restructure, a violation hearing is required. The agent contacts the OD to request issuance of a warrant, and the hearing officer rescinds the restructure.

C. Warrant Requests

1. When an agent has reason to believe an individual has violated one or more conditions of release, the agent can request an emergency or non-emergency warrant, based on assessment of an individual's risk and the severity of the violation behavior.
   a) Agents submit non-emergency warrant requests by either sending a probable cause report – warrant request form (attached) via e-mail to (hru.warrant.report.doc@state.mn.us), or submitting a warrant request and violation report (in CSTS) through the CSTS document exchange management system (DEMS) to the HRU (see attached STI instructions). Hearing officers review the violation report and provisionally approve or deny the warrant.
      (1) If the hearing officer approves the non-emergency warrant request, the warrant is authorized through a phone call in which the OD provides authorization and enters the information into a warrant authorization form.
      (2) If the hearing officer denies the non-emergency warrant request, the hearing officer contacts the agent and advises them to follow restructure process (section B), or continue supervision without formally addressing the behavior.

   b) Agents may contact the HRU by telephone to request the issuance of an emergency warrant.
      (1) If approved, an OD authorizes the warrant and enters the information into a warrant authorization form.
      (2) The agent must submit a probable cause report – warrant request form (attached) via e-mail to (hru.warrant.report.doc@state.mn.us) or a warrant request and violation report (in CSTS) through the CSTS document exchange management system (DEMS) within 5 business days after an

emergency warrant is issued to continue the warrant unless a restructure has been completed and approved by the HRU.

(3) If an emergency warrant is denied, the hearing officer instructs the agent to either initiate the process for a non-emergency warrant, request a restructure (section B), or continue supervision without modifying the individual's conditions.

D. Addressing Violations after Apprehension

Once an agent is notified an individual is in custody on a DOC warrant, the agent may request a restructure (section B) or schedule a hearing (section E). If a restructure is approved while the individual is in custody, the agent must contact the HRU to have the warrant cancelled after gaining final approval of the restructure by a hearing officer.

E. Scheduling a Hearing

1. A hearing is scheduled when an individual is deemed available. The executive officer has discretion to determine availability on a case-by-case basis, taking into account due process, community safety, statutory requirements, and operational efficiency.

2. In most circumstances an individual is considered available if they are not:
   a) Being held for an alleged crime for which there is bail;

   b) Serving an active sentence at a county jail; or

   c) Subject to an active warrant (other than the DOC's warrant) for the individual's apprehension and detention.

3. Unless good cause exists, HRU staff schedule hearings within 12 business days of the first business day the individual is confirmed available.

4. Agents are responsible for monitoring availability and notifying the HRU immediately after learning an individual is available.

F. Pre-Hearing Procedures

1. After receiving a hearing date, the agent prepares and serves the individual with the completed notice of adult violation and right to hearing form (attached), and the supervised release violation report. The agent lists all testimony and evidence to be referenced at the hearing on the completed notice of adult violation and right to a hearing form and provides the individual with available documentary evidence which is allowed by the facility and not confidential.

2. If good cause exists to prevent service within seven days of the scheduled hearing, the agent notifies the HRU to determine the appropriate course of action and continues with making attempts to serve the individual.

3. As soon as possible after serving the individual, the agent submits the signed notice of adult violation and right to hearing form, the supervised release violation report, the pre-hearing violation worksheet, and any other supporting documentation or evidence to be used at the hearing to the HRU and to the individual's counsel.

4. All parties may request continuances. Hearing officers will consider whether good cause exists by balancing public safety, individual case circumstances, liberty interests, and fairness.

5. Agents and counsel are responsible for notifying the HRU for an extended hearing time if it is anticipated the hearing will be contested or additional evidence and/or witness testimony will be provided at the hearing.

6. If the local authority agrees to the established per diem, and the individual meets certain criteria, the HRU may authorize a restructure allowing the individual to remain in the local detention facility until expiration of sentence. If an in-custody restructure is authorized, the process for serving the individual, gaining final approval and distributing copies as outlined above in Section B is followed and the hearing is cancelled.

G. Waivers

1. An individual may waive the right to a hearing after discussing their violations and the recommended disposition with their agent or counsel any time following completed service of the notice of adult violation and right to hearing form, and supervised release violation report.
   a) If the individual accepts the agent's recommendation and chooses to waive the hearing with their agent, the agent completes the waiver of hearing form (attached) with the individual, and sends the completed waiver, notice of adult violation and right to hearing form, and supervised release violation report to the HRU for review.

   b) If the individual accepts the agent's recommendation and chooses to waive their hearing with their counsel, the completed waiver is sent to the HRU by their attorney for review.

2. The HRU reviews each waiver to determine if the form has been completed accurately, if the recommended disposition in the agent's violation report matches the disposition in the waiver of hearing form, and if the recommended disposition appears appropriate.
   a) If the HRU approves the waiver, HRU staff upload the signed form to the individual's electronic file, sends a signed copy to each hearing participant, and cancels the hearing.

   b) If the HRU does not approve the waiver, the hearing is conducted as scheduled and the agent notifies the individual of the denied waiver, any changes to the hearing date or time, and provides them the opportunity for counsel.

c) The agent provides a copy of the notice of adult violation and right to hearing form, supervised release violation report, the pre-hearing violation worksheet, and any other supporting documentation or evidence to be used at the hearing to the individual's counsel.

H. Hearings at DOC facilities

1. Individuals who have not had their hearing and are returned to a DOC facility are considered available on the day they arrive at the facility and are added to the facility hearing schedule by the HRU liaison or their designee.

2. The HRU liaison or their designee assumes the role of the agent when serving individuals. If the individual has not yet been served, the HRU liaison or their designee coordinates service of required documents as soon as possible.

3. The facility liaison or their designee is responsible for completing waivers in accordance with the procedures outlined in section H. This includes ensuring the waiver aligns with the agent's recommendation, that all required documentation is completed accurately, and that all necessary signatures are obtained prior to submission.

INTERNAL CONTROLS:

A. Notice of adult violation and right to hearing forms, and pre-hearing violation worksheets are retained in the individual's electronic file.

B. Waiver of hearing forms are retained in the individual's electronic file.

STATE CORRECTIONAL FACILTY SECURITY AUDIT STANDARDS: None

REFERENCES: Minn. Stat. §§ 241.01, subd. 3a(b); 243.05; and 244.05, subd. 1b
Minn. Rule 2940

REPLACES: Policy 106.113, "Responding to Alleged Violations of Release Conditions by Adult Incarcerated People," 9/4/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Restructure Report (106.113A, found in CSTS)
Notice of Adult Violation and Right to Hearing (106.113B)
Waiver of Hearing (106.113C, found in CSTS)
Conditions Rankings (106.113D)
Pre-Hearing Violation Worksheet (106.113G, found in CSTS)
Probable Cause Report – Warrant Request (106.113H, found in CSTS)
STI Instructions (106.113I)

APPROVALS:
Commissioner of Corrections