DEPARTMENT OF CORRECTIONS

Policy Number:	**203.065**
Title:	**Indeterminate-Sentenced Individuals - Pre-Sentencing Guidelines [1980]**
Effective Date:	**5/18/26**

PURPOSE: Individuals who are sentenced for offenses committed prior to Minnesota Sentencing Guidelines (pre-guidelines 1980) are subject to indeterminate sentences. The Department of Corrections (DOC) develops rules and procedures for the review, release and revocation of individuals in its custody and under community supervision.

APPLICABILITY: Supervised Release Board, Hearings and Release Unit (HRU), all adult facilities, and agents supervising adult individuals.

DEFINITIONS:

Agent – an employee or a designee of the DOC, a Community Corrections Act (CCA) organization, or a county, assigned to supervise individuals on supervised release, conditional release, or parole.

Executed sentence - the total period of time an individual is committed to the custody of the commissioner of corrections.

Expiration - the date on which the maximum sentence pronounced by the court less good time reduction occurs for an individual with an indeterminate sentence.

Good time – the time by which an indeterminately sentenced individual's term of imprisonment is reduced, with the exception of those individuals serving a mandatory life sentence.

Individual(s) - someone who is either incarcerated in a DOC facility or under the supervision of an agent who is employed by the DOC, a CCA organization, or a county.

Release plan – plan that sets conditions an individual must comply with while under supervision in the community.

Sentencing Guidelines Commission - a state agency responsible for establishing rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the offender's criminal history.

Statutory Dependence Date – the anticipated release date for a guidelines-sentence offense which was determined by a court at the time of sentencing.

Supervised Release Board - a panel consisting of the Commissioner of Corrections and four individuals appointed by the governor who review eligible cases and make release and final discharge decisions for inmates on serving life and indeterminate sentences.

Target release date - a planned or anticipated date for the release of an indeterminate sentenced individual after an administrative review has been completed by the Commissioner.

Term of imprisonment – for crimes committed before August 1, 1993, the term of imprisonment is the period of time an individual is committed to the commissioner of corrections minus earned good time and for crimes committed after August 1, 1993, the term of imprisonment is the period of time equal to two-thirds of the executed sentence.

PROCEDURES:

A**.** Term of Imprisonment

1. Every individual who is committed to the commissioner of corrections is assigned a term of imprisonment at the time of sentencing.

2. An individual serving an indeterminate sentence may be assigned expiration of sentence as their release date by the court.

3. Minnesota sentencing guidelines issued by the Minnesota Sentencing Guidelines Commission must be utilized in determining the term of imprisonment and projected release date of individuals with an indeterminate sentence whose new admission review occurs after July 1, 1982.
   a) The criminal history score shall be based on the individual's status on the date the indeterminate offense occurred.

   b) The individual must have been under 21 years of age at the time of offense to be assigned a juvenile point. If so, standard guidelines policies apply.

   c) The individual must have been under guidelines policy custody status at the time the indeterminate sentences occurred to be assigned a custody point. If so, standard guidelines policies apply.

   d) The individual must have received a stayed or imposed sentence prior to the date the indeterminate offense occurred if a misdemeanor, gross misdemeanor, or felony conviction is being used to compute the criminal history score.

   e) The agent completes a Minnesota Sentencing Guidelines Worksheet on individuals and forwards the worksheet to the executive officer of hearings and release for approval.

4. An individual serving concurrent sentences for a pre-guideline sentenced offense and a guideline sentenced offense, is not required to be released on their statutory dependence date on the guideline sentence when the indeterminate pre-guidelines sentence exceeds the statutory dependence date. Release for the indeterminate pre-guidelines sentence is at the discretion of the commissioner of corrections. See 203.065A.

B. Facility caseworkers notify the executive officer of hearings and release of any indeterminately sentenced individual on their caseload who are within five years of sentence expiration. This notification must be made at least six months prior to the five-year expiration date.

C. Individuals serving indeterminate sentences are reviewed by the executive officer of hearings and release when there is an error in their sentencing adjustments, or when there is a policy change that impacts the term of imprisonment. The executive officer of hearings and release must make the final decision regarding the requested adjustment in the release date.

D. Reviews by the Supervised Release Board

1. Facility staff conduct a MDT five years prior to expiration to ensure the individual is aware of programming and treatment recommendations by the team. The MDT forwards the completed review recommendations to the executive officer.

2. Three years prior to the individual's expiration date, the executive officer will schedule a review with the Supervised Release Board (SRB). Facility program eligibility and release potential is based on the following factors:
   a) an individual's overall facility adjustment;

   b) the circumstance(s) and severity of the commitment offense;

   c) the circumstance(s) and severity of individual's prior criminal record;

   d) the available programming in the facility; and

   e) the projected amenability to community supervision.

3. Individuals serving indeterminate sentence may be eligible for release at least two years prior to sentence expiration depending on the following criteria:
   a) the availability of facility programming;

   b) an individual's participation in and successful completion of programming, including a minimum-security program;

   c) the individual's institution discipline history; and

   d) an assessment of the individual that causes one to believe a period of structured supervision may assist in rehabilitation, resulting in a lower risk of recidivism and risk the public.

4. The executive officer of hearings and release will forward a recommendation to the Supervised Release Board for a final decision regarding modification of individual's release date.

E. Reviews by the Commissioner of Corrections

1. Individuals committed to the commissioner of corrections for a pre-guideline sentenced offense will be assigned a target release date by the commissioner.

2. A target release date occurs after an administrative review of the commitment record at the individual's new admission review, annual review, or other time scheduled at the discretion of the commissioner.

3. The commitment record may include, but is not limited to, the warrant of commit, the pre-sentence investigation, and the transcript of the sentencing hearing.

4. The commissioner considers the sentence terms embodied in the sentencing guidelines promulgated by the Minnesota Sentencing Guidelines Commission, and any aggravating or mitigating factors.

5. The target release date is discretionary and is determined after review of the following:
   a) circumstances and severity of the offense;

   b) the presence and the extent of any victim injury;

   c) individual's prior criminal record;

   d) an individual's supervision history;

   e) an individual's predatory offender status;

   f) an individual's custody classification level; and

   g) an individual's projected amenability to community supervision.

6. The commissioner, the executive officer of hearings and release, and the supervised release board will review individuals with indeterminate sentences three years prior to their target release dates and thereafter at intervals determined by the commissioner and the supervised release board.

F. Good Time – Earned
   1. Every individual sentenced before May 1, 1980, for any term other than life, may have their imprisonment reduced by one day for every two days they have not violated facility discipline rules.

   2. Every individual sentenced before May 1, 1980, for any term other than life, may have their parole (release) reduced one day for every two days they have not violated any rules of supervision (conditions of release).

G. Loss of Good Time – Extension of Imprisonment
   1. All individuals serving an indeterminate sentence are subject to the loss of good time or an extension of term of imprisonment for institutional disciplinary infractions.

   2. An individual's release date and expiration date are extended by one day for each day of good time lost, not to exceed the maximum sentence imposed by the court.

3. Individuals assigned expiration as their release date have their expiration date extended by one day for each day of good time lost, not to exceed the maximum sentence imposed by the court.

F. Release of individuals with an indeterminate sentence

1. Individuals with an indeterminate sentence who are considered for release must establish an agent-approved release plan prior to their release.

2. Agents submit annual progress reviews on all individuals with indeterminate sentences.

3. An individual's release (parole) may be revoked up to expiration of sentence for violations of their conditions of release.

4. Non-life indeterminate sentenced individuals who have adjusted satisfactorily on their release are considered for discharge by executive officer of hearings and release after having served one-half of the time in the community that they had served in the facility.

5. Individuals serving life sentences are considered for discharge from parole by Supervised Release Board after a recommendation from the executive officer of hearings and release.

6. Indeterminate sentenced individuals with a life sentence who have adjusted satisfactorily on their release are considered for discharge after the individual has served a minimum of ten years or one-half of their period of incarceration, whichever is longer.

INTERNAL CONTROLS:

A. Release decisions are uploaded to the individual's electronic file

B. Revocation decisions are uploaded to the individual's electronic file

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES: Minn. Stat §244.04

REPLACES:

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

ATTACHMENTS: Minn. Stat 1983 Supplement §243.05 (203.065A)

APPROVAL:

Commissioner of Corrections