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**Policy Number:** 203.018  
**Title:** Agent Assignment and Release Planning  
**Effective Date:** 4/3/18

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**PURPOSE:** To guide the assignment of an agent/entity responsible for supervising an offender in the community and for assisting in release planning efforts, including the selection and approval of a residential placement to provide the highest level of public safety and optimize the chances of successful reintegration into society.

**APPLICABILITY:** Minnesota Department of Corrections (DOC); adult facilities, health services, community services division, and Community Corrections Act (CCA) counties.

**DEFINITIONS:**

Agent – an employee of the DOC or a CCA county assigned to supervise an offender on supervised or conditional release.

Caseworker – a DOC facility staff member responsible for assisting offenders in the development of release plans, including the selection of a suitable residential placement.

Corrections program director – the DOC staff member who supervises the case management process at a state correctional facility.

County of commitment – the county in which the offender was convicted and sentenced for a crime that required commitment to the DOC.

County of historical ties – the county in which the offender has a recent history prior to commitment, as indicated by residing or being employed predominantly within that county for six months. Stays in homeless shelters, motels, hotels, treatment facilities, and transitional housing (e.g., halfway houses, DOC-leased intensive supervised release (ISR) housing, and emergency housing) are not considered historical ties. In determining the county of historical ties, recent addresses are given more weight than the area where the offender was raised.

Document Exchange Manager (DEM) – an electronic program located in the correctional operations management system (COMS) to send requests for agent assignments to counties.

Initial facility program review team (PRT) report – a report that documents and summarizes an offender's case history, active offenses, custody level, program directives and recommendations, and projected release plan. If applicable, the report also addresses sex offender registration, DNA testing, end-of-confinement review (ECRC), civil commitment, and risk level assignment.

Program review team (PRT) – a team designated by the warden of a DOC correctional facility to conduct program reviews at specified intervals throughout an offender's incarceration.

Proposed residence – a specific residence proposed by an offender and verified by a caseworker or supervision agent as available and suitable. Motels, hotels, homeless shelters, transitional housing, treatment facilities that provide temporary housing, and DOC-leased ISR housing outside an offender's county of historical ties or county of commitment do not qualify as proposed residences for purposes of this policy. A permanent therapeutic setting may qualify as a proposed residence.

Transition manager – a member of the DOC’s community reentry unit who functions as the coordinator of case management and transitions processes in all state correctional facilities.

## **PROCEDURES:**

### **A. Agent Assignment and County of Supervision Determination**

At least 90 calendar days before an offender’s release on standard supervised release or 120 calendar days before release on intensive supervised release (ISR), the caseworker must meet with the offender to determine residency options and verify the address and availability of the option most suited to the offender’s release plan. Offenders are responsible for participating in the release planning process by proposing specific placement options and caseworkers submit requests for agent assignment as follows:

#### **1. Proposed Residence**

If an offender-proposed residence is determined to be available and suitable by the caseworker or a supervision agent, acceptance of supervision by the county or agency responsible for providing supervision where the residence is located is presumptive absent specific identifiable risks to public safety or concentration issues per Minn. Stat. § 244.052, subd. 4a (a).

#### **2. County of Historical Ties**

If the offender does not have an approved placement at the time of agent assignment, the county, or supervising agency in that county, where the offender has documented historical ties is responsible for supervision and assisting the offender in release planning efforts.

#### **3. County of Commitment**

If the offender does not have an approved residence or sufficient historical ties outside the offender’s county of commitment, the county or agency responsible for providing supervision in the county of commitment serves as the supervising entity and assists the offender with release planning efforts.

#### **4. If the offender is committed to a DOC facility for an offense that occurred while residing in a treatment setting for less than six months, or in a DOC prison facility, supervision and release planning responsibility reverts to the county of commitment or county of historical ties for the original offense.**

### **B. Intensive Supervised Release (ISR) Offenders**

The caseworker must determine whether the offender meets the mandatory or discretionary criteria for ISR as outlined in the Criteria for Placement on Intensive Supervised Release (attached).

#### **1. If the offender meets the criteria for ISR, the caseworker must submit an agent assignment request and referral for placement on ISR in accordance with the standards set forth in Procedure A, above.**

#### **2. For ISR offenders who have been assigned an agent but lack an approvable release plan, the case manager and assigned field agent assist the offender in locating an available and suitable residence both within and outside the county of historical ties or county of commitment.**

a) The caseworker and/or assigned field agent must investigate all residential placements proposed by an ISR offender, regardless of whether those placements are within the county of commitment or county of historical ties. However, DOC-leased ISR housing outside an offender’s county of historical ties or county of commitment is excluded as a potential placement option.

- b) If the proposed residence is outside the agent's supervision area but is otherwise available and suitable, a request for agent assignment must be sent to the county and/or ISR team in which the residence is located.
- c) In addition to investigating placements proposed by an ISR offender, the caseworker and/or assigned field agent must assist the offender in locating an approvable residence in any county within the agent's supervision area.
  - (1) When providing such assistance, the caseworker and field agent may give priority to potential residences, or transitional housing, within the offender's county of commitment and county of historical ties before considering residences in other counties within the agent's supervision area.
  - (2) Once the caseworker and assigned agent believe all options within the county of commitment and/or historical ties have been exhausted, they must assist the offender in locating an available and suitable residence in other areas within the agent's supervision area.

C. Residency Funding

To access residential funding for offenders deemed eligible under DOC Policy 205.130, "Adult Halfway House/Emergency Housing Fund Use," caseworkers and agents must follow the procedures contained in that policy.

D. Victims of Sexual Assault/Misconduct

Offenders who have been the victims of sexual assault or misconduct must be offered post-release victim services. Caseworkers must contact the DOC victim services unit to ensure the offender's release planning process includes a plan or referral for victim services and se services are communicated to the assigned field agent.

E. Requests for Agent Assignment

When submitting a request for agent assignment, the caseworker generates a request for agent assignment report from COMS that includes a completed first-page checklist, release plan, and recommended conditions of release.

1. The report must note the following in the miscellaneous section, if applicable:
  - a) The offender's overall facility adjustment during incarceration;
  - b) Programming attempts and completions;
  - c) Case plan progress;
  - d) ISR recommendation;
  - e) Predatory offender registration;
  - f) Risk level assignment from the end-of-confinement review committee (ECRC);
  - g) Release transportation;
  - h) Revocation information and prior agent assignment rejections, including the rationale for those rejections;
  - i) County of financial responsibility; and
  - j) Discipline history.
2. All agent assignment requests for level III sex offenders must include the following additional information in the document exchange manager (DEM) file:
  - a) County of commitment;
  - b) Historical ties and existing support systems, including ability to provide housing or financial support towards housing;
  - c) Past placement/residency information;

- d) Special needs requiring treatment and what treatment facilities were investigated and ruled out;
  - e) Revocation information and prior agent assignment rejections, including the rationale for those rejections;
  - f) County of financial responsibility; and
  - g) Discipline history.
3. Requests for agent assignments must be sent via DEM and the following documents must be attached to the DEM file, if applicable and available:
- a) Initial PRT report and PRT action report;
  - b) Risk assessments completed during incarceration, including the level of service/case management inventory (LS/CMI);
  - c) Psychological assessments;
  - d) Presentence Investigation (PSI) report;
  - e) Criminal complaint(s);
  - f) Warrant of commitment;
  - g) Probation or release violation reports;
  - h) Treatment discharge reports;
  - i) Release health care summary (e-mail to agent when available);
  - j) Case plans;
  - k) ECRC reports;
  - l) COMS case notes for the previous year;
  - m) Specialized release plans;
  - n) Domestic violence summary reports; and
  - o) Discipline history.
4. The agent assignment request must be sent to the supervisor of the county or agency responsible for supervision at least 90 calendar days before release for standard supervised release offenders and 120 calendar days for intensive supervised release offenders, if time permits.
5. Requests for interstate transfers are processed according to DOC Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers."

F. Responses to Agent Assignment Requests

Within 15 calendar days of receiving a request for agent assignment, the supervisor of the receiving county or agency must assign an agent to investigate the proposed release plan.

1. The investigating agent must respond to the request for agent assignment within 30 calendar days of receipt, or within one-third of the time remaining before the offender's projected release, whichever is less. When the offender's projected release date is imminent, responses are expected as soon as reasonably possible to enable timely release of the offender. Requests relating to level III sex offenders must be given top priority and promptly investigated. If circumstances prevent a timely response, the supervisor must contact the offender's existing caseworker or assigned field agent. If the proposed residence is a permanent therapeutic setting, the agency has five business days to respond to the request for supervision. All agent assignment requests (AAR) responses must be reviewed and approved by supervisors.
2. If the offender is referred for placement on ISR, the ISR supervisor determines whether to accept the offender on ISR and approve or reject the proposed release plan in DEM. If ISR supervision is rejected, a rationale for rejection must be provided to the caseworker. The

ISR supervisor must notify the offender's existing caseworker or assigned field agent of the decision.

3. If the request for agent assignment is rejected, the response must indicate why the proposed residence was not available or suitable based on the principles outlined in this policy
  - a) The proposed residence may not be rejected solely for being outside the county of commitment or the lack of historical ties.
  - b) If the rejection cites a concentration of level III sex offenders per Minn. Stat. § 244.052, subd. 4a(a), the agent's response must include an explanation of the concentration and the basis for determining that concentration.
  - c) If the reason for rejection is a local residency restriction on sex offenders, the agent must provide documentation of the residency restriction and why it covers the proposed residence.
4. Requests for additional conditions or the removal of proposed supervision conditions must be included in the agent's response, along with a justification for the addition or removal.

#### G. Final Approval of Release Plans

Once a release plan is accepted by a supervision agent, the plan must be approved by the program review team (PRT) and the hearings and release unit (HRU). The HRU makes the final decision regarding the conditions of release, but is not involved in the selection of a particular residence or the agency responsible for supervision.

1. Any changes to HRU-approved plans require additional review and approval by the HRU.
2. The case manager and agent must include justification for all special conditions on the proposed release plan when submitting the release plan to HRU for final approval.
3. All signed release planning documents must be scanned and stored electronically in CSTS and COMS/offender/resident document storage system ODocS.

#### H. Resolving Disputes over Release Plans and Supervision Responsibility

Caseworkers and field agents must attempt to informally resolve disputes over proposed release plans by referring to the principles and procedures identified in this policy. Most often, disagreements concerning residency options and supervision responsibility can be resolved through ongoing communication about the rationale for the proposed residence.

1. If a dispute cannot be resolved informally, the caseworker must refer the matter to the caseworker's corrections program director. If the program director believes the rejection of a proposed release plan was unwarranted, the program director must send a written request for reconsideration to the county supervisor and copy the county's CCA director and the DOC's transition manager. The request should include the following information:
  - a) The offender's county of commitment;
  - b) The offender's historical ties, past residences, and existing support systems, including support in providing housing;
  - c) Special needs requiring treatment and what treatment facilities were investigated and ruled out;
  - d) Prior revocation information, if applicable;
  - e) The rationale for the county's rejection and rejections by other counties; and
  - f) The reasons why the county should reconsider its rejection.

2. The county should provide a written response to the request for reconsideration within 14 calendar days. If the county rejects the request, it should explain why the proposed placement was not available or suitable based on the principles outlined in this policy.
3. If the matter remains unresolved, the DOC transition manager must, absent good cause, forward the request for reconsideration and the county's written response to the DOC's deputy commissioner of community services for final resolution. The deputy commissioner or designee makes the final decision regarding the suitability of a proposed residence and the agency responsible for supervision.

I. Expedited Resolution

When a DOC health services release planner has been assigned to an offender and a permanent therapeutic setting treatment bed is available that exclusively meets the offender's needs, disputes over the proposed release plan and supervision responsibility must be expedited.

1. The caseworker and health services release planner must submit a memorandum to the deputy commissioner of community services that includes:
  - a) The offender's projected release date, county of commitment, and past residential placements;
  - b) The special needs requiring treatment and what treatment facilities were investigated and ruled out;
  - c) Why the proposed treatment option exclusively meets the offender's needs; and
  - d) Bed availability at the proposed treatment facility.
2. The deputy commissioner of community services contacts the CCA director in the county where the treatment bed is located for final resolution of the dispute.

**INTERNAL CONTROLS:**

- A. Agent assignment requests are sent electronically via DEM and are approved by a supervisor.
- B. All signed release planning documents are scanned and stored electronically in CSTS and COMS/ODocS.

**ACA STANDARDS:** 4-4304, 4-4428, 1-ABC-1E-03, 1-ABC-4F-01, 4-APPFS-2C-02

**REFERENCES:** Minn. Stat. §§ [241.01](#), [242.19](#), [243.05](#), [243.1605](#), [244.05](#), [244.052](#), [244.056](#), [244.13](#), [401.01](#), [401.02](#), [401.025](#), [401.06](#).  
[Policy 106.112, "Approval and Modification of Release Plans"](#)  
[Policy 203.010, "Case Management Process"](#)  
[Policy 203.012 "Release Health Care Summary"](#)  
[Policy 203.040, "DNA Analysis of Offenders"](#)  
[Division Directive 203.110, "Interstate Corrections Compact \(Facility\)."](#)  
[Policy 205.130, "Adult Halfway House/Emergency Housing Fund Use"](#)  
[Policy 205.140 "Adult Offender Reentry Services and Programming"](#)  
[Policy 205.200, "Sex Offender Civil Commitment Screening"](#)  
[Policy 205.220, "Predatory Offender: Registration, Community Notification, Victim Notification, Level 3 Website, and Risk Level Reassessment Request"](#)  
[Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers"](#)  
Prison Rape Elimination Act (PREA), [28 C.F.R. § 115](#)

**REPLACES:** Policy 203.018, "Agent Assignment and Release Planning," 3/6/18.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** [Criteria for Placement on Intensive Supervised Release \(ISR\)](#) (203.018A)

**APPROVED BY:**

Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services

Assistant Commissioner, Facility Services

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