
Policy:	205.150
Title:	Conditional Release of Individuals Convicted of Nonviolent Controlled Substance Offenses
Effective Date:	<u>12xx/19xx/2024</u>

PURPOSE: To outline the screening, review, and release procedures for conditional release of individuals incarcerated for nonviolent controlled substance crimes. The department offers all eligible individuals the opportunity to enter a treatment program no later than ten months before their conditional release program (CRP) release eligibility date.

APPLICABILITY: Minnesota Department of Corrections (DOC); all adults in prisons who have a qualifying sentence.

DEFINITIONS:

Conditional release program (CRP) review team – team made up of the case management supervisor, one other supervisor or one career case manager, and the assigned caseworker. The team determines if the individual meets the statutory and departmental criteria for CRP, reviews the supporting information, and sends the materials to the commissioner’s review team.

PROCEDURES:

- A. The department may conditionally release individuals as part of the conditional release program (CRP) who meet eligibility criteria outlined in Minn. Stat. § 244.0513 and complete treatment programming.
- B. Screening procedures
 1. Individuals are first screened for program participation by the caseworker who was assigned at intake. Individuals may also send a kite to their caseworker and request to be screened if they believe they qualify.
 2. The caseworker reviews the individual’s sentences based on statute and screens for eligibility using the Conditional Release for Nonviolent Controlled Substance Crimes Screening form found on the Case Manager Information (CMI) iShare site.
 3. On the Conditional Release for Nonviolent Controlled Substance Crimes Screening form, steps numbered one and two must be completed for all individuals with a qualifying offense.
 - a) If the individual does not meet the eligibility ~~requirement for~~ steps one and step two, the form (and any supporting information) is sent to the facility CRP review team. If the CRP team decides that the individual is not eligible for the program, it must send the individual a notice of ineligibility. The facility CRP review team must document its actions in steps three and ~~step~~ six on the screening form. The individual may appeal the denial; see Procedure C “Appeals,” below, for more information.

- b) If the individual meets the criteria in step one and step two, the caseworker meets with the individual, explains the program, and the individual decides whether they want to be considered for the program.
 - c) If the individual declines to be considered, the caseworker completes steps one and step two of the Conditional Release for Nonviolent Controlled Substance Crimes Screening form, indicating why on the first question of the screening form. The caseworker then sends a copy of the screening form to the facility CRP review team. The caseworker must also enter a case note in the correctional operations management system (COMS) indicating that the individual has declined and the reason(s) given. If the CRP review team finds that the individual's decision to decline was based on appropriate information, they send the individual a notice of ineligibility, and step six on the screening form is completed.
 - d) If the individual wants to be considered for the CRP and meets the criteria in steps one and step two, the caseworker completes step three. The caseworker reviews the individual's case file to proceed with the next steps.
 - (1) The caseworker sends a letter (template attached) to the prosecuting authority and sentencing court responsible for the individual's conviction for comment on their potential conditional release. The prosecuting authority and sentencing court have 30 days from the date sent to respond.
 - (2) The caseworker reviews the Conditional Release Program Agreement with the individual and obtains their signature on it. The signed agreement is kept in the electronic document system (ODocS).
4. When the caseworker has collected all of the information for step three, they compile a packet including a copy of the screening form, any supporting information (as noted on the screening form), the Minnesota screening tool assessing recidivism risk (MNSTARR), other assessments as available, the signed Conditional Release Agreement form, and the responses from the prosecutor and sentencing court (if received). The caseworker sends the packet to the facility CRP review team. The CRP review team reviews the Conditional Release for Nonviolent Controlled Substance Crimes Screening form and supporting information for completeness and notes any significant information in "comments" for step four. The CRP review team date is also documented in step four of the screening form and in the COMS PRT tab. When the review is completed, the form and supporting information, including the PRT Action Report, are emailed to the support staff for the deputy commissioner of client services and supports ~~sent via email to the assistant commissioner of health, recovery, and programming~~. If the form and supporting information are ~~not~~ incomplete, the packet is returned to the caseworker for further information.
5. The ~~deputy assistant~~ commissioner's review team reviews the information provided and approves or denies the individual's application. Once a decision is made, notice must be sent to the appropriate facility CRP review team and caseworker. The ~~deputy assistant~~ commissioner's decision is documented in step five of the screening form on the iShare site. The caseworker informs the individual of the ~~deputy assistant~~ commissioner's review team decision in writing. If approved, the individual is referred to the appropriate substance use treatment program. If the individual is denied entrance, they may appeal the denial; see Procedure C "Appeals" for more information. The screening packet is kept in

ODocS. The completed screening form must also be kept on the CMI iShare site and in ODocS.

6. If treatment is recommended, the individual must be offered treatment within 160 days after the term of imprisonment begins or as soon after ~~that 160 days~~ those 160 days as possible. The caseworker is responsible for notifying the treatment program staff of the individual's approval for CRP and the release eligibility date. For individuals serving shorter sentences, this must be done as soon as possible to ensure the appropriate amount of time for treatment completion.
7. The caseworker must communicate with treatment staff regarding the progress of the individual's CRP application and document treatment completion status in the individual's case plan.

C. Appeals

If the individual was denied entrance into the CRP, they may appeal the decision to the assistant deputy commissioner, health recovery, and programming of client services and supports (who was not a member of the deputy assistant commissioner's review team). The deputy commissioner must, whenever possible, review the appeal within 5 working days, consult with the commissioner of corrections, and document the approval or denial response in the incarcerated person's electronic file. The deputy commissioner's decision is final and cannot be grieved.

D. The substance use treatment program must adhere to the requirements found in Minn. Stat. § 244.0513.

E. An individual terminated from treatment may appeal the termination per Policy 500.308, "Substance Use Disorder Treatment Assessment, Treatment Directives, and Programming."

F. Release procedures (see Minn. Stat. § 244.0513, subd. 7)

1. All DOC policies and procedures relating to release apply to this policy. Additionally, the individual's release plan must include a detailed and specific plan that addresses, at a minimum:
 - a) Community-based substance use treatment or aftercare plans if recommended;
 - b) Gaining employment; and
 - c) Securing housing.
2. The hearings and release unit (HRU) must approve the release plan; see Policy 106.112, "Approval and Modification of Release Plans."
3. Release supervision procedures are contained in Policy ~~201.010~~, 201.010, – "Adult Community Supervision."

G. Revocation procedures

1. Conditional release under Minn. Stat. § 244.0513 is governed by the provisions relating to supervised release contained in Minn. Stat. Ch. 244. An individual who has their conditional release rescinded after a hearing by the HRU is subject to re-incarceration as a release violator and may be required to serve all or a portion of their remaining sentence.
2. Revocation and return to a Minnesota prison is determined at an administrative hearing conducted by the HRU; see Policy 106.114, "Hearings for Adults."

INTERNAL CONTROLS:

- A. The completed CRP screening form is retained in the case management information iShare site and a copy is retained in the electronic document system (ODocS).
- B. All supporting documents (included in the packet) are retained in ODocS.
- C. The signed CRP Agreement is retained in ODocS.

REFERENCES:

Minn. Stat. § [244.0513](#) and clarifying Minnesota case law
[Policy 201.010, "Adult Community Supervision"](#)
[Policy 500.308, "Substance Use Disorder Assessment, Treatment Directives, and Programming"](#)
[Policy 106.114, "-Hearings for Adults"](#)
[Policy 106.112, "Approval and Modification of Release Plans"](#)
Minn. Stat. § [244.0513](#)

~~REPLACESUPERSESSION:~~

~~PolicyDivision Directive~~ 205.150, "Conditional Release of

Nonviolent Controlled Substance Offenders,"8/1/16.

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

ATTACHMENTS:

Conditional Release for Nonviolent Controlled Substance Crimes Screening form (on the Case Manager Information (CMI) iShare site)

[Conditional Release Program Agreement](#) (205.150B)

[Template letter to prosecuting authority and sentencing court](#) (205.150C)

[Conditional Release Program – Frequently Asked Questions](#) (205.150D)

APPROVALS:

~~Commissioner of Corrections~~~~Deputy Commissioner, Chief of Staff~~

~~Deputy Commissioner, Client Services and Supports~~

~~Assistant Commissioner, Agency Services and Supports~~

~~Assistant Commissioner, Facilities~~

~~Assistant Commissioner, Facilities~~

~~Assistant Commissioner, Community Services and Reentry~~

~~Assistant Commissioner, Health, Recovery, and Programming~~