DEPARTMENT OF CORRECTIONS

Policy Number:	**106.112**
Title:	**Approval and Modification of Release Plans**
Effective Date:	**7/13/18**

PURPOSE: To ensure public safety through consistent review and approval of release plans. The HRU reviews release plans for all adult offenders being released on parole, supervised release, or on other release programs, in order to ensure the conditions of release for offenders are consistent, comply with statutory requirements, and adequately protect the public.

APPLICABILITY: Hearings and release unit (HRU), all adult facilities, and agents supervising adult offenders.

DEFINITIONS:

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

Release plans – plans that set out the conditions with which the offender must comply while under supervision in the community.

Sexually explicit material (for the purposes of Attachment D, "Special Conditions of Release") – any item that portrays, depicts, or describes actual or simulated:

1. Sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal contact or penetration) between persons or between humans and animals;
2. Penetration of the vagina or rectum by any object;
3. Masturbation;
4. Sadistic or masochistic abuse; or
5. Exhibition of genitals, female breasts, or the pubic area of any person for the purpose of sexual arousal or gratification.

Special conditions of release – conditions that may be included in some offenders' release plans to comply with statutory requirements or to protect the public at the discretion of HRU.

Standard conditions of release – conditions of release included in release plans of all offenders.

PROCEDURES:

A. Initial review, approval and offender compliance

1. Case managers prepare proposed release plans using only the established language for special conditions in the correctional operations management system (COMS). Copies of the standard and special conditions are attached below. Requests for additional special conditions and justification for including them must be noted in the "Miscellaneous Comments" section. See HRU Instructions for Developing Release Plans (attached) and Special Instructions for Release Plans (attached).

2. Hearings and release unit (HRU) staff review proposed release plans submitted electronically by case managers as soon possible prior to the offender's supervised release date and approves, modifies, or defers each plan.

3. If HRU staff defer a release plan, the case manager revises the plan and resubmits for approval.

4. After HRU staff approve, facility staff print the release plan generated from COMS, review the release plan with the offender, and upload it to the offender's electronic base file.

5. Offenders must comply with special conditions of release noted on the front of the release plan and the standard conditions of release, which are automatically printed on the back of the offender's release plan.

B. Restructure Reviews (Non-violation restructures)
At any time during the period of supervision, HRU staff may modify an offender's conditions of release (restructure).

1. Offender Requests
Offenders may request modification of their special conditions by submitting a written request to the supervising agent.
   a) If the agent or designee supports the modification request:
      (1) The agent submits the offender's written request and their written recommendation to the HRU executive officer/designee.
      (2) HRU staff respond to the request and, if it is approved, initiate the restructure.
      (3) Upon approval, the agent submits a Restructure Report form (attached) to HRU for signature.
      (4) The agent retains the signed Restructure Report form and HRU staff upload a scanned version to the offender's electronic file.
   b) If the request is not approved by the HRU staff, the agent notifies the offender of the decision.

2. Requests from agents
   a) Agents, after consultation with their supervisor, may request a modification of an offender's conditions of release, by calling the HRU.
   b) If HRU staff authorize the agent's proposed modifications, the agent serves the offender with the restructured conditions of release, requests the offender's signature, and submits a Restructure Report form for HRU approval.
   c) After HRU staff approve, the agent retains the Restructure Report form and HRU staff upload a scanned version to the offender's electronic file.

INTERNAL CONTROLS:

A. HRU review decisions are maintained in COMS.

B. Signed copies of Release Plans and Restructure Reports are retained in the offender's electronic file.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§ 243.05; 244.05, subds. 5 and 6; 244.13; Minn. R. 2940

REPLACES: Policy 106.112, "Approval and Modification of Release Plans," 3/21/07
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: HRU Instructions for Developing Release Plans (106.112A)
Special Instructions for Release Plans (106.112B)
Standard Conditions of Release (106.112C)
Special Conditions of Release (106.112D)
Notification Letter (106.112E) (As referenced in 106.112B)
Restructure Report (106.113A)

APPROVALS:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support