

**Review of Guidelines for
Revocation of Parole and Supervised Release**

2009 Report to the Minnesota Legislature



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EXECUTIVE SUMMARY

The 2008 Legislature directed the commissioner of corrections to perform an internal review of Minnesota Department of Corrections' (DOC) guidelines for revocation of parole and supervised release. The review was to include a discussion on the appropriateness and proportionality of the sanctions; use of intermediate sanctions; and the option of capping the number of days that an offender may be reincarcerated for a parole or supervised release violation.

At the DOC, release violation data for offenders on supervised release status is not automated. Accordingly, to prepare this report, the department conducted a manual review of Hearings & Release Unit (HRU) action reports in conjunction with a review of summary data contained in a stand-alone data system. Six months of HRU actions from April through September of 2008 were analyzed, looking at what recourse was taken when an individual violated the conditions of his or her release.

- There were 2,128 contacts with HRU involving 1,931 offenders during the six-month period analyzed.
- Of the total contacts, 1,089 contacts (51%) resulted in an intermediate sanction other than revocation; 1,039 contacts (49%) resulted in revocation.
- Most frequently, the intermediate sanction process utilized was a face-to-face meeting between the agent and offender to review expectations and modify conditions of release, which is termed a restructure.
- Of the 1,039 contacts that resulted in revocation, 18 percent resulted in reincarceration for more than 180 days.

Beyond its own HRU review, the department looked to national literature on parole and release violations for guidance on what best practices/standards exist regarding: what is an appropriate and proportional response to release violations, what types of intermediate sanctions are being utilized, and what level of caps are in place on reincarceration time.

- Research by the National Institute of Corrections (NIC) indicates that a strategic approach to handling parole violations is the best practice to ensure public safety (including incarcerating high-risk offenders who present immediate risk to public safety and imposing intermediate sanctions on release violators that are a lower risk to public safety).
- Minnesota has aligned itself with these concepts with the development of revocation guidelines that implement a graduated system of sanctions from restructure to reincarceration.
- Minnesota's guidelines include the option for agents to coordinate with supervisors and the HRU to restructure a violator and impose new/modified conditions that are intermediate sanctions (e.g., use of electronic home monitoring, treatment programs, and community service).
- There is a broad range of caps that other states are utilizing in regard to release violator reincarceration. Minnesota's graduated system of sanctions from restructure up to 180 days of reincarceration time (set in agency policy and administrative rule) is comparable to other states.

Minnesota's management of offenders who violate conditions of their supervised release, also referred to as technical violators, with a revocation guidelines system has contributed to the

relatively low cost of corrections in this state without sacrificing public safety. The strategy of the guidelines is to provide a continuum of sanctions for the supervising agent to use in order to hold offenders accountable for release violations to maintain public safety, while preserving extended reincarceration for the most dangerous criminals unamenable to supervision.

Overall results of the internal review show that the revocation process and guidelines in Minnesota mirror national standards of best practices. The guidelines provide the supervising agent and hearing officer with disposition options that hold the offender accountable for the instant violation and reduce the risk posed by future violations.

Data shows that the guidelines establish rational and consistent sanctions for violations of release conditions and preserve finite correctional resources by ensuring that sanctions are directly proportional to the seriousness of violations and risks posed by offenders. In 82 percent of the cases where the offender was revoked back to prison, he or she was assigned six months or less of reincarceration time. Only a small percentage of cases resulted in significant reincarceration time of more than two years. Those cases involved offenders with criminal sexual conduct or first-degree driving while intoxicated convictions as their governing offense.

Finally, the data analyzed in the report shows that the guidelines have resulted in remarkably consistent overall outcomes. Release violator admissions have not increased when measured as a percentage of the overall offender population. Release violator admissions as a percentage of daily population over the past three years have remained stable at about 13 percent, with an average length of stay of five months. In 2006 the percentage was 12.7 percent, in 2007 the percentage was 14.2 percent, and in 2008 the percentage was 13 percent.

As a result of this study, the department identified several areas in which focused immediate attention can enhance the parole and supervised release management process. These include improving the DOC's information tracking system as it relates to parole and supervised release violation data and increasing the use of local accountability options when feasible. The local accountability option is only available in counties with surplus bed space who wish to contract for services with the DOC. The DOC currently has nine such contracts throughout the state.

An improved information tracking system will enable the department to more closely identify and track trends related to management of offenders on supervised release. Expansion of local accountability options will further enable the department to hold offenders accountable for release violations while further preserving more costly prison beds for offenders who are more dangerous and unamenable to supervision. Expansion of local accountability time has a fiscal impact because it will be necessary to further fund contracts for housing with local county jails and further develop off-site case management processes. The release of offenders in the communities where they live creates a more stable and successful transition to supervision.

LEGISLATIVE DIRECTIVE

The 2008 Legislature directed the commissioner of corrections to perform an internal review of the Minnesota Department of Corrections' (DOC) guidelines for revocation of parole and supervised release including, at a minimum:

- 1) the appropriateness and proportionality of the sanctions set forth in the guidelines;
- 2) the use of intermediate sanctions and potential for expanding the use and number of intermediate sanctions; and
- 3) the option of capping the number of days that an offender may be reincarcerated for a parole or supervised release violation.

The commissioner was required to report findings to the legislature by March 1, 2009. (Minnesota Laws 2008, Chapter 299, Section 24.)

INTRODUCTION

The mission of the DOC is, "To hold offenders accountable and offer opportunities for change while restoring justice for victims and contributing to a safer Minnesota." In order to achieve this mission, key strategies and goals have been developed. Included in these strategies is the need for optimizing best practices and efficiently using state resources. A key component is reentry, the concept of successfully integrating offenders into local communities with the necessary support structure to avoid reincarceration.

With these strategies and goals in mind, the department developed and implemented guidelines for the management of offenders on parole and supervised release. Before detailing these guidelines, it is important to understand that Minnesota has a diverse correctional delivery system that directly impacts the release violator process and how the state holds offenders on release accountable.

Understanding Minnesota's Correctional Delivery Systems

Minnesota's three-part delivery system for the supervision of offenders on parole, probation, and supervised release includes services provided by the DOC as well as Community Corrections Act (CCA) and County Probation Officer (CPO) jurisdictions. Each of these systems utilizes supervision agents responsible for guiding and monitoring offenders in their compliance with conditions and providing information and recommendations to allow sentencing authorities to make appropriate decisions.

The DOC provides felony probation and supervised release services in 55 counties that are not part of the CCA. The DOC also provides juvenile, adult misdemeanor and gross misdemeanor services in 28 counties. In addition, the DOC provides intensive supervised release (ISR) services directly through ISR supervisors or by contract with CCA jurisdictions.

The second delivery method allows any Minnesota county or group of contiguous counties with a population exceeding 30,000 to elect to enter the CCA. There are currently 17 jurisdictions, representing 32 counties, organized within this system. In these areas, the county or jurisdiction provides all correctional services.

In the third delivery system, CPOs are appointed by the district court in the county where they work. CPOs supervise all juveniles and most adult misdemeanor and gross misdemeanor offenders. There are currently 27 counties utilizing this correctional delivery system.

Minnesota's correctional delivery system is therefore made up of a large network of local systems, each making supervision decisions. On any given day in Minnesota, there are nearly 145,000 adult and juvenile offenders on probation or supervised release receiving supervision services in the community.¹ Another 9,100 adults are confined in local jails and workhouses. Comparing these numbers to prison populations as of July 1, 2008, the number of adult Minnesotans confined in state institutions was 9,224, and the number of juveniles was 120.² Local supervision decisions are clearly an integral part of Minnesota's correctional delivery system and have direct impact on Minnesota's release violator population.

Based on these **three delivery systems**, there are two general types of release violators who arrive at prison. The first are **probation violators**. They are sentenced to a term of probation by the court. Upon violating their conditions of probation, they are sent to prison. On July 1, 2008, 16 percent of prison admissions were probation violators admitted by the courts. Their average length of stay in prison was 16 months, which is in addition to what they may have already served in a county jail while on probation status.

The Minnesota Supreme Court developed a probation revocation decision-making process through statutes and case law that requires lower courts to consider three factors on the record before revoking probation:

1. designate the specific condition or conditions violated;
2. find that the violation was intentional or inexcusable; and
3. find that the need for confinement outweighs the policies favoring probation. This third factor is satisfied if:
 - a. confinement is necessary to protect the public from further criminal activity;
 - b. the offender is in need of correctional treatment that can most effectively be provided if the offender is confined; or
 - c. it would unduly depreciate the seriousness of the violation if probation were not revoked.³

The second type of release violators is **supervised release violators**. They have served their prison sentence and are on release status under the authority of the commissioner of corrections. Supervised release is the current term for the release practice formerly known as parole. Minnesota statutes governing supervised release provide that it is the commissioner of corrections who decides whether supervised release should be revoked. On July 1, 2008, 13 percent of prison admissions were supervised release violators. Their average length of stay in prison was five months.

While this report deals with supervised release violators under the authority of the commissioner of corrections and not probation violators subject to the authority of the courts, the judicial

¹ *2007 Probation Survey*, Minnesota Department of Corrections, page 5.

² *Adult and Juvenile Inmate Profiles*, Minnesota Department of Corrections (July 2008).

³ *State v. Austin*, 295 N.W.2d 246, 250-51 (Minn. 1980). M.S. Sec. 609.14.

standard described above parallels guidelines that are used by the department to make supervised release revocation decisions.⁴

Overview of Restructure/Revocation Process and Guidelines

M.S. Sec. 243.05 empowers the commissioner of corrections to grant and revoke a prisoner's release status and to adopt rules to govern this procedure. Minnesota Rules, Chapter 2940, was created out of this authority to provide a rational framework for making restructure and revocation decisions. To this end, the DOC created a set of guidelines for revocation of parole/supervised release. As will be discussed later in this report, the basis of these guidelines is to protect public safety by having measured responses to release violations. The process provides for changing release conditions to meet identified needs of the offender and thereby enhance the offender's ability to successfully complete supervision.

Minnesota Rules, Chapter 2940, provides the framework and governs the department's Hearings & Release Unit (HRU). This unit has been delegated the responsibility for coordinating, monitoring, and assuring uniformity and objectivity in parole, supervised release, and work release decisions. Release decisions and development of release conditions start from the day the offender enters a DOC facility and continue through his/her prison experience. Chapter 2940 accounts for this as well.

Responsibility for coordinating facility programming and release planning for the inmate is assigned to a case manager during the intake process. After meeting with the offender, the case manager completes the initial Program Review Team (PRT) report. This report includes a needs assessment, activity plan, and projected release plan. The initial appearance before the PRT is scheduled within 60 days of an inmate's admission, and PRT reviews occur on an annual basis.⁵

Chapter 2940 also provides that all conditions of parole or supervised release shall be based on the need for public safety⁶ and establishes standard conditions⁷ of release as well as the responsibility to impose special conditions of release to achieve this goal. Special conditions specific to an offender's needs are created by the PRT and supervising agent. Prior to release, the case manager, in coordination with the offender, discusses residence, employment, and familial and/or community supports available to the offender. In addition, the case manager determines whether the offender meets ISR criteria. All of these factors are used in finalizing a release plan where the offender can most effectively be provided appropriate correctional programming and supervision.

⁴ DOC Policy 106.140 Evidentiary Hearings.

⁵ Minnesota Rules, part 2940.0500, establishes PRTs; DOC Policy 203.010 provides the case management process.

⁶ Minnesota Rules, part 2940.0100, subpart 24, defines public safety as, "the protection of the public from injury, danger, and violence."

⁷ Standard conditions include reporting to agent, following instructions and informing agent of whereabouts, maintaining contact as prescribed by agent, submitting reports and responding to communications, non-use of intoxicants and drugs, no purchase/possession of firearms or dangerous weapons, remaining in the state, and no criminal convictions/activity.

At the time an inmate is released from prison, he/she reviews conditions of release with the case manager. The offender is asked to sign a copy of these conditions, with an understanding that failure to abide by them could result in a return to prison.

A supervising agent has the responsibility to supervise and monitor the offender's compliance with his/her conditions of release. If violation occurs, the agent has broad discretion and authority to make informal decisions related to sanctions. Agents can and do frequently administer warnings and cautions to the offender when lower-level violations of release conditions occur. When an agent feels a restructure is warranted but a hearing unnecessary, he/she may consult with HRU for approval of restructure conditions. It is when these lower-level violations become frequent, threaten public safety, or hinder a releasee's adjustment that the agent, in consultation with his/her supervisor, initiates a formal review of the release conditions. This is done by obtaining a warrant for the offender's arrest and working with HRU to schedule a revocation hearing.

The revocation hearing is a further opportunity for the agent and offender to meet and discuss expectations concerning an offender's standard and/or special conditions of release. In preparation for the revocation hearing, the supervising agent prepares a Uniform Case Report documenting all facts relating to violations of conditions of supervised release and summarizes the offender's adjustment up to the time of the violation(s).⁸

The summarized offender's adjustment, included in the Uniform Case Report, is a description of the offender's total adjustment. It includes problems encountered in supervision, the agent's activities related to the case, the offender's attitude toward supervision, employment, living conditions, interpersonal relationships, finances, and any other factors that influence the offender's ability to successfully complete supervision and adjust in the community.

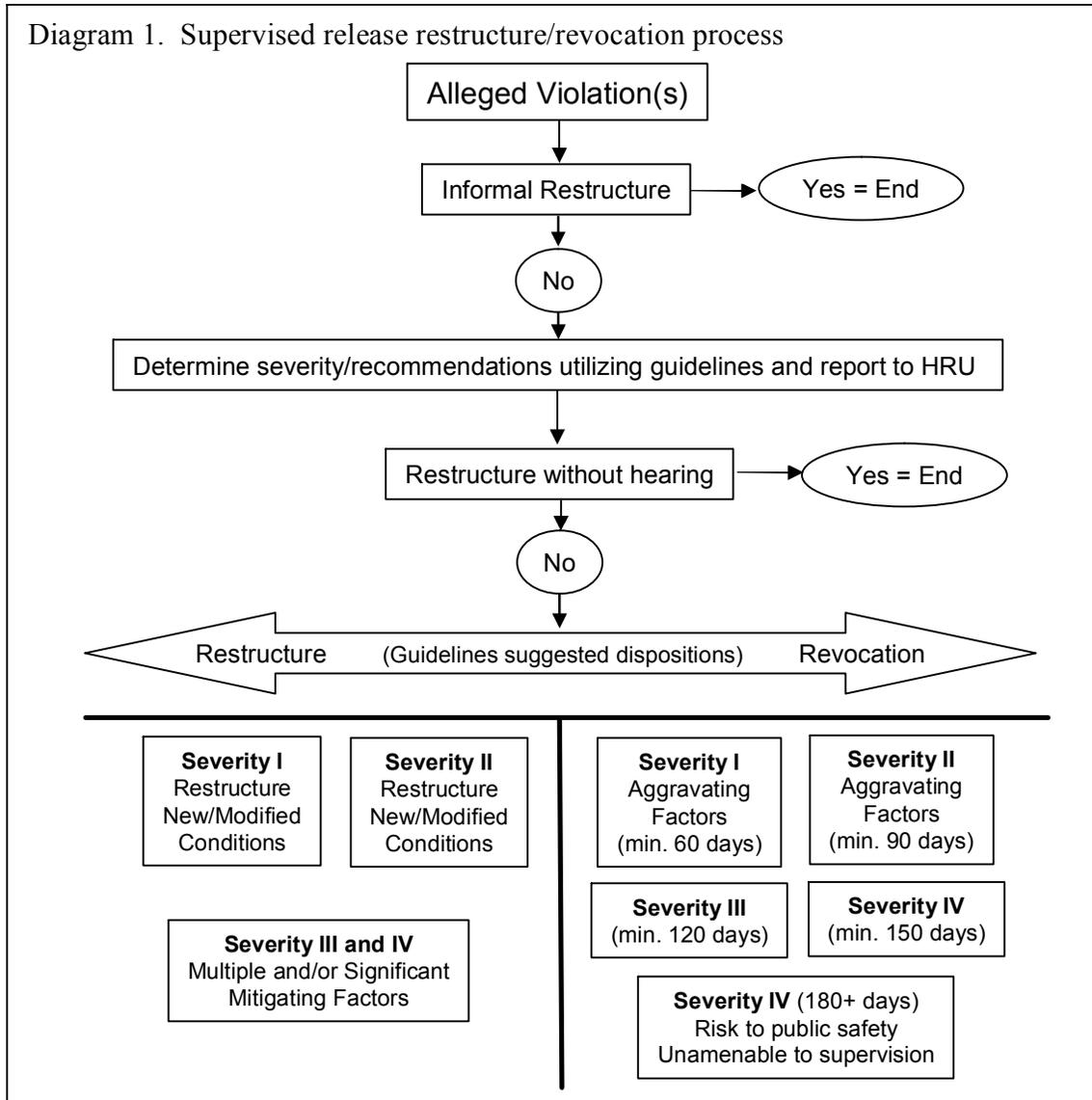
The Uniform Case Report also includes a recommended disposition and rationale. The agent's rationale includes the reasons or substantiations for the recommendation and refers to the revocation guidelines as the continuum of possible sanctions for the offender's alleged violations.

First and foremost, the guidelines include and encourage agents, in consultation with their supervisors and HRU, to restructure a violator and impose new/modified conditions. Options include intermediate sanctions such as electronic home monitoring, treatment programs, community service, curfews, etc., in lieu of a return to prison. This type of review and modification of the conditions of release is termed a **restructure** and is the preferred method of addressing release violations that do not threaten public safety.

If, however, a modification of the conditions of release will not enhance public safety and a return to prison is necessary, the guidelines provide a cap on the amount of time the agent may recommend as the disposition of the case. The basis for the recommendation will include the number and severity level of alleged release violations.

⁸ DOC Policy 205.010 Adult Supervised Release and Parole.

A flow chart of the restructure/revocation process is provided in Diagram 1:



Under DOC revocation guidelines, violations of release conditions fall into four severity levels, ranging from those that are considered lower risk to public safety to those that may pose an immediate risk to public safety. The severity level of the violation of release condition determines the presumptive disposition (absent mitigating or aggravating factors) and is detailed in Table 1.

Table 1. Guidelines severity levels and presumptive dispositions⁹	
Release condition severity level	Presumptive disposition
Severity Level I Restitution payments Unannounced visit/search Leaving state without permission	Restructure
Severity Level II Maintain contact with agent Follow instructions of agent Reside at approved residence Constructive daily activities Contact with law enforcement Use of intoxicants Misdemeanor conviction Subsequent level I violation	Restructure
Severity Level III Gross misdemeanor conviction Violation of special conditions (non-ISR) Violation of restructured release Subsequent level II violation	Revoke (120 days)
Severity Level IV Violation of special conditions (ISR) Felony conviction Report at residence/agent within 24 hours Offender apprehended out-of-state Assaultive behavior Contact with victims Firearms purchase/possession Subsequent level III violation	Revoke (150 days) Revoke (180 days) -Unamenable to supervision -Risk to public safety

⁹ See Appendix A for a full copy of the Minnesota Department of Corrections Guidelines for Revocation of Parole/Supervised Release and Appendix B for the Conditions of Release form signed by the inmate.

Categories of Release Violations

Historically, discussions relating to release violators have centered around two types: those release violators who return to prison due to a conviction for a new criminal offense, and those release violators who return to prison due to what has been deemed a **technical violation**.

A technical violation of parole or supervised release is misbehavior or criminality by an offender under supervision and may include new criminal conduct that has not resulted in a criminal conviction. The standard of proof for a violation of release conditions is not as high as that required for a conviction. Therefore, sufficient proof of an offender's criminal conduct that endangers public safety might exist for purposes of a revocation hearing but not for purposes of a new conviction.

“Technical violator” is a simplified way of looking at the release violator population. A more detailed classification of this population is identified within Minnesota Rules, Chapter 2940, which defines five categories of release violations. The five categories determine and establish authorization for a releasee to either be restructured or returned to prison in conjunction with the severity of his/her violation. The five release violation categories follow.

Violations Warranting Restructure

Minnesota Rules, part 2940.2700, authorizes a supervising agent to make a request to the DOC to have a client's conditions of release restructured. In addition, this rule also authorizes offenders to request that the standard or special conditions of their release be modified. The rule requires that any modification of conditions be in writing, and the DOC tracks these restructures in the form of a Restructure Report.¹⁰ When the DOC receives notice of a Severity Level I or II violation and no aggravating factors are present, the review process often results in a restructure utilizing some form of intermediate sanctions or revised conditions.

Violations Warranting Revocation

A Severity Level I or II violation involving aggravating factor(s) falls into the category of a violation that is eligible for revocation. Minnesota Rules, part 2940.3800, item A, authorizes a maximum of six months of prison time for this type of violation (inclusive of time spent in jail in connection with the violation). However, the guidelines provide much shorter presumptive dispositions of 60 and 90 days for Severity Level I and II violations that involve aggravating factors.

Misdemeanor/Gross Misdemeanor Convictions

DOC guidelines classify misdemeanor convictions as a Severity Level II violation. Absent aggravating factors, the presumptive disposition is to restructure the offender. Gross misdemeanor convictions are classified as Severity Level III violations. In a gross misdemeanor case, the presumptive disposition is to revoke the offender's release unless mitigating factors are present. Minnesota Rules, part 2940.3800, item B, authorizes a maximum of six months in prison for a violation resulting in a conviction of a misdemeanor or gross misdemeanor. As mentioned above, the Severity Level II presumptive disposition when aggravating factors are present is 90 days. The Severity Level III presumptive disposition is 120 days.

¹⁰ See Appendix C for a copy of the Minnesota Department of Corrections Restructure Report form.

Felony Convictions

Minnesota Rules, part 2940.3800, item C, authorizes reimprisonment for a period of six months up to expiration of the offender's sentence for a violation resulting in a felony conviction. DOC guidelines classify a felony conviction as a Severity Level IV violation. The guidelines presumptive disposition is to revoke the offender's release for 150 days absent multiple and/or significant mitigating circumstances.

Threat to Public Safety/Unamenable to Supervision

The final category of release violator includes offenders deemed to be either a threat to public safety or unamenable to supervision. Minnesota Rules, part 2940.3800, item D, requires a finding of risk to the public or repeated violations of release conditions for an offender to be classified in this manner. The offender may be re-imprisoned up to expiration of his/her sentence depending on:

1. the time remaining to be served on the sentence;
2. the type of violation(s); and
3. the needs of the offender.

DOC guidelines classify public safety risk and unamenable to supervision categories as Severity Level IV violations where 180 days or more may be assigned.

Release Violator Data Analysis

DOC violations data for offenders on supervised release status is not automated. The information management system used to track inmate information at the DOC is called the Correctional Operations Management System (COMS). COMS does not yet have the necessary programming needed to track HRU data. Therefore, the DOC does not have annual data on how many revocation hearings resulted in a return to prison rather than a restructure. In order to get at this data for this report, the department conducted a manual review of six months of HRU actions in conjunction with a review of summary data contained in a stand-alone data system.

As inmate populations and the numbers of offenders on supervision have increased, so have HRU actions related to release violators. From 2003 through 2007, HRU had a 27 percent increase in restructures without hearing¹¹ and a 56 percent increase in revocation hearings¹² as shown in Table 2.

¹¹ In lieu of an appearance at a revocation hearing, an agent may request a modification of an offender's standard or special conditions of release. Prior to a hearing, the agent will call HRU to discuss with a hearing officer the offender's alleged release violations and request approval of restructured conditions. If the requested modification release conditions are approved by the HRU, this is deemed a telephone restructure and the agent will submit a new restructure report for distribution.

¹² Revocation hearings can result in revocation of supervised release or a restructure, continuance, or expiration of sentence (meaning no time remaining on sentence for revocation to occur).

Year	Revocation hearings	Restructures without a hearing
2003	1,607	1,608
2004	1,797	1,667
2005	2,053	1,774
2006	2,271	1,936
2007	2,510	2,043

Six months of current HRU actions from April through September of 2008 were analyzed, looking at what recourse was taken when an individual violated the conditions of his or her release. During this time period, there were 2,128 contacts with HRU involving 1,931 offenders. Table 3 provides a breakdown of the resulting HRU actions:

HRU action	Number	Percentage
Restructure without a hearing	708	33.27%
Hearing (result = restructure/other ¹³)	381	17.90%
Hearing (result = revocation)	1,039	48.83%
Total	2,128	100.00%

Since restructure cases without a hearing are not part of the summary stand-alone data system, DOC staff pulled the 708 reports manually. By extracting the Offender Identification Numbers (OIDs) from these reports, the department was able to use COMS to provide summary information. Tables 4 and 5 provide summary data on the restructure without a hearing and revocation hearing cases.

¹³ HRU staff can indicate a restructure, continuance or expiration of sentence as the result when no revocation of release occurs. However, the tracking database was created to allow a user to bypass entering this information. Analysis shows that 179 were coded as restructure, 55 as continued disposition, and 3 as reaching expiration of sentence. The remaining 144 received another result (such as continued to another hearing, charges dismissed, etc.) with no additional information provided.

Table 4. Restructures without a hearing		
	Frequency	Percent
Gender		
Female	63	8.90%
Male	645	91.10%
Total	708	100.00%
Governing offense		
CSC	112	15.82%
Drug	189	26.69%
DWI	54	7.63%
Other	44	6.21%
Person	176	24.86%
Property	106	14.98%
Weapon	27	3.81%
Total	708	100.00%

Table 5. Revocation hearings		
	Frequency	Percent
Gender		
Female	66	4.65%
Male	1,354	95.35%
Total	1,420	100.00%
Governing offense		
CSC	269	18.94%
Drug	259	18.24%
DWI	127	8.94%
Other	108	7.61%
Person	352	24.79%
Property	247	17.39%
Unknown	5	0.36%
Weapon	53	3.73%
Total	1,420	100.00%

In addition to the hearings summary data, the DOC is able to categorize a revocation reason for those hearings that resulted in a status of revoked. In many cases, a revocation resulted because of multiple violations; therefore, the revocation reason summary in Table 6 shows a duplicated count when more than one reason is involved.

Overall, the most often-cited reasons for revocation relate to drug and alcohol use and the category of other issues, such as failing to remain in the state, having contact with law enforcement, and failing to follow agent and/or prior restructure instructions as shown in Table 6. This is not unexpected since multiple violations frequently include use of intoxicants that contribute to the more significant violation justifying return to prison.

Revocation reason summary	Frequency	Percent
Treatment failure/refusal	163	15.69%
Approved residence/residential treatment failure	156	15.01%
Sex offender restrictions/special conditions	69	6.64%
Drug/alcohol issues (use, refusal to test, etc.)	460	44.27%
Agent contact issues	287	27.62%
Other (including following prior restructure directions, leaving state, notifying of contact with law enforcement, etc.)	421	40.52%
Failure to remain law-abiding (does not include those held in abeyance for criminal hearings)	145	13.96%
Failure to follow curfew, house arrest, ISR restrictions	188	18.09%
Assaultive behavior	41	3.95%

Since technical release violator data at the department is not automated and the supervised release population is large, conducting an in-depth study of the findings that justify a restructure is difficult. In order to make such a study manageable, the department undertook a closer look at the release violator population related to offenders participating in a reentry program called the Network.

The Network is a reentry program that utilizes a community-based approach to help a target group of offenders who are historically at high risk for re-offending. The Network project approach has five core elements: housing, behavioral health, health care, short-term employment, and family community reengagement.¹⁴

A review of Network clients from December 2007 through December 2008 showed a total of 136 individuals subject to DOC supervision as supervised releasees. The types of offenders involved in the Network program are the DOC's highest-risk offenders, with many of them subject to intensive supervision.

The numbers showed that 75 of the 136 offenders in the Network program did not have documented contact with HRU in 2008.¹⁵ Of the 61 offenders who did have contact with HRU, 31 had their release conditions restructured in lieu of a return to prison. The remaining 30 high-risk offenders that had contact with HRU were subject to a revocation hearing and returned to prison in 2008.

¹⁴ The Network for Better Futures, Annual Evaluation Report for the Minnesota Department of Corrections, January 16, 2009.

¹⁵ The DOC analyzed HRU contact with Network clients throughout calendar year 2008 even though the offenders may have only been in the Network program for part of the year.

A review of the violation categories related to HRU contact with Network clients in 2008 is shown in Table 7.

Type of violation	Number of offenders returned to prison
Restructure	31
Significant violation(s)	18
Risk to public/unamenable to supervision	9
Felony conviction violation	2
Gross misdemeanor violation	1

A breakdown of Reason Summary for HRU Contact with Network clients that resulted in restructures with no return to prison in 2008 is shown in Table 8. When multiple violations of release conditions were included in the restructure report, only the violation listed first was counted. The table provides a general trend of what type of release violation results in a restructure when aggravating circumstances are not present. Also, two offenders had multiple restructure opportunities. For purposes of this table, only the first restructure reason summary was included so that there were 31 restructure reasons for 31 Network clients restructured in lieu of return to prison in 2008.

Restructure reason summary	Frequency	Percent
Treatment failure/refusal		
Approved residence/residential treatment failure	3	10%
Sex offender restrictions/special conditions		
Drug/alcohol issues (use, refusal to test, etc.)	10	32%
Agent contact issues	6	19%
Other (including following prior restructure directions, leaving state, notifying of contact with law enforcement, etc.)	4	13%
Failure to remain law-abiding (does not include those held in abeyance for criminal hearings)	1	3%
Failure to follow curfew, house arrest, ISR restrictions	7	23%
Assaultive behavior		

Most offenders under DOC supervision are afforded multiple opportunities to remain in the community as long as their conduct does not threaten public safety. Since DOC information systems to date have not tracked these opportunities, it is not possible for this report to present all the data to support this assertion. However, the restructure reason summary from the Network client pool of offenders shows that, in absence of aggravating circumstances, an offender who violates a release condition is afforded an opportunity to be restructured in lieu of a return to prison.

ASSESSMENT OF PAROLE AND SUPERVISED RELEASE REVOCATION GUIDELINES

Appropriateness and Proportionality

The legislature has requested that the department analyze the appropriateness and proportionality of the sanctions established in the guidelines for revocation of parole and supervised release. Minnesota's revocation guidelines constitute a response to violations of release conditions by utilizing a structured decision-making process. This process provides for a clear outcome, the goal of which is to protect public safety and enhance the offender's ability to successfully complete supervision in the community. However, determining whether this method of responding to violations is appropriate and proportional requires measurement against a standard.

Research on releases and recommitments to prison by the National Institute of Corrections (NIC), an agency of the U.S. Department of Justice, indicates that a strategic approach to handling parole violations is the best practice to ensure public safety in a cost-effective manner.¹⁶ A strategic approach to parole violations would result in incarcerating high-risk offenders who present immediate risk to public safety and imposing intermediate sanctions on release violators who are a lower risk to public safety.

The PEW Center on the States reviewed NIC work and identified nine core elements of a strategic approach for responding to release violations:

- collaboration between the releasing authority and supervising agency;
- good risk-assessment tools;
- clear goals for supervision;
- documented conditions and supervision strategies;
- structured discretion for supervision staff when handling violations;
- graduated responses based on severity and risk;
- swiftness and certainty in delivering sanctions;
- positive reinforcement that motivates offenders to change; and
- continuum of sanctions including community resources.¹⁷

Minnesota's Strategic Approach

A review of the DOC's strategic approach to handling supervised release and parole violations shows that the nine core elements identified by the PEW Center are present in Minnesota's revocation process.

¹⁶ Nancy M. Campbell, *Comprehensive Framework for Paroling Authorities in an Era of Evidence-Based Practices* (Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 2008); Peggy B. Burke, *Parole Violations Revisited: A Handbook on Strengthening Parole Practices for Public Safety and Successful Transition to the Community* (Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 2004); and Madeline M. Carter, *Responding to Parole & Probation Violations: A Handbook to Guide Local Policy Development* (Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 2001).

¹⁷ *When Offenders Break the Rules, Smart Responses to Parole and Probation Violations* (Public Safety Policy Brief No. 3, The PEW Center on the States, November 2007).

Collaboration and Risk Assessment

In some states, there is a large degree of separation between the releasing authority and supervising agencies. The PEW report suggests that close collaboration between these entities is an essential component to a strategic approach to supervision. It is not only the coordinated response to violations but also the coordinated response to supervision before a violation occurs that determines whether Minnesota's supervision and revocation process is appropriate and proportionate.

Minnesota achieves collaboration by centralizing supervision services through the DOC Field Services Unit as well as CPO and CCA jurisdictions. The Field Services Unit has responsibility for providing felony-level supervision in 55 counties, which are divided geographically into three regions for management purposes. In addition, the Field Services Unit is responsible for the management of Intensive Supervised Release, Challenge Incarceration Program phases II and III, Work Release, Sentencing to Service, and the House-Building Program. Offenders supervised by the DOC Field Services Unit are assessed and then placed within these supervision services.¹⁸

The PEW report suggests that supervision agencies need to understand offender risk, utilizing research-based risk assessment tools, in order to make a strategic decision on how to respond to offender supervision and violations when they do occur.

DOC assessments include the use of research-validated tools, such as the Level of Service Inventory-Revised (LSI-R), Youth Level of Service (YLS), and the Minnesota Sex Offender Screening Tool-Revised (MnSOST-R), to determine an offender's risk of re-offense and supervision needs. These assessments, the release plan, case summary, and annual reviews are forwarded to the Field Services Unit, and local supervision agencies (if services are being provided by CCA jurisdictions) allow them to target resources to those offenders who pose the highest risk. In addition, these assessments and case information are valuable to agents and hearing officers in assessing the risk an individual poses and staff response when a violation occurs. Assessments help agents and hearing officers determine whether a restructure or revocation of supervision is appropriate.

Clear Goals, Conditions and Supervision Strategies with a Positive Focus

While documented assessments and case summaries are valuable tools in helping agents understand what level of supervision is required, offenders need guidance as well through effective case management techniques. The DOC established clear goals for offenders in the form of documented release conditions that represent behavioral expectations and limitations placed upon offenders as they reenter the community. These conditions are intended to enable offenders to successfully reintegrate into the community and provide a strategy for managing their risk utilizing designated methods of surveillance, control, and rehabilitative programming based on need. Failure to follow these conditions results in a violation.

¹⁸ *Field Services Fact Book FY 08* (Minnesota Department of Corrections, Community Services Division, January 2009).

The PEW report suggests that the three most important goals of supervision are protecting the public, holding offenders accountable for their actions, and helping them become productive, law-abiding citizens. The report suggests that lower-risk offenders can be managed with a limited set of conditions, while management of higher-risk offenders must incorporate treatment programs that reduce recidivism. The ability to impose standard and special conditions on offenders based on risk and need represents the implementation of these ideas in Minnesota.¹⁹

Deliberate Approach — Responding to Violations and Imposing Sanctions

While the first elements of a strategic approach to supervision identified by the PEW report relate to the idea of managing offenders in an effort to prevent violations, the second set relate to responding to violations once they have occurred.

The report recognizes that violations vary in terms of severity and risk and suggests that an appropriate response to violations is graduated in nature and involves a continuum of sanctions that include community resources; for example: community service, electronic monitoring, and treatment programs. In conjunction with this, the PEW report suggests that a balance should be achieved between providing supervision staff with discretion to respond appropriately to different situations and using a centralized “higher level of approval” to issue warrants or begin revocation proceedings.

Minnesota’s use of documented conditions of release (including use of community resources, revocation guidelines that allow for restructure, and the centralized HRU for the purposes of issuing warrants and handling revocation matters) aligns with the PEW report best-practice strategies. The purpose of Minnesota’s revocation guidelines is to establish rational and consistent sanctions for violations of release conditions in an effort to reduce revocation disparity, preserve finite correctional resources, and ensure that sanctions are directly proportional to the seriousness of violations and the risks posed by the offenders.

Under DOC revocation guidelines, as was mentioned at the outset of this report, violations of release conditions fall into four severity levels. Those levels range from violations that are considered lower risk to public safety to those that may pose a more immediate risk. The severity level of the violation of release condition determines the presumptive disposition and duration of accountability time. Severity Level I and II violations call for restructuring conditions, while Severity Level III and IV violations are presumed to require revocation.

In recognition of the complexity of risk determination, the guidelines outline aggravating and mitigating factors that serve to increase or decrease the presumptive sanction. The following is a nonexclusive list of factors that may be used for reasons for departure from the disposition and duration provided for under the revocation guidelines.

¹⁹ Minnesota Rules, part 2940.2000, subparts 2 through 10, document the standard conditions of release and part 2940.2100 provides for the imposition of special conditions. A documentation of the general and special conditions that may be utilized by case managers and agents in developing and restructuring release plans is provided in DOC Policy 106.112, Release Reviews.

Mitigating factors include, but are not limited to:

- Agent feels he/she can work successfully with the offender
- Contact with minors/vulnerable adults was incidental
- Non-person offender
- No previous violation(s) of release; either revocation(s) or restructure(s)
- Alternative programming available in the community
- Stable residence
- Stable employment/education
- Community/social support systems available
- Minimal criminal history
- Significant amount of local time served

Aggravating factors include, but are not limited to:

- Commitment offense involved loss of life
- Level III sex offender
- Criminal history involves assault(s), weapon(s) use/possession, threatening/stalking behavior, victim injury
- Previous violations(s) of release; either revocation(s) or restructure(s)
- Length of time on fugitive warrant status
- Significant discipline in institution, especially if related to assaultive behavior
- Contact with minors/vulnerable adults was intentional/purposeful or sexual in nature
- Multiple violations of current release
- Violation(s) consistent with prior criminal behavior, prior violations, and probation violations on current offense
- Committed violation(s) within a short time of release

The design of the revocation guidelines is to provide the agent and the hearing officer with disposition options that hold the offender accountable for the instant violation and reduce the level of risk posed by future violations.

The PEW report also suggests that a strategic approach builds in a mechanism to deliver sanctions in a swift and certain manner. In terms of Minnesota revocation hearings, Minnesota Rules, part 2940.3500, provides that once a violator becomes available to the DOC for a hearing it must be held within 12 working days. While the PEW report does not identify a time frame for imposing these sanctions, it does suggest that the use of hearing officers to deliver them, in the same fashion Minnesota is doing, is a preferred response.

Before proceeding with a revocation hearing, Minnesota guidelines provide for restructures to be discussed with HRU. These discussions often result in the use of some form of intermediate sanctions/revisions to conditions, fostering the idea that restructuring supervision to tighten control and heighten accountability is the proper response for lower-level violations of conditions of release.

Use of Intermediate Sanctions

The DOC promulgated rules to provide for and encourage restructuring an offender's conditions of release as an alternative to revocation. Restructures without a hearing accounted for 33 percent of all HRU actions during the six-month period analyzed by the department. This is not counting those restructures that occurred at a hearing, which was at least an additional eight percent of all HRU actions.

Many of these restructures provide examples of intermediate sanctions used by agents and hearing officers to continue to try to enable offenders to successfully reintegrate themselves into their community while maintaining a level of supervision. The restructure reports show evidence that the agent and hearing officer are looking at multiple questions (which mirror the mitigating factors) in deciding to proceed with a restructure, including:

- Is the offender employed or seeking employment?
- Is the offender in a stable housing situation?
- Is this one of the offender's first violations?
- How long has the offender been on supervision and in compliance?
- Is the offender following other conditions imposed on his/her release?
- Does the offender have community supports such as family, religious or local programs that he/she can utilize?

Several types of intermediate sanctions were imposed that frequently appeared on these reports:

- Electronic home monitoring
- Chemical dependency evaluations
- Structured residential placement (e.g., Damascus Way)
- Involvement in employment/community resources (e.g., the Somali Community Center)
- Family members as a support system
- House arrest
- Restarting Challenge Incarceration Program phases
- Extending ISR time
- Limiting offender passes for a set period of time (2 weeks to 30 days)
- Substance abuse groups with verification of attendance (e.g., Alcoholics Anonymous)
- Grief, anger management or other counseling
- Inpatient or outpatient treatment (often chemical related)
- No-contact orders
- Adding more frequent urinalysis and agent check-ins
- Curfews
- Community service work
- Global position monitoring (e.g., Watchguard for sex offenders)
- Require successful completion/reentry of a program (e.g., domestic abuse prevention)
- Warnings that future violations may result in a revocation hearing

Use of Local Jails

In addition to these options, the DOC has undertaken a collaborative project with several counties around the state, contracting to house certain revoked release violators locally when they are assigned reincarceration time until the expiration of their sentence. The team of staff involved in establishing this project looked at the release violator population being returned to prison and determined that a number of release violators were candidates to stay in the local jail. This option provided the level of custody the agent and hearing officer believed was necessary, while keeping the offender near family and community supports until his/her release.

The department established criteria for placing in a local jail release violators who:

- are assigned to expiration of sentence with less than 180 days to serve;
- are not sex offenders (or offenders requiring end-of-confinement review [ECRC] or predatory offender registration); and
- have no significant medical, mental health, or disciplinary issues.

To date, the department has contracted with nine counties²⁰. As of early February 2009, there were just over 100 offenders at these local jails. Jails are paid a per diem to house these offenders. The DOC hopes to expand local custody for release violator offenders; however, it will be necessary to further fund contracts for housing release violators locally and developing off-site case management processes.

The DOC also hopes to collaborate with local jails to provide transitional placements for offenders with limited housing options. Presently, transitional housing is limited throughout the state, and transitional housing for level three sex offenders is almost non-existent except in Ramsey and Hennepin Counties.²¹ Local county jail work release programs are a possible resource to address this problem. For example, a local jail might serve as temporary housing for offenders with a predatory offender status who need housing to secure a job and a job to secure housing. Using the DOC's work release program and the local jail as housing will provide a temporary stable environment for these offenders.

Capping Reincarceration Time

There is a broad range of options other states are utilizing to cap the amount of time a release violator may be reincarcerated. Several have administratively determined that technical violators should not be revoked.²² Washington and Louisiana have set statutory restrictions on the length of time technical violators can be returned to incarceration status. Washington provides that violators can serve no more than 60 days in a local jail, and Louisiana provides a cap of 90 days for a first technical violation. Nevada's pardon board utilizes a cap of 6 months, while California has created guidelines that limit reincarceration to 12 months with exceptions available for offenders who commit subsequent violations. On the other end of the spectrum, South Carolina

²⁰ The counties include: Ramsey, Washington, Crow Wing, Kandiyohi, Morrison, Steele, Freeborn, Meeker, and Mille Lacs.

²¹ See Appendix D – Offender Housing Program.

²² *Unlocking America, Why and How to Reduce America's Prison Population* (JFA Institute, November 2007), 28.

and Vermont have provided parole boards with broad discretion to return violators to incarceration status with minimal restrictions, and in South Carolina the cap is expiration of sentence.²³

Minnesota’s DOC administrative rules and policy guidelines on the revocation of parole and supervised release provide a cap on reincarceration time. The guidelines are built to provide supervision agents and hearing officers with flexibility based on the situation at hand and the severity of the violation. However, the cap generally is set at six months or less of reincarceration time for offenders who have violated conditions of parole or supervised release unless there is a finding of risk to the public or the offenders are unamenable to supervision.

The Minnesota guidelines presumptive disposition for a Severity Level I or II violation is to restructure the offender. However, if an offender is revoked for a Severity Level I violation due to aggravating factors, the presumptive return time is set at 60 days. In this same fashion, if an offender is revoked on a Severity Level II violation because of aggravating factors, the presumptive return time is set at 90 days.

For Severity Level III violations, the presumptive disposition is to revoke the offender for 120 days. For Severity Level IV violations, this increases to 150 days. If the hearing officer is providing for reincarceration time of 180 days or more on a Severity Level IV violation, the hearing officer’s disposition must include a determination that the offender is a risk to the public or unamenable to supervision. In these cases, the cap is expiration of sentence.

The DOC is currently only able to tell the severity level of violations by manually reviewing cases. Utilizing the limited automated summary information available, Tables 9 and 10 provide an analysis of the average number of days assigned in each of the day ranges when a release violator was returned to prison. In 572 release violator cases between April-September 2008, DOC staff recorded the specific number of days assigned to the release violator as a consequence for the violations of the conditions of release. In another 452 release violator cases, in April-September 2008, DOC staff only recorded that the release violator was revoked to prison to expiration of his/her sentence. Based upon this information, in the 1,024 cases in which information was available, 82 percent of the cases resulted in hearing officers assigning six months or less of reincarceration time.

Table 9. Average number days assigned April-September 2008 (cases reported = 1,039 of which 15 had no data available)		
Range	Number	Average days assigned
60 days or less	174	39.1
61-90 days	233	84.0
91-120 days	203	113.6
121-150 days	121	144.9
151-180 days	104	173.1
181-729 days	179	317.7
Over 729 days	10	1,305.0

²³ Alison Lawrence, *Probation and Parole Violations, State Responses* (National Conference of State Legislatures, November 2008), 3-4. This report did not speak to whether caps were effective in reducing reincarceration rates of release violators.

Table 10. Average number days assigned for offenders revoked to expiration (cases reported = 452)		
Range	Number	Average days assigned
60 days or less	146	36.1
61-90 days	95	75.8
91-120 days	69	103.2
121-150 days	34	133.9
151-180 days	38	163.2
181-729 days	60	288.7
Over 729 days	10	1,305.0

In a review of the 10 cases in which the offender received more than two years of reincarceration time, seven had criminal sexual conduct convictions and three had first-degree driving while intoxicated convictions (Felony DWI) as their governing offense. In three of the cases, the offenders were committed Minnesota Sex Offender Program (MSOP) patients who violated the conditions of their release while in the MSOP and were returned to the DOC until expiration of sentence. All 10 received a disposition of risk to public safety and/or unamenable to supervision.

The DOC also reviewed the average number of days assigned for those individuals whose governing sentence was not a criminal sexual conduct offense (Tables 11 and 12). There were 834 violators who fell into this category. However, this category includes violators who are required to register as a predatory offender subject to end-of-confinement risk level assessment but whose governing offense was not a criminal sexual conduct conviction. Of those 834 cases, 86 percent resulted in hearing officers assigning six months or less of reincarceration time. In 55 percent of the cases where the non-criminal sexual conduct violator was being revoked to expiration, the time remaining on his/her sentence was fewer than 90 days.

Table 11. Average number days assigned April-September 2008 for non-criminal sexual conduct violators (cases reported = 834)		
Range	Number	Average days assigned
1-60 days	169	39.3
61-90 days	202	83.3
91-120 days	175	112.8
121-150 days	100	144.3
151-180 days	78	171.5
181-729 days	106	293.5
Over 729 days	4	1,250.5

Table 12. Average number days assigned for non-criminal sexual conduct violators revoked to expiration (cases reported = 423)		
Range	Number	Average days assigned
1-60 days	143	36.2
61-90 days	90	75.4
91-120 days	68	103.2
121-150 days	32	133.9
151-180 days	37	163.2
181-729 days	49	273.6
Over 729 days	4	1,250.5

Review of the data shows it would be difficult to impose a cap without providing exceptions and still enhance public safety. The current method utilized by HRU caps time but allows discretion for the most dangerous offenders who might otherwise be released.

Similar to Minnesota’s administrative rules, some state laws limit how long an offender on parole who violates a condition of release may be reincarcerated. The laws governing parole authority actions can be general, as is the case in Minnesota, or very specific. An example of a specific limitation is a law capping the amount of incarceration for a first-time technical violator of supervised release conditions.

The premise of capping first-time technical violations is that it will result in efficiently and cost-effectively managing prison admissions and controlling corrections costs without compromising public safety. The DOC has been unable to locate any national literature or data that shows a cap on first-time technical violators saves costs without compromising public safety.

A discussion with a number of experienced state and county supervision agents brought out skepticism of the premise. First, a statutory cap on first-time release violators undermines the overall deterrent effect of a possible return to prison. Experienced corrections agents believe that such a deterrent helps gain offender compliance with release conditions and thereby enhances public safety. If a cap is in place, this is one less tool that correction agents will have available to effectively manage caseloads.

Further, the practice of capping first-time release violator reincarceration time results in the question of what constitutes a first-time violation. First-time violation has no correlation to the risk an offender poses. The **nature** of the first-time violation is the key – not that it is the first time. Under current best practice, agents have the discretion to administer informal cautions and warnings to an offender when lower-level violations of release conditions occur. A capping statute for first-time violators will create a need to document these incidents early in the supervision process to allow the agent maximum discretion to manage future violations for difficult-to-supervise offenders.

Finally, a cap on first-time technical violators will create more formal contact with offenders and more administrative hearings to comply with the specific statutory law. Under the current

system, at one administrative hearing an agent supervising an offender with poor adjustment to supervision may request a 120-day return to prison in order to gain compliance and enhance public safety. If a 60-day cap for a first-time violator is in place, the offender may be returned for 60 days and be non-compliant again, requiring a second administrative hearing and second return to prison – doubling transportation and intake costs.

Experienced agents providing input for this report do not support a cap on first-time release violators as an effective management tool. Rather, they strongly believe they should have discretion to make recommendations concerning the level of sanction necessary, based upon their training, experience, and knowledge.

CONCLUSION

Minnesota's strategic approach to management of offenders who violate conditions of their supervised release and parole has contributed to the relatively low cost of corrections in this state without sacrificing public safety. The strategy of the guidelines is to provide a continuum of sanctions for the supervising agent to use in order to hold offenders accountable for release violations while maintaining public safety and preserving extended reincarceration for only the most dangerous criminals who are unamenable to supervision.

The overall results of the internal review show that the revocation process and guidelines in Minnesota mirror national standards of best practices. The guidelines provide the supervising agent and hearing officer with disposition options that hold the offender accountable for the instant violation and reduce the risk posed by future violations.

The data shows that the guidelines establish rational and consistent sanctions for violations of release conditions and preserve finite correctional resources by ensuring that sanctions are directly proportional to the seriousness of violations and risks posed by offenders.

Innovations

The DOC identified several areas in which focused immediate attention can enhance the parole and supervised release management process. These include improving the department's information tracking system as it relates to parole and supervised release violation data and increasing the use of local accountability options when feasible.

The DOC recognizes that there is a growing need to be able to gather data and analyze policy successes and failures as they relate to parole and supervised release populations. In the short-term, the current tracking method will be enhanced using minimal budgetary resources to allow the department to quickly provide more detailed information about this population. In the long-term, an enhanced tracking method has been outlined to add release restructure and violation information to the offender management system (COMS).

The department's current population projections suggest that in future years an increased collaboration with local jails will be an essential element of managing Minnesota's parole and supervised release population. The department will continue to collaborate with local jails and,

when feasible, increase the use of local accountability time for non-sentence expiration revocation cases that meet the criteria created as part of the collaborative project. In order to utilize the expanded option of housing non-sentence expiration revocation cases at local facilities, funding is necessary for costs of housing the offenders locally as well as for the case planning needs that will arise at the local level. In addition, the DOC hopes to collaborate with local jails to provide transitional placements for offenders with limited housing options. Using the department's work release program and the local jail as housing will provide a temporary stable environment for these offenders.

APPENDIX A

Guidelines for Revocation of Parole / Supervised Release

Release Condition Severity Level	Proposed Disposition
SEVERITY LEVEL I: <ol style="list-style-type: none">1. If restitution is ordered as part of the sentence, the offender will make payments as directed by agent/designee.2. The offender will submit at any time to unannounced visit and/or search of the offender's person, vehicle or premises by the agent/designee.3. An offender will not leave the state of Minnesota without written approval from the agent/designee, and then only under the terms and conditions as prescribed in writing. (The offender has left and returned to the state).	<p>Absent multiple or aggravating factors, the presumptive disposition is to restructure with new or modified condition(s)</p> <p>If revoked due to aggravating factors, the presumptive return time is for a minimum of 60 days.</p>
SEVERITY LEVEL II: <ol style="list-style-type: none">1. The offender will maintain contact with the agent/designee as directed and respond promptly to any communication regarding release.2. The offender will at all times follow the instructions of the agent/designee.3. The offender must reside at the approved residence and may not change residence until approved by the agent/designee. The offender will keep the agent/designee informed of his/her activities. Daily activities must be constructive and include those designed to obtain/maintain employment and/or attend a treatment or education program as directed by agent/designee.4. The offender will inform the agent/designee either by direct or indirect contact, within 24 hours of any court appearance and/or contact with law enforcement.5. The offender will refrain from the use or possession of intoxicants and will not use or possess narcotics, alcohol, or other drugs, preparations, or substances as defined by Minnesota Statutes, Chapter 152, except those prescribed for the offender by a licensed physician or approved by the agent/designee. The offender will not possess or allow in his/her residence any drug paraphernalia or mood-altering substances not prescribed by a physician. The offender will submit to breathalyzer, urinalysis, and/or other DOC approved methods of chemical analyses, directed by the agent/designee.6. Conviction of any misdemeanor.7. Subsequent violation of Level I condition(s).	<p>Absent any aggravating factors, the presumptive decision is to restructure with new or modified conditions.</p> <p>If revoked due to an aggravated factor(s) the presumptive return time is for a minimum of 90 days.</p>
SEVERITY LEVEL III: <ol style="list-style-type: none">1. Conviction of any gross misdemeanor.2. For non-ISR offenders, violation of any special condition(s) of release.3. Violation of any condition(s) of a restructured release form.4. Subsequent violation of Level II condition(s).	<p>Absent any mitigating factors, the presumptive decision is to revoke.</p> <p>If revoked, the presumptive return time is for a minimum of 120 days.</p>
SEVERITY LEVEL IV: <ol style="list-style-type: none">1. For ISR offenders, violation of any special condition(s) of release.2. Conviction of any felony.3. The offender must go directly to the residence specified and report to the agent/designee by telephone or by personal visit within 24 hours of release or as specifically directed by the agent/designee.4. The offender is apprehended out of state and is out of state without agent/designee written approval. (Transport was required to return offender to the state).5. The offender will not engage in any assaultive, abusive or violent behavior, including harassment, stalking or threats of violence.6. The offender will not have direct or indirect contact with victim(s) of current or previous offenses without prior documented approval of agent/designee.7. The offender must not purchase or otherwise obtain or have in possession any type of firearm or dangerous weapon.8. Subsequent violation of Level III condition(s).	<p>Absent multiple and/or significant circumstances, the presumptive decision is to revoke.</p> <p>If revoked, presumptive return time is for a minimum of 150 days, if 180 days or more, disposition must include a determination of Risk to Public or Unamenable to Supervision per Promulgated Rules.</p>

DOC Revocation Guidelines

Violations of release conditions fall into several severity levels, ranging from those that are considered low risk to public safety to those that may pose an immediate risk to public safety. Guidelines Instructions: When a violation is alleged, the agent/designee will refer to the revocation guidelines when making a recommendation for disposition. Options available to the agent/designee include:

1. Restructure with the approval of the Hearings and Release Unit: Once an offender has admitted the alleged violation(s), the agent/designee may proceed with restructuring the offender's release condition(s). This can be done without a formal revocation hearing and without the offender being placed in custody. The agent/designee will call HRU to obtain approval for new or modified conditions. If HRU approves the restructure conditions, the agent/designee will submit the completed restructure form to HRU for signature. If either HRU or the offender does not agree with the restructure, the releasee will be placed in custody, if not already detained, and a revocation hearing scheduled. If the offender is restructured at a formal hearing, HRU's hearing summary will serve as the restructure report.

2. Proceed with the Revocation Process: The agent/designee begins the revocation process by having the offender placed in custody as authorized by HRU. Revocation of release may only be a disposition resulting from a formal hearing or as a result of a hearing waiver approved by HRU.

In cases where an alleged new criminal charge(s) exists, the agent/designee should call HRU upon being informed of the charge(s). If the court has found probable cause and/or the offender presents a risk to public safety, a warrant or a detainer will be issued. If the offender is in custody and available to the DOC detainer via posting of bail, bond or demonstrating the ability to post bail or bond, a detention hearing will be held within 12 working days. The purpose of this hearing is to determine whether or not the offender is a risk to the public and should remain in custody pending the court's disposition on the new criminal matters.

Aggravating/ Mitigating Factors

Offenders differ as to their current offense, criminal history, release history, violation circumstances and adjustment to supervision. These differences are represented by aggravating and mitigating factors. Agents/designees should consider these factors in combination with the violation(s) when making recommendations for disposition to HRU. Agents/designees should have documentation, which supports aggravating and/or mitigating factors. These factors are an important part of HRU guidelines and, in some cases, may be equal to or more significant than the violation(s) itself.

AGGRAVATING FACTORS include, but are not limited to:

1. **Offense involved loss of life
2. **Level 3 sex offender
3. Criminal history involves assault(s), weapon(s) use/possession, threatening/stalking behavior, victim injury
4. Previous violation(s) of release; either revocation(s) or restructure(s)
5. Length of time on fugitive warrant status
6. Significant discipline in institution, especially if related to assaultive behavior
7. Contact with minors/vulnerable adults was intentional/purposeful or sexual in nature
8. Multiple violations of current release
9. Violation(s) consistent with prior criminal behavior, prior violations, and probation violations, on current offense
10. Committed violation(s) within a short time of release

****Offenders sentenced for an offense where they directly caused or contributed to the death of an individual(s) and Level 3 sex offenders, will be subject to enhanced consequences for violation(s) of release conditions. The consequence could include revocation and return to sentence expiration depending upon the severity level of the violation(s) and any additional aggravating factor(s). Due to their commitment offense, these offenders pose a high risk to reoffend.**

MITIGATING FACTORS include, but are not limited to:

1. Agent is willing to work with offender
2. Contact with minors/vulnerable adults was incidental
3. Non-person offender
4. No previous violation(s) of release; either revocation(s) or restructure(s)
5. Alternative programming available in the community
6. Stable residence
7. Stable employment/education
8. Community/social support systems available
9. Minimal criminal history
10. Significant amount of local time served

In order to develop and maintain consistency in this process, supervisors and agents/designees are encouraged to contact the Hearings and Release Unit with any questions or cases that need discussion. Jeffrey Peterson, Executive Officer of Hearing and Release, 651-361-7107.

APPENDIX B



MINNESOTA DEPARTMENT OF CORRECTIONS
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
(651) 361-7107

CONDITIONS OF RELEASE

Name of Releasee: _____ OID: _____ DOB: _____ Race: _____ Sex: _____

Offender Release Status: Supervised Release ISR Parole CIP WR ICS CMR CRP
 CR CR

Residence: _____ Phone: _____

Current Offense(s): _____ Actual

Release Date: _____ SRD Date: _____ Expiration Date: _____ CR Expiration Date: _____

Agent Name: _____ Agent Phone: _____

In addition to the general conditions of release listed on back of this document, the releasee shall abide by the following special conditions as approved by the Hearings and Release Unit.

SPECIAL CONDITIONS:

1. Reporting Instructions:

.....
The above named offender presently confined in the Minnesota Correctional Facility _____ has reached his/her-release date. Facility staff have verified the release information.

_____ Date: _____
Facility-Staff

The above named offender presently confined in the Minnesota Correctional Facility _____ is eligible for release and the Hearings and Release Unit approves the above conditions of release.

_____ Date _____
Executive Officer, Hearings and Release Unit/Designee

.....
I certify that all listed conditions of release have been read and explained to the releasee this _____, day of _____.

Facility Staff or Field Agent

I certify that I fully understand all the rules, regulations and conditions in this document. I waive extradition to the State of Minnesota from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Minnesota. I certify that I have received a copy of this document.

Releasee

Cash Received: \$ _____

.....
Distribution: Original – Base File, Copy 1 – Releasee, Copy 2 – Agent

(106.112B) CR-00521-05 (3/2006)

The released offender will remain under the authority of the Minnesota Department of Corrections subject to the following standard conditions of release.

STANDARD CONDITIONS OF RELEASE

1. The offender must go directly to the residence specified and report to the agent/ designee by telephone or by personal visit within 24 hours of release or as specifically directed by the agent/designee.

If an offender is mandated for residential placement, the offender will be transported directly to the residential facility as specified and will immediately report to the staff on duty.

If the offender fails to report as directed, a fugitive warrant will be issued and the offender may be returned to custody up to expiration of sentence.
2. The offender must reside at the approved residence and may not change residence until approved by the agent/designee. The offender will keep the agent/designee informed of his/her activities. Daily activities must be constructive and include those designed to obtain/maintain employment and/or attend a treatment or education program as directed by agent/designee.
3. The offender will submit reports as required by the agent/designee and will respond promptly to any communication regarding release. The offender will maintain contact with the agent/designee as directed.
4. The offender will at all times follow the instructions of the agent/designee. The offender must sign release(s) of information for medical/mental health treatment, or any other required programming as directed by agent/designee.
5. The offender will refrain from the use or possession of intoxicants and will not use or possess narcotics or other drugs, preparations, or substances as defined by Minnesota Statutes, Chapter 152, except those prescribed for the offender by a licensed physician and approved by the agent/designee. The offender will not possess or allow in their residence any drug paraphernalia or mood altering substances not prescribed by a physician. The offender will submit to breathalyzer, urinalysis, and/or other department-approved methods of chemical analysis as directed by the agent/designee.
6. The offender must not purchase or otherwise obtain or have in possession any type of firearm or dangerous weapon.
7. Conviction of any petit misdemeanor, misdemeanor, gross misdemeanor, or felony punishable by fine or confinement; Repeated convictions of traffic offenses other than parking; Involvement in any activity defined as criminal by any municipal, local, state or federal law constitutes a violation of release and may result in its revocation. Acknowledgment in the form of a confession under oath in open court before a judge may be considered a conviction for the purpose of this condition. A finding of probable cause by a court of competent jurisdiction; A signed criminal complaint; A grand jury indictment, will all be considered grounds to hold the offender in custody unless and until the offender is found not guilty.
8. The offender will inform the agent/designee, either by direct or indirect contact, within 24 hours of any court appearance and/or contact with law enforcement.
9. An offender must not leave the State of Minnesota without written approval from the agent/designee and then only under the terms and conditions prescribed in writing.
10. The offender will not engage in any assaultive, abusive or violent behavior, including harassment, stalking, or threats of violence.
11. The offender will not have direct or indirect contact with victim(s) of current or previous offense(s) without prior documented approval of the agent/designee.
12. If restitution is ordered as part of the sentence, the offender will make payments as directed by the agent/designee.
13. The offender will submit at any time to an unannounced visit and/or search of the offender's person, vehicle or premises by the agent/designee.

APPENDIX C



MINNESOTA DEPARTMENT OF CORRECTIONS
HEARINGS & RELEASE UNIT
1450 Energy Park Drive, Suite 200 ? St. Paul, MN 55108-5219
Office Phone: (651) 361-7107
Fax Number: (651) 642-0147

CRP CIP
 ISR WR
 SR Parole

RESTRUCTURE REPORT

OID #: _____ NAME: _____ RELEASE DATE: _____
OFFENSE: _____ EXPIRATION DATE: _____
AGENT: _____ COUNTY: _____ OFFICE PHONE: _____ FAX NUMBER: _____

RESTRUCTURE ACTION TAKEN:

This restructure is the result of a revocation hearing on: _____ with _____.
 No hearing held; restructure discussed on: _____ with _____.
 This restructure is for the purpose of authorizing additions or modifications to the release agreement and not the result of any violation(s).

ALLEGED VIOLATION(S): _____

RECOMMENDED RESTRUCTURE & CONDITIONS: _____

All previous conditions approved by Hearings & Release are affirmed, unless otherwise noted.

AGENT'S COMMENTS & RATIONALE ARE CONDITIONS: _____

~~~~~  
**I HAVE BEEN ADVISED OF MY RIGHT TO SPEAK TO AN ATTORNEY AND HAVE:**

DISCUSSED THE MATTER WITH AN ATTORNEY  
 DECIDED NOT TO SPEAK TO AN ATTORNEY  
 I admit the violation and agree to the restructure conditions of release  
 I acknowledge receipt of the new conditions, which are not a result of any alleged violation(s).

RELEASEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

AGENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SUPERVISOR'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

~~~~~  
HEARINGS & RELEASE ACTION: New conditions are imposed
 New conditions are modified and imposed

By: _____ Title: _____ Date: _____

Distribution: Original – Base File 1. Supervising Agent 2. Releasee 3. HRU

Appendix D – Offender Housing Program

