DEPARTMENT OF CORRECTIONS

Policy Number:	**106.114**
Title:	**Adult Hearings**
Effective Date:	**1/21/26**

PURPOSE: To provide fair and consistent hearing procedures before the hearings and release unit (HRU) for individuals who have been charged with violating prison discipline rules or conditions of release.

APPLICABILITY: Facilities, community services division, the hearings and release unit (HRU), and all agents supervising adults in the community follow procedures in policy to satisfy due process requirements.

DEFINITIONS:

Confidential testimony – information of a sensitive nature, which, if given openly, would jeopardize the security of the facility or the safety of an individual.

Corrections representative – a supervision agent or designee supervising adults (state, Community Corrections Act (CCA), or county) or facility discipline staff.

Detention hearing – a hearing for an individual who has engaged in behavior defined as criminal or has been charged with a crime while being supervised in the community to determine whether there is probable cause to believe the individual violated the conditions of release and whether the individual should be detained in a department facility (custodial detention) or released to the community with added conditions (non-custodial detention).

Discipline hearing – a hearing for an individual who is alleged to have violated the prison discipline rules.

Hearsay evidence – second-hand information offered in a hearing about evidence the presenter has no first-hand knowledge of.

Interstate probable cause hearing – a hearing for an individual who was sentenced in another state but was being supervised in Minnesota to determine whether there is probable cause to believe the individual violated a condition of probation or supervised release.

Motion – a request made by either the individual, their representative or the corrections representative for a decision or action by a hearing officer.

Preponderance of the evidence – not an amount of evidence, but evidence satisfying the hearing officer that a fact is more probable than not.

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

Representative – a licensed attorney who represents an individual in a violation hearing or detention hearing or a licensed attorney or a designated department employee who assists incarcerated individuals at major discipline hearings. A representative must be knowledgeable about the facility rules and incarcerated individual disciplinary procedures. An incarcerated individual is not allowed to be a representative for another incarcerated individual.

Violation hearing – a hearing to determine whether an individual violated a condition of release and the appropriate sanction for the violation.

PROCEDURES:

A. General Requirements

1. Hearing participants

a) The hearing officer, corrections representative, individual, and, if requested, the individual's representative.

b) Hearing officers may allow witnesses to be present and provide testimony when it is relevant to the alleged violations and not repetitive. The person requesting the testimony is responsible for preparing the witness and notifying them of the hearing day and time.

c) The hearing officer may allow confidential witness testimony if it is determined to be relevant and necessary.

d) Hearing officers may approve the presence of any other participants or observers in advance of the hearing.

2. Preparation

All hearing participants must be prepared and have all evidence available at the time the hearing is scheduled. Additional time to prepare or consult may be allowed at the discretion of the hearing officer.

3. Continuance requests at a hearing

All parties may request continuances. Hearing officers consider whether there is good cause to grant continuance requests by balancing public safety, individual case circumstances, liberty interests, and fairness.

B. Hearing Location and Hearing Room Safety

Hearings are conducted virtually whenever feasible. Individuals typically remain at the detention facility located in the area of their arrest, unless there is a valid reason to transfer them to a different facility for the hearing. To ensure the safety of all hearing participants, the hearing officer determines whether and when to request additional or alternative arrangements for a hearing. Facility staff are responsible for maintaining safety in hearing rooms.

1. The agent, staff member at a DOC facility, or staff member at a non-DOC facility notifies the hearing officer prior to the hearing when they believe there is a risk an individual may be disruptive or assaultive at an upcoming hearing.

2. Hearing officers review all reported potential security or behavioral concerns regarding an individual whose hearing is scheduled. Hearing officers evaluate the reported information about the individual, work with staff at the facility to arrange for additional or alternative security or reschedule the hearing if sufficient security measures are not possible.

C. Hearing Procedures

1. Announcement of the case

The hearing officer:

a) Explains the type, purpose, and rules of the hearing as necessary;

b) Identifies the individuals participating in or observing the hearing;

c) Certifies the individual's rights;

d) Reads the alleged violation(s) and asks the individual or their representative to provide a plea to each alleged violation (acknowledge, admit, deny, or no contest); and

e) Makes decisions about requests to hold alleged violations in abeyance.

2. Presentation of evidence

If a denial is entered to an allegation:

a) The representative presents the alleged violation, subject to cross-examination;

b) The corrections representative may present documentary evidence and witness testimony about the alleged violation, subject to questions from the hearing officer and cross-examination;

c) The individual or their representative presents evidence supporting the denial; and

d) If approved by the hearing officer, the individual may provide relevant witness testimony, subject to questions from the hearing officer and cross examination.

3. Final statements

The hearing officer allows the corrections representative and the individual or their representative the opportunity to summarize their case after all evidence has been presented

4. Fact finding decision

After final statements and consideration of the evidence, the hearing officer:

a) Determines, with or without taking a recess, whether the evidence presented meets the required standard of proof, based on the type of hearing:

(1) In a violation or discipline hearing, the standard of proof is preponderance of the evidence; or

(2) In detention and interstate probable cause hearings, the standard of proof is probable cause.

b) Announces the decision regarding whether the evidence supports their finding.

5. Disposition

a) Hearing officers utilize the hearings and release dispositional guide, consider the recommendations of both parties, and reference applicable legal requirements when assigning dispositions after violation was found in a violation hearing or when probable cause is established in detention hearing. The hearing officer can either announce the disposition at the end of the hearing or continue the disposition to a later date.

b) Hearing officers utilize the table of penalties contained in the incarcerated individual disciple rules attached to DOC Policy 303.010, "Incarcerated Individual Discipline," when assigning segregation time, restitution, or extended incarceration after a finding of violation in a discipline hearing. The hearing officer can either announce the disposition at the end of the hearing or continue the disposition to a later date.

c) In violation or detention hearings, an individual is not entitled to credit against a term of reimprisonment for time spent in custody before the final disposition on a release violation, unless ordered by the commissioner. In discipline hearings, time spent in segregation is credited according to DOC Policy 303.010, "Incarcerated Individual Discipline," Procedure J. Implementation of Penalties.

d) If the hearing officer does not make a finding that the violation occurred or if probable cause is not established:

(1) in a violation or detention hearing, the individual is continued on release status and the hearing officer may modify the conditions of release to best serve the interest of public safety; or

(2) in a discipline hearing, the violation is dismissed.

D. Hearing Report

The hearing officer prepares a hearing report and HRU staff upload a copy of the report to the individual's electronic file and provide copies to the individual's representative and the corrections representative. Depending on the disposition, the individual receives a copy of the hearing report through the corrections representative or facility staff.

E. Appeal

1. Discipline Hearing Decisions

The warden/superintendent or designee, responds to appeals of discipline hearing decisions in accordance with DOC Policy 303.010, "Incarcerated Individual Discipline," Procedure K. Appeals.

2. Release violation

a) The individual or their representative, not both, may appeal a hearing officer's decision by mailing a letter to the executive officer of the HRU within 30 days of the hearing.
   (1) A request for an extension is considered if it is received before the 30 days have passed.
   (2) If more than one appeal is received, the executive officer of the HRU responds to the first appeal received as determined by the postmark on the envelope.

b) The letter must identify the date of the hearing, decision being appealed, and the specific reasons for the appeal.

c) The executive officer of the HRU, or a designee other than the hearing officer who presided at the hearing, reviews and responds to the appeal in a timely manner. The executive officer may affirm, amend, reverse or make any other changes to the hearing officer's decision. The executive officer's decision is final.

d) The HRU staff distribute copies of the executive officer's decision to all parties and retain the appeal and appeal response in the individual's electronic file.

INTERNAL CONTROLS:

A. Hearing reports are uploaded and retained in the individual's electronic file.

B. Appeal responses are scanned and saved in the individual's electronic file.

REFERENCES: Minn. Stat. §§ 241.01, subd. 3a(h); 243.05; 244.04, subd. 2; 244.05, subds. 1b, 1c, 2, 3; Minn. R. 2940
Policy 303.010, "Incarcerated Individual Discipline"

REPLACES: Policy 106.140, "Hearings for Adult Incarcerated People," 3/21/17.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: HRU Guidelines for 90-Day Cap on Incarceration (106.114B)
Hearings and Release Dispositional Guide (106.114C)

APPROVALS:
Commissioner of Corrections