DEPARTMENT OF CORRECTIONS

Policy Number: 203.018
Title: Agent Assignment and Release Planning
Effective Date: 09/01/22

PURPOSE: To guide the assignment of an agent/entity responsible for supervising a person in the community and for investigating and assisting in release planning efforts, including the selection and approval of a residential placement to provide the highest level of public safety and optimize the chances of successful reintegration into society.

APPLICABILITY: Adult facilities, health services, community services division, and Community Corrections Act (CCA) counties.

DEFINITIONS:
Agent – an employee of the DOC or a CCA county assigned to supervise a person on supervised or conditional release.

Caseworker – a DOC facility staff member responsible for assisting persons in the development of release plans, including the selection of a suitable and available residential placement.

County of commitment – the county with the sentence having the greatest termination date among the counties in which the person was convicted and sentenced for the crime(s) that required commitment to the DOC.

County of historical ties – the county in which the person primarily resided within the six months prior to incarceration at a Minnesota correctional facility. Stays in homeless shelters, motels, hotels, treatment facilities, other non-permanent housing, jails, and transitional housing (e.g., halfway houses, DOC-leased intensive supervised release (ISR) housing, and emergency housing) are not considered historical ties.

Document Exchange Manager (DEM) – an electronic program located in the correctional operations management system (COMS) to send requests for agent assignments to counties.

Initial facility program review team (PRT) report – a report that documents and summarizes a person's case history, active offenses, custody level, program directives and recommendations, and projected release plan. If applicable, the report also addresses predatory registration, DNA testing, end-of-confinement review (ECRC), civil commitment, and risk level assignment.

Program review team (PRT) – a team designated by the warden of a DOC correctional facility to conduct program reviews at specified intervals throughout a person's incarceration.

Proposed residence – a specific residence proposed by a person that has been initially verified by a caseworker and then by a supervision agent as available and suitable. Motels, hotels, homeless shelters, transitional housing, treatment facilities or other treatment programs that provide temporary housing, and DOC-leased ISR housing outside a person's county of historical ties or presumptive release jurisdiction (county of commitment) do not qualify as proposed residences for purposes of this policy. A permanent therapeutic setting or college student housing qualifies as a proposed residence.

Suitability – a residence that is habitable by addressing basic needs, does not present an articulable risk of harm to the person or others at the time the residence is considered, and can accommodate a specific level

of care to meet the person's needs as defined by an assessment or professional statement of need. A residence is not automatically unsuitable simply because a person is high risk for recidivism or has committed a specific offense against a particular type of individual in the past.

Transition manager – a member of the DOC's community reentry unit who functions as the coordinator of case management and transitions processes in all state correctional facilities.

PROCEDURES:

A. Agent Assignment and County of Supervision Determination

Prior to the deadline for submitting an agent assignment request (see Procedure E.3, below), the caseworker must meet with the person to determine residency options and verify the address and availability of the option most suited to the person's release plan. Persons are responsible for participating in the release planning process by proposing specific placement options and caseworkers submit requests for agent assignment as follows:

1. Proposed residence

   If an person's proposed residence is initially determined to be available and suitable by the caseworker, and then by a supervision agent, acceptance of supervision by the county or agency responsible for providing supervision where the residence is located is presumptive absent specific identifiable risks to public safety or concentration issues per Minn. Stat. § 244.052, subd. 4a (a).

2. County of historical ties

   If the person does not have an approved placement at the time of agent assignment, the county or supervising agency where the person has documented historical ties serves as the supervising entity and assists the person with release planning efforts where options may be located anywhere in the state.

3. County of commitment

   If the person does not have an approved residence or sufficient historical ties outside the person's county of commitment, the county or agency responsible for providing supervision in the county of commitment serves as the supervising entity and assists the person with release planning efforts where options may be located anywhere in the state.

4. If the person is committed to a DOC facility for an offense that occurred while residing in a treatment setting, or in a DOC prison, supervision and release planning responsibility reverts to the county of commitment or to the county of historical ties for the original offense.

5. If the person does not have a release option other than their assigned agent's office, within 60 days or one-third of the time remaining for short-term persons before their scheduled release date, the caseworker must initiate a conference call with the assigned agent and the person to explore homelessness mitigation options. All mitigation efforts must be documented in the Court Services Tracking System (CSTS) and the Correctional Operations Management System (COMS) including what options have been investigated and why they were not suitable or available. Efforts must include community, county, or state homeless assistance options.

6. If the person is recommended or committed for substance use disorder (SUD), or sex-offense, or other treatment, the treatment placement does not meet the definition of a proposed residence. If the person is admitted to treatment upon release from incarceration, the supervision and release planning responsibility remains with the county of proposed residence after treatment, county of historical ties, or county of commitment if no historical

ties. Treatment determination is based on the assessment or professional statement of need and on what is determined to be suitable and available. Priority for placement must consider options within the assigned agent's supervision area if determined both to be suitable and available as defined by the assessment or professional statement of need.

B. Intensive Supervised Release (ISR) Persons

The caseworker must determine whether the person meets the mandatory or discretionary criteria for ISR as outlined in the Criteria for Placement on Intensive Supervised Release (attached).

1. If the person meets the criteria for ISR, the caseworker must submit an agent assignment request and referral for placement on ISR in accordance with the standards set forth in Procedure A.

2. For persons designated for ISR who have been assigned an agent but lack an approvable release plan, the caseworker and assigned supervision agent assist the person in locating an available and suitable residence both within and outside the county of historical ties or county of commitment.

   a) The caseworker and/or assigned supervision agent must investigate all residential placements proposed by the person to be placed on ISR, regardless of whether those placements are within the county of commitment or county of historical ties. However, DOC-leased ISR housing outside a person's county of historical ties or county of commitment is excluded as a potential placement option.

   b) If the proposed residence is outside the agent's supervision area but is otherwise available and suitable, a request for agent assignment must be sent to the county or ISR team in which the residence is located.

   c) In addition to investigating placements proposed by a person placed on ISR, the caseworker and assigned agent must assist the person in locating an approvable residence in any county within the agent's supervision area.

      (1) When providing such assistance, the caseworker and assigned agent may give priority to potential residences, or transitional housing, within the person's county of commitment and county of historical ties before considering residences in other counties within the agent's supervision area.

      (2) Once the caseworker and assigned agent believe all options within the agent's supervision area have been exhausted, they may consider available and suitable residences anywhere in the state.

C. Residency Funding

To access residential funding for persons deemed eligible under DOC Policy 205.130, "Adult Halfway House/Emergency Housing Fund Use," caseworkers and agents must follow the procedures contained in that policy.

D. Victims of Sexual Assault/Misconduct

Persons who have been the victims of sexual assault or misconduct must be offered post-release victim services. Caseworkers must contact the DOC victim services unit to ensure the person's release planning process includes a plan or referral for victim services and these services are communicated to the assigned field agent.

E. Requests for Agent Assignment

When submitting a request for agent assignment, the caseworker generates a request for agent assignment report from COMS that includes a completed first-page checklist, release plan, and recommended conditions of release.

1. The report must note the following in the miscellaneous section, if applicable:
   a) The person's overall facility adjustment during incarceration;
   b) Programming attempts and completions;
   c) Case plan progress;
   d) ISR recommendation;
   e) Predatory person registration;
   f) Risk level assignment from the end-of-confinement review committee (ECRC);
   g) MNSTARR level of risk and probability for each area (felony, violent, non-violent, and repeat sex offending);
   h Release transportation;
   i) Revocation information and prior agent assignment rejections, including the rationale for those rejections;
   j Past residency (dates and locations and information to support historical ties;
   k) County of financial responsibility;
   l) Discipline history; and
   m) Permanent therapeutic settings that were investigated during the person's current incarceration and found to be not suitable or available.

2. Requests for agent assignments must be sent via Document Exchange Manager (DEM) and the following documents must be attached to the DEM file, if applicable and available:
   a) Initial PRT report and PRT action report;
   b) Risk assessments completed during incarceration, including the level of service/case management inventory (LS/CMI);
   c) Psychological assessments;
   d) Presentence Investigation (PSI) report;
   e) Criminal complaint(s);
   f) Warrant of commitment;
   g) Probation or release violation reports;
   h) Treatment discharge reports;
   i) Release health care summary (e-mail to agent when available);
   j) Case plans;
   k) ECRC reports;
   l) COMS case notes for the previous year;
   m) Specialized release plans;
   n) Domestic violence summary reports; and
   o) Discipline history.

3. The agent assignment request must be sent to the supervisor of the county or agency responsible for supervision at least 30 calendar days before the projected release date of a person who has violated release, 90 calendar days before a person's initial release on standard supervised release, or 120 calendar days for persons to be placed on ISR, if time permits.

4. Requests for interstate transfers are processed according to DOC Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers." If an incarcerated person releases to their Interstate Release Plan, a Minnesota backup release plan must also be approved and deferred by HRU. In the event the person returns to Minnesota permanently, either by choice or in response to a violation, the person must be transferred to the most recent Minnesota agent of record or the Minnesota backup release

plan agent. The approved backup plan's agent and jurisdiction is responsible for supervision upon the person returning and reporting as directed.

F. Responses to Agent Assignment Requests

Within 15 calendar days of receiving a request for agent assignment, the supervisor of the receiving county or agency must assign an agent to investigate the proposed release plan.

1. The investigating agent must respond to the request for agent assignment within 30 calendar days of receipt, or within one-third of the time remaining before the person's projected release, whichever is less. When the person's projected release date is imminent, responses are expected as soon as reasonably possible to enable timely release of the person. Requests for agent assignment must be given top priority and promptly investigated. If circumstances prevent a timely response, the supervisor must contact the person's existing caseworker or assigned field agent. If the proposed residence is a permanent therapeutic setting, the agency has five business days to respond to the request for supervision. All agent assignment requests (AAR) responses must be reviewed and approved by supervisors.

2. The county or agency staff assigned to investigate a proposed release plan must determine the suitability and availability of the proposed residence as they would for other persons residing in their county.
   a) County or agency staff should NOT directly contact property owners unless the proposed placement could create an articulable risk to public safety (for example, access to a victim pool, arson, the person has a history of manufacturing methamphetamine, etc.).

   b) For ISR or challenge incarceration program (CIP) persons, staff may also contact property owners when concerns arise as part of the placement investigation to determine the length of time the person could reside there.

3. If the person is referred for placement on ISR, the ISR supervisor determines whether to accept the person on ISR and whether to approve or reject the proposed release plan in DEM. If ISR supervision is rejected, a rationale for rejection must be provided to the caseworker. The ISR supervisor must notify the person's existing caseworker or assigned agent of the decision.

4. If the request for agent assignment or proposed residence is rejected, the assigned agent must consult with the caseworker and the denial in DEM must indicate why the proposed residence was not available or suitable based on the principles and definitions outlined in this policy
   a) The proposed residence may not be rejected solely for being outside the county of commitment or for the lack of historical ties.

   b) If the rejection cites a concentration of level III predatory offenders per Minn. Stat. § 244.052, subd. 4a(a), the agent's response must include an explanation of the concentration and the basis for determining that concentration.

   c) If the reason for rejection is a local residency restriction on predatory persons, the agent must provide documentation of the residency restriction and why it covers the proposed residence.

   d) Rejection of a proposed residence based on potential harm must be tied to an articulable risk of harm to an individual, a victim or victim pool, the agent, or

others that cannot be mitigated through supervision or other safety measures. The specific reasons for rejection must be documented and tied to the principles outlined in this policy. Such rejection also requires supervisor approval.

5. Requests for additional conditions or the removal of proposed supervision conditions must be included in the agent's response, along with a justification for the addition or removal.

G. Final Approval of Release Plans

Once a release plan is accepted by a supervision agent, the plan must be approved by the program review team (PRT) and the hearings and release unit (HRU). The HRU makes the final decision regarding the conditions of release but is not involved in the selection of a particular residence or the agency responsible for supervision.

1. Any changes to HRU-approved plans require additional review and approval by the HRU.

2. The caseworker and agent must include justification for all special conditions on the proposed release plan when submitting the release plan to HRU for final approval.

3. All signed release planning documents must be scanned and stored electronically in CSTS and COMS/ODocS.

4. A person being released from a DOC facility must not be transported by anyone deemed a victim of the person unless approved by the agent during release planning consultation. The case worker, when discussing who will transport the person upon release, must inform the person that anyone deemed a victim is not allowed to transport. This notice of victims not transporting must be documented on the conditions of release transportation section and in COMS.

H. Resolving Disputes over Release Plans and Supervision Responsibility

Caseworkers and supervision agents must attempt to informally resolve disputes over proposed release plans by referring to the principles and procedures identified in this policy. Most often, disagreements concerning residency options and supervision responsibility can be resolved through ongoing communication about the rationale for the proposed residence.

1. If a dispute cannot be resolved informally, the caseworker must refer the matter to the DOC transition manager. The transition manager must send a written request for reconsideration to the county supervisor and agency director. The request should include the following information and why the rejection did not follow the principles and procedures of this policy:
   a) The person's county of commitment;
   b) The person's historical ties, past residences, and existing support systems, including support in providing housing;
   c) Special needs requiring treatment and what treatment facilities were investigated and ruled out;
   d) Prior revocation information, if applicable;
   e) The rationale for the county's rejection and rejections by other counties; and
   f) The reasons why the county should reconsider its rejection.

2. The county should provide a written response to the request for reconsideration within 14 calendar days. If the county rejects the request, it should explain why the proposed placement was not available or suitable based on the principles outlined in this policy.

3. If the matter remains unresolved, the DOC transition manager must, absent good cause, forward the request for reconsideration and the county's written response to the DOC's

deputy commissioner of community services for final resolution. The deputy commissioner or designee makes the final decision regarding the suitability of a proposed residence and the agency responsible for supervision.

4. For post-release supervision dispute resolution, the community agency supervisor must submit a request to the DOC transition manager, who obtains information from all parties needed to determine if the agency supervision assignment is not clearly defined by policy. If the transition manager determines further review is needed, the transition manager refers the matter to the deputy commissioner of reintegration and restorative services for final resolution.

I. Expedited Resolution

When a DOC health services release planner has been assigned to an person and a permanent therapeutic setting treatment bed is available that exclusively meets the person's needs, disputes over the proposed release plan and supervision responsibility must be expedited.

1. The caseworker and health services release planner must submit a memorandum to the deputy commissioner of community services that includes:
   a) The person's projected release date, county of commitment, and past residential placements;
   b) The special needs requiring treatment and what treatment facilities were investigated and ruled out;
   c) Why the proposed treatment option exclusively meets the person's needs; and
   d) Bed availability at the proposed treatment facility.
2. The deputy commissioner of reintegration and restorative services contacts the CCA director in the county where the treatment bed is located for final resolution of the dispute.

INTERNAL CONTROLS:

A. Agent assignment requests are sent electronically via DEM and are approved by a supervisor.

B. All signed release planning documents are scanned and stored electronically in CSTS and COMS/ODocS.

ACA STANDARDS: 4-4304, 4-APPFS-2A-08, 4-APPFS-2C-01, 4-APPFS-2C-02

REFERENCES: Minn. Stat. §§ 241.01, 242.19, 243.05, 243.1605, 244.05, 244.052, 244.056, 244.13, 401.01, 401.02, 401.025, 401.06.
Policy 106.112, "Approval and Modification of Release Plans"
Policy 203.010, "Case Management Process"
Policy 203.012 "Release Health Care Summary"
Policy 203.040, "DNA Analysis of Offenders"
Policy 203.110, "Interstate Corrections Compact (Facility)."
Policy 205.130, "Adult Halfway House/Emergency Housing Fund Use"
Policy 205.140 "Adult Offender Reentry Services and Programming"
Policy 205.200, "Sex Offender Civil Commitment Screening"
Policy 205.220, "Predatory Offender: Registration, Community Notification, Victim Notification, Level 3 Website, and Risk Level Reassessment Request"
Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers"

Prison Rape Elimination Act (PREA), 28 C.F.R. § 115

REPLACES: Policy 203.018, "Agent Assignment and Release Planning," 4/3/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Criteria for Placement on Intensive Supervised Release (ISR) (203.018A)

APPROVALS:
Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Organizational and Regulatory Services
Assistant Commissioner, Chief of Staff
Assistant Commissioner, Health, Recovery, and Programming