Minnesota Department of Corrections

Policy:	**203.060**	**Title: Life Sentence Review Process**
Issue Date:	**3/3/15**	
Effective Date:	**317/15**	

AUTHORITY: Minn. Stat. §244.05, subd. 4.

PURPOSE: To review offenders serving life sentences who are eligible for release consideration and to make determinations relevant to their release or continued incarceration. Any offender 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) and field services.

POLICY: The commissioner of corrections has the sole authority for reviewing offenders serving life sentences who are eligible for release consideration and for making determinations relevant to their release or continued incarceration. The commissioner reviews offenders with life sentences three years prior to their parole eligibility dates and thereafter at intervals as determined by the commissioner. In exercising this authority, the commissioner utilizes an advisory panel to assist in considering all relevant factors.

DEFINITIONS:

Advisory panel - a panel consisting of such examples as, the deputy commissioner for facility services, deputy commissioner for community services, assistant commissioner for facilities, the warden/superintendent of the facility where the offender is currently incarcerated, the director of policy and legal services, and the executive officer of the HRU.

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

PROCEDURES:

A. Life sentence review waivers

1. The offender may waive his/her right to a life review hearing (attached). If the offender waives his/her right to a life review hearing, the commissioner and advisory panel conduct an administrative review and forward review results to the offender. These results are retained in the offender's base file and the HRU lifer file.

2. The offender may waive the right to a 60-day notification of hearing using the attached waiver. The waiver is retained in the base file and the HRU lifer file.

B. The HRU:

1. Coordinates the scheduling of life sentence reviews with the commissioner and all members of the advisory panel;

2. Sends the community investigation request packet, as it relates to the criminal justice community, to appropriate field supervisor for agent assignment;

3. Requests that the community investigation report, as it relates to the criminal justice community and all accompanying community investigation materials, including any

letters from the criminal justice community be sent to the offender's assigned case manager;

4. Provides the assigned case manager with the Pre-Initial Hearing Questionnaire (attached), if applicable;

5. Provides any victim family contact information to the DOC victim assistance and restorative justice program for their community investigation report as it relates to the victim's family and any other individual considered a direct victim of the crime;

6. Requests that the community investigation report, as it relates to the victim's family and any other individual considered a direct victim of the crime, and all accompanying community investigation materials (including letters from the victim's family and friends) be sent to the executive officer of HRU;

7. Reviews submitted life review documentation (lifer book) for accuracy and distribution to the commissioner's advisory panel approximately one week prior to the review;

8. Maintains and updates the current life review dates in the correctional operations management system (COMS); and

9. Retains a copy of the disposition letters in the HRU lifer file.

C. The offender's assigned case manager must:

1. Inform eligible offenders of the review process and make the necessary arrangements at the facility;

2. Request and obtain all necessary facility reports and recommendations, including the confidential file if appropriate;

3. Conduct the pre-initial hearing interview with the offender, if applicable; and

4. Oversee the compilation and organization of the life review documentation within the lifer book and send six copies to HRU at least one week prior to the scheduled review. The lifer book is sent to central office HRU for distribution to the life advisory panel. After the review hearing, the book(s) are returned to the facility records unit for storage until the next review.

D. The field agent must:

1. Review the community investigation report guidelines sent by HRU;

2. Forward the notification letter from HRU to the criminal justice community(ies);

3. Notify the DOC victim assistance and restorative justice program director of any information revealed or accumulated in the course of obtaining input from the criminal justice community, that may relate to the victim's family; and

4. Submit all community investigation materials, including letters from the criminal justice community to the offender's assigned case manager.

E. The DOC victim assistance and restorative justice program must:

1. Four months prior to the scheduled life sentence review, contact victim's immediate family members in writing and provide them information advising them of their options for providing input to the commissioner and the advisory panel.

2. Sixty days prior to the scheduled life sentence review, contact the victim's family members by phone or in person to obtain information to include in the victim family component of the community investigation.

3. Thirty days prior to the scheduled life sentence review, the victim assistance and restorative justice program director contacts the assigned field agent to verify that there is no additional information regarding the victim's family, and then forwards all written victim input to the executive officer of the HRU.

F. Immediate victim family members are given the opportunity to meet with the commissioner and advisory panel prior to the life sentence review, if they choose to.

G. The offender may have an advocate of his/her choice (this person can be an attorney) present during the proceedings for support and to speak on the offender's behalf. The advocate may not introduce new arguments of a legal nature during the proceedings.

H. Predatory offender life sentence review

1. Within sixty days of the commissioner and advisory panel's review of a life sentenced predatory offender (as defined by Minn. Stat. §244.052, subd. 1) if the commissioner and advisory panel has recommended a transitional plan to effect potential release consideration at a future date, the following must occur:

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

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

2. The commissioner and advisory panel will use the written reports from the ECRC and SPP/SDP screening committee and independent legal counsel as part of the factors utilized in setting final directives to the offender. The final directives to the offender are communicated in a review set by the commissioner and advisory panel.

INTERNAL CONTROLS:

A. An original copy of the lifer book is retained by the case manager/facility records unit.

B. HRU maintains copies of all lifer review panel disposition letters.

C. Review dates are documented in COMS file.

REVIEW: Annually

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

SUPERSESSION: Policy 203.060, "Life Sentence Review Process," 7/7/09. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Community Investigation Materials (203.060A)
Pre-initial hearing questionnaire (203.060C)
Waiver of Right to Appear (203.060D)
Waiver of 60-day Notification (203.060E)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services