Minnesota Department of Corrections

Policy:	**106.111**	**Title: Juvenile Facility Reviews**
Issue Date:	**1/17/17**	
Effective Date:	**2/7/17**	

AUTHORITY: Minn. Stat. §§ 242; 243; 244
Minn. Rules Ch. 2940

PURPOSE: To ensure the rights of juvenile offenders and public safety through consistent and fair administrative reviews.

APPLICABILITY: Hearings and release unit (HRU), all juvenile offender facilities and field service staff.

POLICY: The HRU conducts administrative reviews to ensure uniformity and objectivity in decisions regarding the release of juvenile offenders on parole. Reviews are document and retained in the base file or the offender's electronic file at the juvenile holding facility.

DEFINITIONS:
Expiration date – 19th birthday for adjudicated juvenile delinquents or 21st birthday for extended jurisdiction juveniles (EJJ).

Facility phase – nine-month minimum treatment plan within the facility for male juveniles; six-month minimum treatment plan for female juveniles.

Furlough phase – three month extension of the facility program, occurring in the community for both male and female juveniles.

PROCEDURES:

A. General guidelines

1. The HRU conducts reviews at juvenile facilities on offenders committed to the department for purpose of:
   a) Establishing lengths of facility stay for offenders committed for murder or loss of life offenses;
   b) Assessing progress;
   c) Approving parole conditions;
   d) Granting parole; and
   e) Discharging from juvenile jurisdiction.

2. The offender and his/her parent(s) and/or legal guardian(s) have a right to be present and be heard at all reviews. The juvenile and/or case manager may notify the parent/guardian of the review date and time. The executive officer of HRU and facility may agree to extend the original review date by 30 days to allow a parent/guardian to attend. Reviews are not open to the public. Offenders who are on furlough status or are being considered for discharge from juvenile jurisdiction have non-appearance reviews. All other reviews, except those administrative reviews pertaining to a loss of life offender, have appearance reviews.

3. HRU review decisions are based on factual data and the offender must be notified of the hearing officer's decision after each review. Decisions must be in writing and made available to the offender, his/her parents and/or legal guardian and appropriate staff within 14 business days of the review. See Hearing Officer Juvenile Facility Review Report (attached).

B. Type of reviews

1. Loss of life review - the executive officer of HRU conducts reviews of offenders committed to the commissioner of corrections for murder or loss of life offenses, for the purpose of establishing length of stay.

   a) Ten weeks from the time of commitment, the facility must submit a packet of information (social history, offense details, assessment information, diagnostic evaluation, administrative recommendations, etc.) to the executive officer of HRU for review. Based on the review, the executive officer of HRU submits recommendations to the commissioner. The commissioner designates the minimum prison time, which is the length of stay for these offenders. The HRU staff reports the length of stay at the initial review. The executive officer of HRU produces the Loss of Life-Length of Stay form (attached) and send it to the facility prior to the 14-week initial review.

   b) Within 14 weeks, or as soon thereafter, when the length of stay has been determined, HRU conducts an initial review and presents the length of stay to the offender.

   c) HRU conducts an annual review following the initial review. (See Procedure B.2. "annual reviews"). The purpose of the annual review is to review the progress of the offender throughout his/her stay at the facility and address any special issues.

   d) Minimum review - the executive officer of HRU administratively conducts a minimum review 120 days prior to the length of stay date, in order to assess progress. If goals are not complete at the minimum review and the commissioner does not grant extended furlough, administrative reviews must be conducted quarterly. The reviews continue until the extended review, one year from the minimum date set, or sooner if goals are met and the commissioner grants parole status.

   e) Extended review - the executive officer of HRU conducts an administrative extended review to assess progress and goal status.

   f) Loss of life offense juveniles must be reviewed prior to release on furlough. Furlough consideration reviews are conducted by the executive officer of HRU 90 days prior to the minimum release date. A packet is sent to the executive officer of HRU, for review with the commissioner of corrections that includes recommendations by the facility, progress /psychological reports, discipline/incident reports, as well as the community re-entry plan 120 days before the minimum release date. The hearing and review report is prepared by the executive officer of HRU, who approves or denies the furlough/extended furlough based on discussions with the commissioner, and includes any additional special conditions for the furlough/extended furlough. Furloughs are granted once the juvenile is determined ready to be released into the community.

g) A 45-day administrative pre-parole review is conducted by day 45 of the extended furlough status. The juvenile parole agent must have submitted a pre-parole report to the juvenile facility. Facility administration submits parole recommendations along with the parole plan to the executive officer of HRU, who makes recommendations to the commissioner of corrections. The commissioner of corrections grants or denies parole. If parole is denied, administrative reviews are conducted quarterly by the executive officer of HRU, who advises the commissioner of corrections relative to parole. The commissioner's decision is sent to the juvenile facility in writing and is retained electronically and/or in the base file.

h) Upon successful completion of furlough and a minimum of 90 days on extended furlough, recommendation for parole consideration from the juvenile facility and the agent must be submitted to the executive officer of HRU for review with the commissioner of corrections. If approved, the offender must maintain satisfactory parole progress until expiration of his/her juvenile sentence. Non-compliance with parole conditions may result in revocation of parole and return to the juvenile facility, wherein re-release to the community again requires review and approval by the commissioner.

2. Annual reviews - HRU conducts annual appearance reviews on offenders who have not completed the facility phase of the program in order to assess progress. For male offenders, the first annual review must be conducted approximately 11 months from the date of admission. For female offenders, the first annual review must be conducted approximately eight months from date of admission. Subsequent annual reviews must be conducted by HRU until the offender is paroled or discharged from juvenile jurisdiction. Offenders may be considered for parole prior to their next scheduled annual review upon successfully completing the facility phase and entering the furlough phase of the program.

3. Discharge review -

a) Offenders who reach expiration age prior to successful completion of the treatment program are discharged by HRU. These may be non-appearance reviews. The discharge is based on a hearing officer report submitted by the assigned facility caseworker.

b) An offender that is certified or waives certification to adult court while on facility status must be continued on dual jurisdiction status at the facility until he/she reaches the release eligibility date of his/her juvenile commitment. Facility staff must request that the court include as a condition of adult probation that the offender successfully completes the facility's program. An offender that incurs a serious discipline infraction or is charged with new a offense may be referred back to the court for consideration as a violator of the adult probation. An offender who receives an adult sentence, which includes incarceration beyond the offender's release eligibility date, is considered by HRU for discharge to other authorities

4. Detention review - when a juvenile offender has been returned to the facility either as a result of a detention hearing in the community or following waiver of an on-site detention hearing, a review hearing must be held (semi-annually in the case of a pending felony or quarterly in the case of a pending misdemeanor or gross misdemeanor) to determine if

ongoing custodial detention remains necessary or if a return to community supervision with heightened surveillance (house arrest, day reporting, intensive supervision, electronic home monitoring, global position monitoring, residential placement, foster placement, etc.) adequately provides for the juvenile's welfare and public safety. Loss of life juveniles who have been returned to the facility as the result of a detention hearing in the community or following a waiver of an on-site detention hearing are reviewed by the executive officer of HRU and the commissioner of corrections. A packet is sent to the executive officer of HRU for review with the commissioner of corrections, which includes the violation reports, hearing disposition form, any facility recommendations, progress/psychological reports, discipline/incident reports and the agent's recommendations. The hearing and review report is prepared by the executive officer of HRU and states the length of stay and any special directives deemed appropriate as determined by the commissioner of corrections. This review report is presented to the juvenile by the HRU.

5. Recommitment and revocation review -

a) An offender whose parole was revoked by the HRU for acts determined to be a criminal offense(s) receives a length of stay identical to a new commitment. HRU may consider mitigation of up to three months depending on the seriousness of the offense (i.e., misdemeanor, gross misdemeanor, felony, or when the act that resulted in the recommitment was non-dangerous and an extended facility stay prior to furlough is not appropriate). Length of stay allowed toward the established minimum furlough date commences at the time of the adjudication or 60 days after the offense, whichever occurs first.

b) An offender with an offense occurring prior to current placement on facility status and is adjudicated while on facility status must have his/her review date calculated from the date of the offender's current placement on facility status (i.e. arrival date after prior commitment or revocation date). The time for the instant offense(s) and commitment offense or revocation violation runs concurrently.

c) An offender with adjudicated offenses that occurred while on facility status has his/her review dates calculated from the date the offender is returned from court with a finding that the offense occurred, unless the court action occurs after a delay of more than 60 days from the date of the offense. In the latter instance, HRU may mitigate the length of facility status while awaiting court action on the new charges. If an offender is recommitted while on facility status for an adjudicated offense occurring while on escape status from the facility, the time on escape status is added to his/her length of stay.

d) Parole revocation reviews for technical violators – an offender returned to the facility as a technical violator is reviewed for parole consideration upon completing the treatment plan deemed appropriate by facility staff. HRU sets a tentative parole date of 120 days from date of arrest. The offender may be released on or prior to that date with a non-appearance HRU review if he/she has successfully completed the treatment plan. If the offender has not completed the treatment plan within 120 days, then he/she must have an appearance review before HRU to assess his/her progress. Technical violators appear before HRU on a quarterly basis until they are approved for parole or discharged from juvenile jurisdiction.

e) Loss of life juvenile offenders, who have been returned to the facility as the result of a violation hearing or waiver of violation hearing or recommitment, are reviewed for disposition by the executive officer of HRU and the commissioner of corrections. A packet is sent to the executive officer of HRU for review with the commissioner of corrections, which includes the violation report, HRU disposition form, any facility recommendations, progress/psychological reports, discipline/incident reports and agent's recommendations. The hearing and review report is prepared by the executive officer of HRU and states the length of stay and any special directives deemed appropriate as determined by the commissioner of corrections. This review report is presented to the juvenile by the HRU.

6. Replacement reviews - when the community placement of an offender is no longer available, the offender may be returned to the facility to await community placement. A facility return represents a significant loss of liberty and must only be considered after all reasonable alternative community placements have been exhausted. Agents must first obtain prior approval from the state district supervisor when returning an offender on replacement. The agent's replacement report must accompany the offender to the receiving facility, whenever possible, and in all cases, must be received by the facility within 72-hours of the offender's return.

   If the offender has not been returned to the community within seven days after return, facility staff must schedule the case to be reviewed by HRU. If HRU determines that replacement is appropriate, reviews must be conducted at least every three weeks until the offender returns to the community. Replacement reviews are not substitutes for revocation proceedings. Loss of life juvenile offenders, who have been returned to the facility when the community placement is no longer available, are reviewed by the executive officer of HRU and the commissioner of corrections. A packet is sent to the executive officer of HRU for review with the commissioner of corrections, which includes the violation report, HRU disposition form, any facility recommendations, progress/psychological reports, discipline/incident reports and agent's recommendations. The hearing and review report is prepared by the executive officer of HRU and states the length of stay and any special directives deemed appropriate as determined by the commissioner of corrections. This review report is presented to the juvenile by the HRU.

C. Facility population control: HRU may parole offenders when facility populations exceed the budgeted capacity. Offenders considered for parole must be selected from offenders that are at or beyond the minimum parole consideration date or are within one month of the minimum parole consideration date and have substantially completed treatment.

D. Extraordinary circumstances: facility staff and/or agents may recommend to HRU that parole be considered due to extraordinary circumstances (i.e. hardship due to serious or terminal illness, imminent death, or death of a member of the offender's immediate family). If parole is proposed, it must be granted by HRU.

E. Juvenile release appeal:

1. Parole consideration from a facility - when conducting an appearance parole consideration review at a facility, HRU notifies, verbally and per the review minutes, the offender and his/her parent(s) and/or legal guardian of the right to appeal the release decision. Appeals must be submitted on the Juvenile Release Appeal form (attached) to the executive officer of HRU within three working days of receipt of the order. The executive officer of HRU

reviews the facts and speaks with the staff contributing to the release decision before rendering a decision. The decision must be communicated to the offender and his/her parent(s) and/or legal guardians within seven working days from receipt of the appeal.

2. Parole consideration from a furlough - when conducting a non-appearance parole consideration review, HRU notifies, per the review minutes, the offender and his/her parent(s) and/or legal guardian of the right to appeal the release decision. Appeals must be submitted on the Juvenile Release Appeal form to the executive officer of HRU within three working days of receipt of the order. The executive officer of HRU reviews the facts and speaks with the staff contributing to the release decision. The decision must be communicated to the offender and his/her parent(s) and/or legal guardians within seven working days from receipt of the appeal.

INTERNAL CONTROLS:

A. Hearing decisions are documented and retained either on paper form in the base file or electronically in the offender's electronic file at the juvenile holding facility.

B. Decisions made by the commissioner are document in the base file and/or electronically at the juvenile holding facility.

REVIEW: Annually

REFERENCES: ACA Standards 2-7200, 2-7206, 2-7207, 2-7211, and 2-7197

SUPERSESSION: Policy 106.111, "Juvenile Facility Reviews," 6/7/11.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Hearing Officer Juvenile Facility Review Report (106.111A)
Juvenile Release Appeal form (106.111B)
Loss of Life-Length of Stay form (106.111C)

/s/
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services