DEPARTMENT OF CORRECTIONS

| | |
|---|---|
| **Policy Number:** | **204.064** |
| **Title:** | **Earned Incentive Release** |
| **Effective Date:** | **02/02/26** |

**PURPOSE:** To establish the criteria and procedures for incarcerated persons to receive earned incentive release credits under the Minnesota Rehabilitation and Reinvestment Act (MRRA).

**APPLICABILITY:** Incarcerated adults; adult facilities.

**DEFINITIONS:**

**Assessment Summary Report (ASR)** – a report that summarizes the results from the risk-needs-responsivity assessments completed by an incarcerated person during their confinement.

**Criminogenic needs** – dynamic attributes that directly contribute to an individual's likelihood of engaging in future criminal behavior and can be changed through interventions. (Examples include the ability to cope with life's stressors in a healthy way, the ability to identify positive peers, and the ability to make good decisions.)

**MRRA Delegated Release Authority** – a person delegated authority by the commissioner of corrections to review and approve EIRCs in accordance with this policy.

**Earned Incentive Release Credit (EIRC)** – credit that is earned and included in calculating an incarcerated person's term of imprisonment for completing objectives established in their individualized rehabilitation plan. One earned incentive release credit is equivalent to one day calculated toward the earned incentive release date.

**Earned Incentive Release Date (EIRD)** – an incarcerated person's adjusted release date after awarded earned incentive release credits have been applied to their original term of imprisonment.

**Evidence-based practices (EBP)** – strategies and techniques proven to produce better outcomes, including such examples as motivational interviewing, case planning, Carey Guides tools, targeting interventions to higher-risk incarcerated persons and their areas of need, and engaging community support.

**Effective Interventions Committee** – a committee that reviews new program proposals for alignment with strategies, programs, or treatments that are proven to reduce criminal behavior or that meet a current gap in services to incarcerated people.

**Good time** – a sentence reduction under Minn. Stat. § 244.04 that applies to incarcerated persons serving non-life sentences for crimes committed before August 1, 1993.

**Individualized Rehabilitation Plan (IRP)** – a set of objectives comprised of standard or base expectations included in every IRP and rehabilitative programming that must be completed by an incarcerated person in order to receive EIRCs.

**Minnesota Screening Tool Assessing Recidivism Risk (MnSTARR)** – a risk assessment instrument that predicts an incarcerated person's likelihood of reconviction for multiple crime types following release from prison.

**Multi-Disciplinary Team (MDT) Process** – a process in which an incarcerated person and DOC staff, including the incarcerated person's caseworker, review the results from the ASR, the incarcerated person's interests and programming priorities, and recommended interventions to develop or update the IRP.

**Recidivism-reduction program (RRP)** – an approved program based on principles of effective correctional intervention (risk, needs, responsivity) or that has been demonstrated through research to reduce recidivism.

**Rehabilitative programming** – interventions which qualify as recidivism-reduction programs or responsivity programs.

**Responsivity program** – a structured program designed to target a responsivity need identified through the MRRA comprehensive assessment process.

**Self-Reported Assessment (SRA)** – an assessment, based on what was reported by the individual, that measures an incarcerated person's criminogenic needs and specific responsivity factors.

**Structured activities** – work and program assignments offered in DOC facilities.

**Success planner** – a workbook incarcerated people complete based on the MRRA comprehensive assessment process.

**PROCEDURES:**

A. Criteria for earned incentive release credits (EIRC)

1. The following incarcerated people are not eligible for EIRCs:

   a) Those with fewer than 365 days to serve in prison upon admission to the intake correctional facility;

   b) Those serving life sentences;

   c) Those serving indeterminate sentences for crimes committed on or before April 30, 1980;

   d) Those subject to good time under Minn. Stat. § 244.04 or similar laws;

   e) Those housed in a Minnesota correctional facility who have not been committed to the commissioner of corrections, including those serving non-Minnesota

sentences in a Minnesota correctional facility through the interstate corrections compact.

2. To receive EIRCs, an eligible incarcerated person must:
   a) Meet each standard and any required objectives set forth in their IRP;

   b) Not have been assigned a predatory offender risk level of III by an end of confinement review committee (ECRC);

   c) Have no open criminal cases, active warrants, detainers, detention orders, or other custodial obligations to another agency or jurisdiction at the time of the EIRC review under Procedure D and thereafter but prior to release; and

   d) Not be currently participating in other early release programs at the time of EIRC review.

B. Individual Rehabilitation Plan
1. Every incarcerated person eligible for EIRCs must have an IRP. The IRP identifies goals, recidivism-reduction programs, and responsivity programs to be completed during the incarcerated person's confinement, based on their highest criminogenic needs areas and responsivity factors, as determined by their assessment summary report (ASR).
   a) The MRRA comprehensive assessment process may include a self-reported assessment (SRA) and mental health, substance use disorder, sex offense treatment, and education assessments and screenings. When available, relevant collateral information, such as presentence investigation reports, probation violations, and restructure and revocation reports, will be reviewed and considered during the assessment process.

   b) Victims may provide input during the assessment process. The department's Victim Services and Restorative Justice Unit will submit input and any received input will be considered when developing the IRP.

   c) Incarcerated people who first arrive at a DOC facility after the effective date of this policy must work with staff to develop their IRPs following their MRRA comprehensive assessments.

   d) Incarcerated people whose incarceration began before the effective date of this policy may work with staff to develop an IRP, depending on the time remaining in their sentence and available resources. If a formal IRP is not available at the time of the EIRC review under Procedure D, the MRRA delegated release authority will consider the IRP to consist of all items in Procedure B.2, including any existing program review team (PRT), initial, and/or annual case review reports (including the self-reported assessment), victim input, along with other assessments that recommend specific programming, plus the standard objectives included in all IRPs.

2. An IRP must include the following standard objectives and goals:

a) Maintain, complete, and submit a success planner;

b) Complete a minimum number of recidivism-reduction programs based on the incarcerated person's assessed MnSTARR risk score at the time of initial case review. Those assessed as:
   (1) Low risk (MnSTARR scores in the bottom thirtieth (30th) percentile) must complete at least one recidivism-reduction program targeting their highest criminogenic need(s);
   (2) Medium risk (MnSTARR scores between the thirty-first (31st) and sixtieth (60th) percentile) must complete at least two recidivism-reduction programs targeting their highest criminogenic need(s);
   (3) High risk (MnSTARR scores between the sixty-first (61st) and eighty-fifth (85th) percentile) and very high risk (MnSTARR scores over the eighty-sixth (86th) percentile) must complete at least three recidivism-reduction programs targeting their highest criminogenic need(s);

c) If applicable:
   (1) Complete any recommended residential substance-use disorder (SUD) treatment;
   (2) Complete any recommended intensive, facility sex offense-specific treatment; and
   (3) Complete secondary education by obtaining a GED, high school diploma, or equivalent;

d) Maintain or achieve an assessed MnSTARR risk level below "very high;"

e) Demonstrate positive prosocial growth and change, evidenced by respectful and appropriate interactions with staff and peers, consistent engagement in work assignments and programming, and absence of concerning behavior;

f) Adequately prepare for release by assisting in the development of a comprehensive release plan, including identification of a suitable and available residence, and participating in a transitional MDT process; and

g) Actively engage in the case planning process outlined in Policy 203.010, "Case Management Process," as demonstrated by completion and/or progress toward established case plan goals.

3. Additional objectives or goals tailored to the incarcerated person may be included in an IRP.

4. An IRP may be amended when an incarcerated person's MnSTARR score changes to reflect additional recidivism-reduction programs (RRP) based on the requirements above, or to address an incarcerated person's assessment or reassessment results, emerging needs, and observed behavior over time. Staff are encouraged to report relevant observations to the incarcerated person's caseworker for use in modifying an IRP.

C. Earned Incentive Release Credits and Rehabilitative Programming

1. Eligible incarcerated people who meet all standard objectives and any required distinct objectives outlined in their IRPs (see Proc. B.2) will accumulate EIRCs as specified in this section for completing RRPs, completing responsivity programs, and participating in structured activities.

2. The maximum number of EIRCs that can be applied towards a person's term of imprisonment is the number of days equal to 17 percent of the total executed sentence. In no case may the term of imprisonment be reduced to less than one-half of the executed sentence.

3. Rehabilitative programming includes two tiers: recidivism-reduction programming and responsivity programming.

4. Credits for completing specific recidivism-reduction programs (RRPs):
   a) Earning a secondary education degree: 90 credits;

   b) Earning a post-secondary education degree/certificate/state licensure offered in a DOC facility, not including correspondence courses: 90 credits;

   c) Substance-use disorder (SUD) treatment: 90 credits;

   d) Sex offense specific treatment: 90 credits;

   e) Cognitive-behavioral intervention: 30, 60, or 90 credits based on length;

   f) Prison Fellowship Academy: 90 credits; and

   g) EMPLOY: 90 credits.

5. Credits (ranging from 10 to 20) for completing specific responsivity programs (attached) as determined during the rehabilitative programming review described in C.7.

6. Credits for completing structured activities based on assessed risk level at the time of the EIRC review (see Proc. D):
   a) Low risk may accumulate 1 credit for every 3 days of participation in structured activities (for example, 30 credits for every 90 days);

   b) Medium risk may accumulate 1 credit for every 6 days of participation in structured activities (for example, 30 credits for every 180 days); and

   c) High risk may accumulate 1 credit for every 12 days of participation in structured activities (for example, 30 credits for every 360 days).

7. A rehabilitative programming review, including any requests made to the effective interventions committee for EIRC, will take place twice annually. During this review, the DOC research director, EBP unit director, director of health, recovery and programming,

determine if they meet the standards to be considered a rehabilitative program and, if so, the EIRC assigned for completion.

8. An incarcerated person will not accumulate structured activity credit while residing in any form of restrictive housing due to discipline, in accordance with policy 303.010 "Incarcerated Individual Discipline."

9. Notable Acts
An incarcerated person who acts outside of their personal interest to intervene in a situation either to reduce the likelihood of significant injury or death to another person, or to prevent or mitigate the impact of a significant incident that could lead to unsafe conditions, may be referred for notable act credit. Staff must initiate the request for up to 180 credits for a notable act through the form.
   a) To be considered notable, the behavior must exceed current expectations for response and reporting. For example, an incarcerated person is expected to notify staff if someone is in medical distress. While reporting such an event is important and could result in saving a life, it is expected behavior and would not qualify for notable act credit.

   b) The MRRA delegated release authority will review requests for notable act credit, which must include, at a minimum, consultation with facility staff to fully understand the context and circumstances for which credit is requested. Following the review, the MRRA delegated release authority will provide the commissioner of corrections with a recommendation for approval or denial of the request and the number of credits. The commissioner of corrections will make the final decision whether to award credit and, if so, how much to award. Notable act credit is in addition to other EIRCs and may not be substituted for completion of required recidivism-reduction programs.

10. Incarcerated people housed out of facility—in a county jail, federal prison, or transferred to another state through the interstate corrections compact–may receive EIRCs for participating in eligible services or interventions.
   a) To be considered for credit, the DOC must receive official records from the facility in question documenting completed assessments and program participation.

   b) Any award of EIRCs will depend on the assessments undertaken at the outside facility and whether completed programming has addressed the incarcerated person's highest criminogenic needs areas and responsivity factors as determined by the MRRA delegated release authority in consultation as necessary with the Rehabilitative Programming Review Committee.

D. Review Process for Receiving EIRCs
1. An incarcerated person who believes they have met all the requirements for obtaining EIRCs, including all the standard IRP objectives in Proc. B.2, must initiate the review process for receiving EIRCs by submitting an EIRC checklist. The checklist must be submitted 180 days prior to the earliest potential release date assuming maximum received EIRCs (as verified by the sentence administration unit) and no later than 180

days prior to the person's current confinement release date.

a) The EIRC checklist verifies they have met the criteria for receiving EIRCs under procedures A and B.2 with the following exceptions: completion and submission of a success planner and development of an approved release plan.
   (1) Required recidivism-reduction or responsivity programming in progress at the time of the review or that the incarcerated person is scheduled to complete may be included in the EIRC decision, including the number of credits to be awarded subject to recission under procedure E.1. if not completed.
   (2) An approved release plan is not necessary during this initial review, though a later failure to meet that expectation may result in rescission of EIRCs.

b) EIRCs may be provisionally awarded to a person requiring an ECRC risk level. If a risk level III is later assigned, the credits will be rescinded for failure to meet all of the criteria for receiving EIRCs.

2. Incarcerated people who meet requirements will be issued a success planner. The success planner must be completed and submitted to their case worker to continue the EIRC review process.

3. During the review process, the MRRA delegated release authority may consider recidivism reduction programming (RRP), responsivity programming, and structured activities that an incarcerated person completed prior to the effective date of the MRRA or this policy, both in determining whether the criteria for receiving EIRCs have been met and the number of credits earned.

4. The relevant prosecutor's office must also be notified during the EIRC review process. The prosecutor's office may provide information relevant to current or pending criminal cases, safety or security concerns based on recent/current behavior and/or other relevant information not known at the time of sentencing.

5. For incarcerated people who successfully pass this review, the MRRA delegated release authority will award EIRCs based on the number of credits accumulated under Proc. C. The total number of credits awarded may be reduced for any formal discipline incurred prior to the review, or objective evidence of noncompliance with facility rules, with specific consideration given to the severity, frequency, recency, circumstances, and penalties imposed for the misconduct, as well as the incarcerated person's behavior following the incidents.

6. The MRRA delegated release authority must notify the sentence administration unit of the total number of EIRCs awarded, which will then be applied towards the incarcerated person's term of imprisonment and used to calculate an earned incentive release date (EIRD).

7. Awarded EIRCs cannot result in an EIRD which is in the past or does not allow sufficient time for required release planning processes, subject to all DOC policies related to release planning.

8. Incarcerated people who disagree with the release authority's decision may appeal in writing to the commissioner of corrections within thirty days of the decision. The commissioner will review the appeal and issue a final decision, summarizing the reasons for the decision if the appeal is denied.

9. Credit accumulation after EIRC review:
   a) Recidivism-reduction programming in progress at the time of the review or that the incarcerated person is scheduled to complete may be included in the EIRC calculation.

   b) Responsivity programming in process at the time of the review or that the incarcerated person is scheduled to complete may be included in the EIRC calculation.

   c) Structured activity credit cannot be accumulated after the review.

   d) Credit connected to notable acts occurring after the review will be at the discretion of the commissioner.

E. Rescission and Revocation of EIRCs
   1. Rescinding EIRCs
      The MRRA delegated release authority may rescind all or some EIRCs, as appropriate, under the following circumstances:
      a) Information received after the EIRC review indicates the incarcerated person has not met the criteria for receiving credit including:
         (1) failure to complete the minimum number of RRPs;
         (2) failure to complete recommended SUD or sex offense specific treatment;
         (3) failure to adequately prepare for release, including not having an agent and HRU approved release plan;
         (4) assignment of a predatory offender risk level of III; or
         (5) has an open criminal case or active warrant, detainer or detention order, or other custodial obligation to another agency or jurisdiction.

      b) Information received after the EIRC review indicates that the incarcerated person did not actually earn some of the credits awarded (for example, the incarcerated person received credit for a program or activity they did not actually engage in).

      c) The incarcerated person fails to complete programming that was in progress at the time of the EIRC review for which credits were anticipatorily awarded.

      d) The incarcerated person signs the MRRA earned incentive release (EIR) declination form.

   2. Revoking EIRCs based on discipline or new criminal acts
      The MRRA delegated release authority may revoke all or some EIRCs if, after the EIRC

review, the incarcerated person is formally disciplined for violating facility rules or is charged with a criminal act for conduct that took place while incarcerated. In determining the number of credits to revoke, the release authority should consider the severity, circumstances, and frequency of the misconduct.

3. The MRRA delegated release authority must provide written notification to the incarcerated person if they intend to rescind or revoke EIRCs, including the reasons underlying that intent. The incarcerated person may submit a written response within 7 days, explaining why they do not believe rescission or revocation of EIRCs is warranted. After that 7-day period, the delegated release authority must issue a final written decision.

4. After EIRCs are rescinded or revoked, the sentence administration unit must recalculate the incarcerated person's release date and termination date.

5. The rescission or revocation of EIRCs may be appealed in writing to the commissioner within thirty days. The commissioner will review the appeal and issue a final decision summarizing the reasons for the decision if the appeal is denied.

F. Post-EIRC Review Actions

1. Once an EIRD has been established, the incarcerated person and their caseworker begin release planning in accordance with Policy 203.018, "Agent Assignment and Release Planning."

2. Prior to the EIRD, the incarcerated person must have an approved release plan, complete a transitional MDT process with their caseworker and assigned supervision agent, and complete any programs in progress at the time of the EIRC review. Failure to do any of these things may result in the rescission of EIRCs and recalculation of the release and termination dates.

3. Victim input and related considerations must be reflected in specific conditions of release. The department's Victim Services and Restorative Justice Unit will submit input.

G. Equity

1. The MRRA designated release authority must assess, track, and report identified systemic or programmatic gender and racial disparities that impact the award of EIRCs as required in statute.

2. The MRRA designated release authority must notify the commissioner and designees of any observed gender and racial disparities. The MRRA designated release authority will convene the requisite agency staff to analyze the factors creating the disparities and develop explicit and trackable plans to reduce the identified disparities.

H. Phased Implementation

1. Due to the complexities and resource-intensive logistics of implementing the MRRA, as well as the need to support safe reviews and releases, the DOC will implement this policy in phases, starting with certain facilities and focusing on incarcerated people with specific offenses, risk levels, and discipline histories. Phased implementation will gradually expand

across different facilities and population groups until this policy is fully implemented across all facilities and for all eligible incarcerated people.

a) The DOC will communicate expanding phased implementation details to incarcerated persons as those expansions occur.

I. Limited Programming Capacity (LPC) Release

1. An incarcerated person who, due to diminished programming capacity, is unable to access an RRP that targets one of their highest criminogenic needs and which must be completed to earn any EIRCs may qualify for release to a community-based resource.

2. To be eligible for potential LPC release, an incarcerated person must:
   a) Be low risk according to the MnSTARR;
   b) Have no formal discipline since most recent admission;
   c) Have met all other requirements and been preliminarily reviewed for EIRCs except development of an approved release plan;
   d) Have served at least fifty percent of their executed sentence;
   e) Have been unable to access a required RRP targeting their highest criminogenic need(s) and equivalent programming may be available in the community; and
   f) Not present an articulable risk to public safety if released to a community-based resource.

3. Requests for LPC release must be initiated by the incarcerated person's caseworker and submitted to the MRRA team. Caseworkers should only submit such requests if they believe the incarcerated person meets all of the eligibility requirements for LPC release.

4. The MRRA delegated release authority will consult with relevant staff to review caseworker-initiated requests for LPC release to verify that the person meets all of the eligibility requirements.

5. LPC release is dependent upon available resources, including but not limited to funding or insurance to cover the costs associated with the needed program or service, verified acceptance and a time-specific opening at a community-based program, and/or an available bed at an approved community placement.

6. Incarcerated people on LPC release remain on institution status and are subject to being returned to a DOC facility at any time and for any reason.

7. Incarcerated people who fail to complete or make progress toward completion of their identified programming while on LPC release will not be awarded EIRCs and will be returned to a DOC facility to complete the remainder of their term of imprisonment.

8. LPC releases will not be considered until all logistical issues surrounding such releases have been resolved. The criteria for and availability of LPC release is also expected to expand as phased implementation of this policy continues. Caseworkers and incarcerated persons will be notified when requests for LPC release may be submitted, and as expansions to LPC release criteria and availability occur.

I. Records

1. All EIRC-related documents must be entered into the DOC document management system (ODocS).

**STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS:** None

**INTERNAL CONTROLS:**

A. All EIRC-related documents will be retained in ODocS.

**REFERENCES:** Minn. Stat. §§ 244.43 through 244.45

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

**ATTACHMENTS:** None

**APPROVAL:**

Commissioner of Corrections