Minnesota Department of Corrections

Policy:	**106.1121**	**Title: Continued Facility Reviews for Release Violators**
Issue Date:	**2/21/17**	
Effective Date:	**3/7/17**	

AUTHORITY: Minn. Stat. §244.101, subd 1
Minn. Rules 2940.1300 and 2940.2600

PURPOSE: To administer a consistent set of procedures related to the extension of a projected release date (PRD) for a release violator (RV).

APPLICABILITY: Minnesota Department of Corrections (DOC); all adult facilities, community services division, and the hearings and release unit (HRU)

POLICY: The Minnesota Department of Corrections (DOC) hearings and release unit (HRU), in the ordinary course, uses standardized procedures for the extension of projected release dates (PRDs) for release violators (RVs).

DEFINITIONS:

Appearance continued review – an administrative review hearing scheduled for an offender who was returned to a facility after violating a condition of release in order to review the offender's progress on completing a directive or developing a release plan.

Non-appearance continued review form – an administrative paper review in which the Non-appearance Continued Review Form is completed by the case manager, reviewed and signed by the case manager supervisor, and submitted to HRU by the HRU liaison for final approval by the HRU.

Release violator (RV) – an offender under sentence to the commissioner whose release was revoked for violation(s) of standard or special conditions of release.

PROCEDURES:

A. The facility hearing and release unit (HRU) liaisons schedule continued reviews and notify the case manager, and the assigned agent or designee, of the time and location of their required participation either in person or via teleconference.

B. A Non-appearance Continued Review Form (attached) is completed for a release violator (RV) who has not completed his/her treatment assessment recommendations, whose proposed residential placement is not available, or for whom there is an unexpected change in the offender's placement plan at or near the offender's projected release date (PRD). This form is submitted to HRU for approval one time per incarceration period. Any additional extensions require an appearance continued review. The facility is responsible for retaining all Non-appearance Continued Review Forms in the offender's electronic file and distributing a copy to the offender.
   1. An RV near completion of treatment recommendations has his/her release date administratively extended by up to 60 days to allow for program completion and may be released to an agent-approved plan without another hearing when the required programming is completed. The RV is required to remain free of disciplinary segregation during this period of time.

2. An RV with a confirmed bed at a residential placement at the time of his/her PRD is administratively extended by up to 60 days to allow for placement and may be released without another hearing when the placement is available. The RV is required to remain free of disciplinary segregation during this period of time.

3. An RV who has an unexpected change to an approved placement plan at the time of his/her PRD is administratively extended up to 14 days or until the next available HRU hearing date. The RV is required to remain free of disciplinary segregation during this period of time.

C. An appearance continued review is scheduled by the facility HRU liaison when the liaison is notified by the case manager. The case manager ensures all treatment information/reports are available to the HRU hearing officer on the day of the review hearing. The agent or designee must be present, either in person or via teleconference, to provide residential or other placement options. The facility liaison must coordinate the COMS adjustments with the sentence administration unit (SAU) when directed by HRU. All PRD adjustments are tracked in COMS.

1. An RV's PRD is extended as necessary when the offender has not established an approved residence. When an RV has not obtained a residence by the adjusted PRD, HRU reviews and extends the offender's PRD to accommodate release planning. The offender's PRD is typically extended up to 90 days for the first review and no longer than 180 days for reviews thereafter until an appropriate residence is confirmed.

2. An RV participating in a treatment program resulting from a disposition imposed by HRU is reviewed in a hearing for the purpose of extending the PRD and establishing a potential completion date. An RV with an "or less" length of return, not participating in treatment due to a determination of ineligibility, or who has refused, quit, or been terminated from the required programming, must be reviewed within 30 days of the decision. This review is to impose a disposition, which may include a reaffirmation of the original treatment assessment recommendation, a period of accountability up to expiration of sentence, or an extension for release planning.

3. All hearing reports are scanned and retained electronically in the offender's file, and sent to facility records staff for distribution to the offender.

INTERNAL CONTROLS:

A. Non-appearance Continued Review Forms and hearing reports are retained in the offender's electronic file.

B. PRD adjustments are tracked in COMS.

REVIEW: Annually

REFERENCES: Minn. Rules Chapter 2940
Minn. Rules 2940.0100, subp 8, 21, and 22

SUPERSESSION: Policy 106.1121, "Continued Facility Reviews for Release Violators," 5/19/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Non-appearance Continued Review Form (106.1121A)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services