

953

HJ

HB

983

(FILE NO. 3)

953

Table A-7
Alcohol/Drug Treatment

	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Is there a history of alcohol/ drug treatment program involvement?		<u>#</u>
No	472	75%
Yes	18	78%
Unknown	12	2%
Total	665 cases	
$\chi^2 = .13$	df= 1	P N.S.

Table A-8
Prior Treatment Success

	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Any notation of prior alcohol/ drug treatment program success?		<u>#</u>
None or success	479	75%
Failure	15	75%
Unknown	6	1%
Total	665 cases	
$\chi^2 = 0$	df= 1	P N.S.

Table A-9
Job Training Program

<u>Program</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Not specified	438	75%	143
Specified	53	76%	17
Unknown	14	2%	
Total	665 cases		
$\chi^2 = 0$	df = 1	P N.S.	

Table A-10
Full Time Education Program

<u>Program</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Not specified	448	75%	150
Specified	43	78%	12
Unknown	12	2%	
Total	665 cases		
$\chi^2 = .29$	df = 1	P N.S.	

Table A-11
Returning to Full Time Employment

<u>Full time employment?</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Yes	333	75%
No	153	74%
Unknown	11	2%
Total	665 cases	
$\chi^2 = .10$	df= 1	P N.S.

Table A-12
Age at Parole

<u>Age</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
18 - 25	232	78%
26 - 33	129	72%
34 - 41	67	74%
42+	65	71%
Unknown	6	1%
Total	665 cases	
$\chi^2 = 2.89$	df= 3	P N.S.

Table A-13

City

<u>City</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Fairbanks	142	78%	39
Anchorage	260	73%	96
Ketchikan	27	69%	12
Juneau	18	75%	6
Other	49	84%	9
Unknown	3		
Total	665 cases		
	$\chi^2 = 5.36$	df= 4	P N.S.

Table A-14

Institution of Release

<u>Institution</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Anchorage SCC	35	81%	8
Fairbanks NRCI	33	80%	8
Palmer	117	76%	3 ⁷
Fairbanks CC	43	70%	18
All federal institutions	25	74%	9
All others	243	75%	81
Unknown	8	1%	
Total	665 cases		
	$\chi^2 = 2.32$	df= 5	P N.S.

Table A-15
Goodtime Lost/Withheld

<u>Goodtime</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
0 days	432	76%
1 - 10 days	18	69%
11 - 20 days	11	58%
Over 20 days	25	69%
Unknown	17	3%
Total	665 cases	
$\chi^2 = 4.45$	df = 3	P N.S.

Table A-16
Type of Trial

<u>Type</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Plea	204	74%
Jury	40	73%
Judge	15	94%
Parole Board	3	60%
Unknown	315	47%
Total	665 cases	
$\chi^2 = 3.78$	df = 3	P N.S.

Table A-17
Sophistication in Crime Planning

<u>Sophistication</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
None known	104	75%
Planned alone	240	73%
Planned with others	151	78%
Unknown	4	1%
Total	665 cases	
$\chi^2 = 1.81$	df= 2	P N.S.

Table A-18
Burglary

<u>Type of burglary</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Not a burglary	406	76%
Residential burglary	32	74%
Non-residential burglary	56	69%
Unknown	5	1%
Total	665 cases	
$\chi^2 = 1.64$	df= 2	P N.S.

Table A-19
Amount of Property Loss

<u>Dollar Loss</u>	<u>Outcome</u>	
	<u>No Violation</u> #	<u>Violation</u> #
\$0	259	79%
\$1 - 1,000	63	71%
Over \$1,000	26	76%
Unknown	213	32%
Total	665 cases	
$\chi^2 = 2.50$	df = 2	P N.S.

Table A-20
Number of Victims Having Bodily Injury

<u>Injured</u>	<u>Outcome</u>	
	<u>No Violation</u> #	<u>Violation</u> #
None	333	76%
One	115	73%
More than one	21	72%
Unknown	8	1%
Total	665 cases	
$\chi^2 = .68$	df = 2	P N.S.

Table A-21
Judge's Recommendation

<u>Recommendation</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Favorable	21	70%	9
Not favorable	7	64%	4
Indecisive/noncommittal	20	83%	4
Unknown	600	90%	
Total	665 cases		
$\chi^2 = 1.94$	df= 2	P N.S.	

Table A-22
Dist Attorney Recommendation

<u>Recommendation</u>	<u>Outcome</u>		
	<u>No Violation</u>		<u>Violation</u>
	<u>#</u>	<u>%</u>	<u>#</u>
Favorable	5	63%	3
Not favorable	9	60%	6
Indecisive/noncommittal	4	67%	2
Unknown	636	96%	
Total	665 cases		
$\chi^2 = .08$	df= 2	P N.S.	

Table A-23
Division of Corrections Recommendation

<u>Recommendation</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
Favorable	402	76%
Not favorable	34	67%
Indecisive/noncommittal	40	71%
Unknown	31	5%
Total	665 cases	
	$\chi^2 = 2.73$	df = 2
		P N.S.

Table A-24
Members' Votes

<u>Vote</u>	<u>Outcome</u>	
	<u>No Violation</u>	<u>Violation</u>
	<u>#</u>	<u>%</u>
3 or less for parole	139	75%
4 for parole	97	76%
5 for parole	25	66%
Any votes against parole	77	71%
Any abstentions	2	67%
Unknown	202	30%
Total	665 cases	
	$\chi^2 = 2.37$	df = 4
		P N.S.

Appendix B

MINNESOTA

MINNESOTA CORRECTIONS BOARD: ADULT AND YOUTHFUL
OFFENDER PAROLE POLICIES AND PROCEDURES (7-100.0)

INTRODUCTION

It is the purpose of the following to establish the rules, regulations, and policies which will govern the operation of the Minnesota Corrections Board in discharging its responsibilities relative to the granting of parole, the revocation of parole, and such other responsibilities as defined by law.

7-101.0 BOARD ADMINISTRATIVE RULES

.1 Quorum:

- a. Situations calling for a five-member quorum:
 - (1) Lifers-murder in the first degree, M.S. 609.185
 - (2) Persons serving extended terms of imprisonment as dangerous offenders, M.S. 609.16
 - (3) A transfer of a youthful offender to adult offender status, M.S. 242.27
 - (4) The discharge of a youthful offender, M.S. 242.31 (pardon extraordinary)
 - (5) Special interest cases. On the motion of the Chairman or an individual Board member, any Board matter can be put before the full Board for consideration.
- b. Situations calling for a three-member quorum:
 - (1) Youth offender cases
 - (a) Initial hearing
 - i. Granting or revoking parole
 - ii. Committing to an institution
 - (b) Medical parole
 - (c) Work Release
 - (d) Temporary parole
 - (e) Institution progress reviews
 - (f) Movement within the institutional system that reduces security classification
 - (g) Granting or revoking parole
 - (h) Parole progress reviews
 - (i) Issuing a final discharge (without result of pardon extraordinary)
 - (2) Adult serving any sentence for crime against person
 - (a) Initial hearing
 - (b) Medical parole
 - (c) Temporary parole

7-101.1
cont'd:

- (d) Work Release
- (e) Movement within the institutional system that reduces security classification
- (f) Granting parole

c. Situations calling for a two-member quorum:

(1) Adult serving sentence for crime against property

- (a) Initial hearing
- (b) Temporary parole
- (c) Medical parole
- (d) Work Release
- (e) Movement within the institutional system that reduces security classification
- (f) Granting parole

(2) Adult serving sentence for either crime against person and/or property

- (a) Non-appearance, institutional progress review
- (b) Parole progress
- (c) Parole revocation
- (d) Discharge

.2 Voting:

- a. All persons serving sentences for crimes against persons shall appear before three-member panels, except at their initial hearing. Any decision to assign a target release date below that indicated by the Parole Release Date Matrix must be made by a panel of three or more members. In any case where the decision for parole is not unanimous, that inmate shall be continued to the next five-member panel. In the case of first degree murder, the vote of the five-member panel for parole must be unanimous.
- b. Where a two-member panel splits its vote on a decision, the case will be put at the head of the calendar of the Board's next meeting of a three-member panel at the same institution where the case is situated. Such a tie vote may be heard by the same members originally hearing the case plus one or more additional Board members. This rule does not preclude an individual Board member from putting it before the full Board.
- c. On those occasions when a Board member is unable to participate in a full Board action and a panel of four sits as a full Board and there is a tie vote of two to two, the vote will constitute a "No" vote and the previous action shall continue.

.3 Abstention From Voting:

- a. When a Board member wishes to abstain from voting on a given case, the abstention constitutes a "No" vote. An abstaining vote does not constitute a lack of quorum. (The above method of voting represents an opinion of our Attorney General.)

7-101.9
cont'

- the Board will receive and consider written letters and affidavits pertaining to individuals up for possible release. As time permits, and by appointment, Board members will interview attorneys and other interested persons representing the incarcerated.
- b. After each such interview, the Board member will dictate for the office record and the institution file a short summary of the discussion.
- c. Where for valid reason, such as the safety of an informant, the Board member believes it to be detrimental to release to an inmate the results of an interview, the Board member may direct that the note of the interview not be shared with the inmate.
- .10 Hearings: All decisions of the Board shall be made on the basis of the offender's total situation consistent with the Board's threefold legal responsibility: to protect society, to offer assistance to the offender, and to deter criminal behavior.
- .11 Chairman To Conduct Hearings: The Board shall conduct its hearings as designated by the Chairman.
- .12 Minutes Of Board Actions:
- a. At each hearing a Board member designated by the Chairman shall cause to be written a statement containing a rationale for confinement or release, specific conditions of parole, or suggestions for improving the inmate during further incarceration.
- b. If a member dissents in a decision, it shall be recorded as a dissent if the member so directs.
- c. Inmates shall be furnished with a copy of the official action affecting their case at the time of their hearing.
- .13 Frequency Of Hearings: The Board shall conduct hearings every month at the State Prison, the State Reformatory for Men, the Minnesota Correctional Institution for Women, and the Minnesota Metropolitan Training Center. Hearings at the St. Peter State Security Hospital will be held as required. Insofar as possible, inmates will be given at least thirty days notice of an impending hearing affecting them.
- .14 Initial Hearing: At all adult institutions, inmates shall have an initial hearing within the first two months of incarceration.
- .15 Length Of Continuance: No continuance shall be for a period longer than twelve months. All continuances of less than one year will be set on for hearing, insofar as possible, before the same members who granted the continuance.
- .16 Setting Future Parole Dates: The Board may, when it appears advisable, grant release effective on or after a specific future date, but in no case beyond sixty days after the hearing at which the parole is granted.

7-101.3
cont'd.

- b. A scheduled member is expected to participate in all cases coming before the Board. The exception to this rule is in those instances where a Board member for personal reasons, such as a personal relationship to the inmate or his family or the victim, finds it difficult to maintain an unbiased position. In these instances he will notify the Chairman as soon as he becomes aware of the case on the calendar in order that another member may be moved to that panel.
- .4 Election Of Officers: The Board shall elect its own Vice-Chairman and Secretary annually in January.
- .5 Acting Chairman: Whenever the permanent Chairman is not presiding at a hearing, he shall designate another member as "Acting Chairman".
- .6 Dealing With News Media:
- a. Inquiries from the media relating to particular Board action shall be referred to the Chairman.
 - b. In those cases in which the Board anticipates or senses strong public interest, it may issue its own press release setting forth its actions and its reasons therefore.
- .7 Amendment Of Board Rules: Notice, How Given And To Whom:
- The Board reserves the right to amend, alter, or change its rules, procedures, and policies at any time. Such changes may be made by a majority of the Board members present and voting at any regularly scheduled meeting. Notice of such changes shall be given in writing to the Commissioner of Corrections and to the administrators of the adult institutions for appropriate posting and distribution deemed necessary and will become effective thirty days after such notice.
- .8 Emergency Temporary And Medical Paroles:
- a. When the Board is not in session and/or when two or more members are not readily available, any member may, in the case of emergency such as illness or death, grant emergency temporary or medical parole. Emergency temporary parole requests must be substantiated by ample evidence verified by institution caseworker and/or field staff.
 - b. On the next working day, the member shall dictate a memo to the file on the action.
- .9 Board Not Required To Hear Oral Arguments:
- a. The Board shall not be required to hear oral arguments from any attorney or other witnesses in favor of or against parole. However,

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- 7-101.17 No Hearing Solely For Granting Jail Time Credit: The Board shall not consider a request for a hearing solely for the purpose of granting credit for jail time. Credit for time spent in jail or lockups prior to conviction or while on parole shall be taken into consideration at the time of the inmate's regularly scheduled hearing date and shall be considered as one of the many factors in determining length of initial continuance.
- .18 Classification Team Review: Requests for special appearances, temporary and medical paroles will be considered only after study, report, and favorable recommendation by the classification committee.
- .19 Early Review - Special Hearings:
- a. An inmate may apply for an early review at any time during his continuance unless at the outset of that continuance the Board has specifically indicated that an early review will not be entertained. The following criteria shall govern eligibility for an early review.
 - (1) New developments and changes (previously unknown to the Board) which would cause a material change in an earlier rehabilitation program.
 - (2) A change in sentence as a result of a commutation or reduction of sentence.
 - (3) Family hardship (e.g. severe economic loss such as immediate loss of the family farm, business, etc.).
 - (4) Achievement of performance objectives in accordance with a specific behavior change plan previously agreed upon by the Board and the inmate, reduced to writing, and signed by the principle party hereto.
 - (5) As provided in Section 7-104.0 Parole Decision-Making Guidelines.
 - b. The classification committee shall review the application and make a recommendation to either grant or deny the early review. If their recommendation is for denial, the inmate shall not appear before the Board. An inmate whose request for early review is denied by the classification committee may appeal that denial in writing to the Chairman of the Corrections Board within thirty days of notification of such denial. If the classification committee approves the early review application, it will be presented in writing and without inmate appearance to the next Board hearing team meeting in that institution. The application shall outline how the inmate meets the criteria set forth for early review. If the Board members considering the early review application grant the early review, the matter will be placed on the calendar within one month. If the Board denies the application for early review, the inmate shall be continued to his previously established continuance date.

7-101.20 Christmas Discharges:

- a. Inmates whose sentences are scheduled to expire between December 25 and the last day of February of the following year inclusively may be considered for Christmas discharge at the December hearing subject to the following conditions:
- (1) The inmate must have an average or above work record.
 - (2) The inmate must not have received a major misconduct report later than July 1 of the calendar year.
 - (3) The inmate must not have been returned to the institution as a parole or work release violator later than July 1 of the same year.
 - (4) The inmate must not have a detainer.
 - (5) The inmate's release must be consistent with public safety.

.21 Work Release:

- a. The main purpose of work release is to help a person make a constructive and satisfying transition from institutionalization to community life. It will be generally granted to an individual whom the Board believes is ready to return to community life and who is within the last three months of his continuance. All applications for work release shall be made to the work release staff.
- b. All persons granted work release shall be expected to be on the program for a minimum of ninety days. An early release from the program will be granted only for good cause as determined by the work release staff and the Board. If the Board deems that the welfare of the client will be benefited, the time on work release may be extended.
- c. The classification committee and the work release staff shall jointly process the application for work release and make a recommendation for granting or denying work release. If the recommendation is approved, the matter will be presented in writing to the next Board of the proper quorum meeting in that institution. If the Board members considering the application grant work release, the inmate will appear before the Board immediately. If the Board members considering the application deny the work release, the inmate will not be seen and will be continued to his/her previously established continuance date.

- .22 Annual Review Of Parole Adjustment: The Board shall review the progress and adjustment of all parolees at least once each twelve months following their release from the institution.

7-101.23 Separate Rules For Parole Revocation Proceedings: The rules contained herein do not apply to parole revocation proceedings.

.24 No Time Credit After Revocation: When the Board has revoked the parole of a parolee, he shall not receive further credit on his sentence from the date of revocation until the date he is returned to custody.

.25 New Hearings For Parole Violators With Technical Violations: Parole violators with technical violation of their parole agreements who are returned to the institution shall be heard by the Board within sixty days after readmission.

7-102.0 PAROLE REVOCATION PROCEDURES

.1 Investigation: The parole agent shall be responsible for investigating reports of alleged violation of parole conditions to determine whether or not a violation has occurred.

.2 Reporting:

a. The parole agent, in consultation with his supervisor, shall prepare a violation report if it is determined that the allegation of parole violation is sufficient to begin revocation proceedings.

(1) Factors to be considered in commencing the parole revocation process shall include the conditions of the individual's parole as determined by the language of the releasing agreement and the seriousness of the alleged violation. Any conviction of new felony offenses will be reported to the Board for its determination in considering when parole revocation proceedings shall be commenced.

(2) When there is serious doubt about the advisability of moving towards a parole revocation proceeding and a community resource or restructured parole plan would be more practical than a return to the institution, the parole agent and supervisor shall consult with a member of the Board for permission to continue an individual on parole. The Board member can approve a restructured parole plan and can order a continuation of parole. The agent must record this transaction on the alleged violation report and also report the results of the interchange between the Board and the parole agent and/or supervisor. Any revision of the parole agreement must be accomplished with substantially the same formality as the execution of the original agreement.

(3) Where the evidence of an alleged violation is clear and convincing, the parole agent shall proceed to submit to the supervisor a violation report which alleges the specific facts of the violation, the supporting evidence, and the sources of information.

7-102.4
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- (2) Upon receipt of the determination that revocation proceeding should begin, the agent shall give the parolee a copy of the report of alleged violations; advise the parolee of his rights; set a tentative date for the preliminary (probable cause) hearing; and advise the parolee of his right to counsel of his own choosing or to the services of the State Public Defender if unable to afford counsel of his own.
- (3) At the time of giving the parolee notice as required by (2) above, or as soon thereafter as possible, the agent shall mail copies of the same to the State Public Defender, Law School, University of Minnesota, Minneapolis, Minnesota 55455.
- (4) When the date, time and place of the Preliminary Hearing has been finally determined, written notice thereof must be given the parolee, his own attorney if he has one, or to the State Public Defender's Office. The notice to the attorney or State Public Defender should include a copy of the violation report, if available, and the parolee's location. If not immediately available, effort should be made to provide a copy of same to the attorney or public defender as much in advance of the hearing as is reasonably possible. (See 7-105.4 and 7-105.5 for samples of reports - Corr. 376.)

b. Time

- (1) The preliminary hearing shall be held as promptly as possible after reasonable notice is given to the parolee and his attorney. At least ten (10) working days notice must be given to the State Public Defender's Office.

c. Location

- (1) The preliminary hearing will be held in a municipality near the site of the alleged violation, or near the residence of the parolee, or in the general geographical area of either. In the seven-county Metro area, revocation hearings may, at their discretion, be heard by members of the Board "on site". In the out-state area, the preliminary hearing will be conducted by hearing officers of the Department of Corrections.
- (2) Factors to consider in selection of a location within the limits listed above include the convenience of witnesses, the transportation difficulties of the parolee, and the availability of an efficient means of transportation for the probable cause hearing officer.

7-102.5 Rights Of Parolee:

- a. Notice of the date, time, and location of the preliminary hearing will be given to the parolee in writing a reasonable time after the Board decides to hold such a hearing. (See 7-105.5 for Corr. 376 - Notice of Preliminary/Revocation Hearing.)
- b. Information to be given to the parolee shall include:
 - (1) Time, date, and location of the hearing.
 - (2) Purposes of the hearing.
 - (3) A report of alleged parole violations.
 - (4) Notice that the State Public Defender will be asked to provide counsel until and unless the parolee retains private counsel.
 - (5) Notice of the parolee's right to contest the allegations or to show mitigating circumstances at the hearing by testifying, presenting witnesses, affidavits and documentary evidence, and by cross-examining adverse witnesses who appear.
 - (6) Notice of the opportunity to waive the preliminary hearing and the consequences of such a waiver.
 - (7) Notice that failure to appear at the hearing may be grounds for revocation of parole, and will be grounds for the issuance of a warrant and placement in actual custody.

.6 Waiver:

- a. The parolee may waive his rights to a preliminary hearing at any time prior to the hearing date.
- b. Waiver of the preliminary hearing shall include in writing an explanation that such waiver will result in the return of the parolee to the institution assigned to by the Commissioner. Upon return to the institution, the parolee shall be informed of his right to a revocation hearing to be held within sixty days of his return to the institution to which assigned by the Commissioner.
- c. The parole agent shall inform the Board and the State Public Defender of a waiver by the parolee.
- d. After waiver of the preliminary hearing, the parolee shall be immediately placed in custody by the parole agent and arrangements made for return to the institution assigned to by the Commissioner or to some other place of detention provided by law.

.7 Custody and Use of Warrants:

- a. The parolee will not be in custody prior to the preliminary hearing unless an order to place in custody (warrant) is issued by a Board member.

7-102.7
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- b. The agent may place the parolee in custody in the emergency situation where a Board member is unavailable if the agent determines it is necessary that the parolee be in custody at that time. In no case shall the parole agent hold a parolee in custody longer than seventy-two (72) hours (legal holidays excluded) without a review by a Board member.
- c. The request for a warrant must allege specific facts establishing the alleged violation, indicate the sources of information, and cite reasons for the need for custody.
- d. The Board shall make known the reasons for the warrant and, in its discretion, sources of information upon request of the parolee's counsel.
- e. The decision to issue a warrant shall be based on the specific facts alleged, reliability of the information, and that circumstances surrounding the alleged violation exist justifying the issuance of a warrant.
- f. Absconders from parole supervision:
 - (1) All warrants issued by the Board based on absconding from parole supervision shall be deemed to have stopped the time from running on the sentence. At the time of the hearing, following the apprehension of the individual, the Board will make the determination about whether to re-instate the time that has been lost during the abscontion.
 - (2) All Board warrant authorizations based upon absconding shall be marked to indicate that time has stopped running on the sentence.
- g. Circumstances under which a warrant will be issued are:
 - (1) Failure to keep in contact with the parole agent as may be required in the parole agreement.
 - (2) Failure to appear at a scheduled hearing.
 - (3) Existence of a substantial probability that the parolee will not appear at a scheduled hearing.
 - (a) Factors relevant in determining whether it is substantially certain the parolee will not appear at a scheduled hearing include:
 - i. Present parole adjustment, excluding alleged current violation.
 - ii. Past behavior in similar situations.
 - iii. Actual danger to self.
 - iv. Imminent danger to the public.

7-102.7
cont'd.

- (4) Waiver of a preliminary hearing shall be sufficient in itself to justify issuance of a warrant.
- (a) Factors relevant in determining whether a parolee should be held in custody after a finding of probable cause in the district court, an indictment by a grand jury, or a waiver of the preliminary hearing may include:
- i. Imminent danger to the public as evidenced by prior convictions for crimes against persons.
 - ii. The allegation of the commission of a new offense against persons.
 - iii. Past behavior in similar situation.
 - iv. Danger to witnesses as evidenced by past history toward adverse witnesses.

h. The finding of probable cause sufficient to bind a man over for proceedings in the district court shall be sufficient to continue to hold a parolee who is one of the following:

- (1) Previously convicted of a dangerous offense, i.e. previously convicted of crimes against persons.
- (2) An habitual offender, i.e. a person previously convicted of more than two felonies not arising out of the same course of action.
- (3) Parolees charged with the commission of a dangerous offense.

Agents shall immediately seek warrants on those individuals falling into the above categories. In those cases where an agent desires the release of an individual pending trial, he shall submit a report to the Board setting forth with full particularity the reasons why the individual should be at liberty. This report must deal with the question of public safety in detail.

- i. After the warrant is issued, the parolee will be held in a county jail or other approved facility near the site where the preliminary hearing is to be held. The parolee will not be returned to an institution prior to the preliminary hearing unless such hearing is waived.
- j. At the time the parolee is placed in custody, or as soon thereafter as possible, the agent must provide the parolee with notice of the manner in which he or she has violated the terms and conditions of his or her parole and notice of those rights set out in 7-102.5 Rights of Parolee.

8 Return to Institution of Individuals Who are Absconders Out of State and Those Convicted of New Felony Crimes:

- a. Absconders who are apprehended outside the geographic limits of the State of Minnesota will be returned immediately to the institution assigned to by the Commissioner. A revocation hearing will then be commenced at that institution.

7-102.8
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- b. Individuals convicted of a new felony crime will be immediately returned to the institution assigned to by the Commissioner as soon as the conviction occurs.
- c. There will be no restructuring of parole in the field of "out-of-state" absconder status or of a new felony crime/conviction.
- d. New misdemeanor convictions and/or technical violations must be reported to the Board. However, planning for those individuals is left to the discretion of the agent unless specific instructions in individual cases are given by the Board.

.9 Conduct of the Revocation Hearings:

- a. The parolee may be represented at the hearing by the State Public Defender unless he retains private counsel. The Attorney General's Office may represent the State.
- b. The parolee has the right to testify in his own behalf.
- c. The parolee may present testimony of witnesses, affidavits, and other documentary evidence.
- d. Department of Corrections personnel are responsible for presenting evidence establishing the alleged violation through testimony of witnesses or affidavit, or by other documentary evidence.
- e. The parole agent must be present at the hearing.
- f. Issues which may be contested are the facts supporting the violation, evidence of mitigating circumstances, and the evaluative question of whether the violation warrants revocation or some other disposition.
- g. The Board may cause alternative dispositions to revocation of parole to be developed. Such options may include:
 - (1) Continuance on parole with added restrictions or modification of existing conditions.
 - (2) Continuance on parole with a warning.
 - (3) Continuance on parole on previous conditions.
- h. The Board shall issue a written statement containing the evidence relied on and reasons for disposition.
- i. The parolee and his counsel shall each receive a copy of the statement of findings.
- j. The Board shall cause the revocation hearing to be mechanically recorded and shall preserve the recording for a period of thirty days after the final disposition hearing.
- k. Revocation hearing before the Board shall be available to all persons alleged to have violated their parole, including:
 - (1) Parolees who have waived preliminary hearing.

7-102.9
cont'd.

- (2) Parolees who failed to appear at a scheduled preliminary hearing or an on-site revocation hearing.
 - (a) Failure to appear at either of the above hearings forfeits the right to an "on-site" hearing, and that individual shall have his/her revocation hearing at the institution assigned to by the Commissioner upon return.
- (3) Parolees who have absconded from supervision, except that no preliminary hearing is required where the parolee is returned from out of state or has been convicted of a felony while on parole.
- (4) Parolees who have been recommitted based upon conviction of a new offense while on parole.
- l. The resident parole agent will cause a revocation hearing to be scheduled within sixty days of the return of the parolee to the institution.
- m. The resident parole agent shall cause prompt notification to the State Public Defender of the time, date, and location of the hearing.
- n. The "Parole Violator Returnee" form (sample of Corr. 378 on 7-105.6) should accompany the parolee upon his return to the institution.

.10 Institution Proceedings:

The "Parole Violator Returnee" form is checked to inform the institution staff of the reasons for the return. If the parolee is returned for any of the following reasons, a revocation hearing must be scheduled as provided in 7-102.9 -1.

- a. After a finding of probable cause.
- b. Upon waiver of preliminary hearing.
- c. Upon being taken into custody for failure to appear at a preliminary hearing or on-site hearing.
- d. Returned to state from out of state.
- e. Commitment pursuant to conviction of felony while on parole.

.11 Appeal:

Minnesota statutes do not provide for an appeal from a Minnesota Corrections Board parole revocation hearing except those individuals who are on Youthful Offender status pursuant to Minnesota Chapter 242.

7-103.0 TEMPORARY PAROLE

.1 Introduction:

- a. The Board is legally authorized to grant temporary paroles within the state for periods up to five days.
 - (1) By interpretation and opinion of the Attorney General of Minnesota, temporary parole may be granted only to those individuals who are eligible for regular parole. Individuals serving sentences with mandatory minimums are, therefore, not eligible for temporary parole until the service of the minimum as required by law.
 - (2) A single inmate may not receive more than six (6) temporary paroles per year.

.2 Purpose:

- a. The Board will consider applications to temporary parole for the following purposes:
 - (1) To visit and/or assist in family emergencies, such as death or critical illness of a member of the immediate family. Immediate family is defined as father, mother, brother, sister, spouse, child, or surrogate parent.
 - (2) On recommendation of appropriate medical staff to obtain necessary medical treatment not available at the institution.
 - (3) To participate in completion of release plans, including interviews with prospective employers, school enrollment procedures, obtaining suitable residence, and to test and solidify relationships which are important to the inmate's future adjustment into the community.

.3 Procedures for Making Application:

- a. Inmates desiring to be considered for temporary parole shall initiate their request on the form "Application for Temporary Parole" (sample of Corr. 361 on 7-105.7). The completed application will be submitted to the individual's institutional caseworker who shall:
 - (1) Verify all information submitted by the inmate in support of his request for temporary parole.
 - (2) Refer the application, with comments and recommendations, to the classification team.
 - (3) The classification team shall review the application and, if approved, shall refer it to the Board for final determination.

7-103.3
cont'd.

- b. If a temporary parole is recommended by the classification team, the institutional staff will be responsible for notifying field agents and district supervisors of the pendency of the application and when it will be heard by the Board. This notification will be given to the field staff not less than ten working days prior to the date on which the Board is scheduled to review the request. This notification shall permit the agent sufficient time in which to review the application, investigate if necessary, and to report to the Board any views which he might hold on the granting of the proposed temporary parole.
- c. In the case of extreme emergency, such as noted in 7-103.2a.(1), the written notice to the agent and the supervisor may be replaced by telephone notification. In such a case, the institutional staff will make a written notation in the record attesting to such notification.
- d. At any time that the institutional caseworker and/or the classification team feels that a community investigation by the field staff is necessary to verify circumstances or to test community feelings, such a referral may be made in writing prior to denying or recommending the temporary parole.

.4 Eligibility for Temporary Parole:

- a. Applicants must be eligible for parole as defined and interpreted in 7-103.1a.(1).
- b. Applicants must have a good conduct record free of major report adjudication for at least six months prior to application date.
- c. Applicants must be assigned to a custody status less than maximum.
 - (1) Inmates assigned to a minimum custody unit who are within six months of their next appearance before the Board and who are eligible for parole at that hearing will also be considered for increased temporary paroles if a plan for such increased temporary paroles is submitted to and approved by the Board. It shall be the caseworker's responsibility to provide the Board with a plan indicating how gradually increasing temporary paroles during an inmate's last several months in the institution will benefit the individual without decreasing the protection of the public.
- d. Applicants shall have a demonstrated level of responsible and mature judgment and adjustment which will provide the Board with a reasonable assurance that the applicant will fully comply with the requirements of the temporary parole. Examples of demonstrated levels of responsibility and maturity might be such things as exceptional work performance, program involvement, and/or meritorious institutional accomplishments.

7-103.4
cont'd.

- e. Applicants must have made their initial appearance before the Board and have received no comment by the Board in that initial hearing which would prohibit a temporary parole.
- f. Applicants must be able to demonstrate that they have sufficient financial resources to facilitate their temporary parole plan. No funds may be used which will reduce the inmate's institutional savings account to below one hundred dollars.
- g. Except under unusual circumstances, requests for temporary parole will not be considered until at least ninety days have elapsed since the last temporary parole application unless part of a Board-approved graduated temporary parole pre-release plan.
- h. In the case of those inmates whose presence in the community will cause considerable public concern, temporary parole applications will not be approved except for the most compelling of reasons.

.5 Violations of Conditions of Temporary Paroles:

a. Failure to return

- (1) If a temporary parolee fails to return to the institution at the designated time, the institution staff member responsible shall immediately notify the Department's Fugitive Unit and the field agent(s) involved.
 - (a) Upon such notification, the Fugitive Unit shall issue the Board's warrant for arrest, notify appropriate law enforcement agencies, and begin procedures to apprehend and return the violator.
- (2) Upon return of the violator to the institution:
 - (a) The field agent shall:
 - i. Investigate the fugitive's activities while on temporary parole and on fugitive status.
 - ii. Write a return violator report.
 - (b) The institution staff person responsible shall interview the returnee and write a report setting forth the inmate's version of the violation.
- (3) At the time of the inmate's next regularly scheduled review, all facts of the temporary parole violation, including those reports referred to above, shall be brought to the Board's attention.
- (4) No temporary parole violator will be eligible for further temporary paroles until the first regularly scheduled annual review next occurring after the temporary parole violation.

7-103.5
cont'd.

b. New Offenses:

- (1) Temporary parole violators returning with new offense(s) will be considered as new admissions.

7-104.0 PAROLE DECISION-MAKING GUIDELINES

.1 Introduction:

- a. The Minnesota Corrections Board has three main goals: (1) to protect the public, (2) to deter crime, and (3) to rehabilitate offenders. In order to accomplish these goals, the Minnesota Corrections Board will consider factors relating to risk of failure on parole, severity of the committing offense, and inmate behavior and conduct while imprisoned to determine the length of time individual inmates will be incarcerated.
- b. The objectives of the parole decision-making guidelines are:
 - (1) To provide a rational method of determining length of incarceration which allows the Minnesota Corrections Board to accomplish its goals;
 - (2) To establish a method of parole decision-making that assures equitable treatment of inmates;
 - (3) To assign target release dates to inmates at their initial appearance before the Minnesota Corrections Board.

.2 Determining Time to be Served Prior to Parole:

a. Assigning a target release date:

After implementation of these guidelines, each inmate will be assigned a target release date, either at the inmate's admission hearing or at the inmate's next annual review. It will be the policy of the Minnesota Corrections Board that similar inmates committing similar offenses and with similar institutional behavior ought to serve similar periods of incarceration prior to parole.

b. Factors used to assign target release date:

In assigning a target release date, the Minnesota Corrections Board will consider factors relating to the risk of failure on parole, the severity of the committing offense, and aggravating or mitigating factors. The Board will classify inmates into similar categories of risk of failure and severity of committing offense. The Board will use an empirical parole prediction device as an aid to their clinical judgment, and will use an offense severity ranking, copies of which are included in the Forms section of these guidelines (7-105.0). The Board will use a parole release date matrix to determine target release dates for similar categories of inmates. In each case the Board will determine if

7-104.2
cont'd.

significant aggravating or mitigating factors are present in the case. If such factors are present, the Board may adjust the time to a more appropriate level and must provide the inmate with a written statement of the reasons for this decision.

c. Mutual Agreement Program (MAP) contract:

The following persons are eligible for MAP contracts: persons who are not currently serving a sentence for a crime against a person, and who will reach their target release date in thirty months or less. Effective July 1, 1977, the Minnesota Corrections Board will begin accepting applications for participation in the MAP program from inmates convicted of crimes against persons where the victim was not injured and who will reach their target release date in thirty months or less. The only exception to this will be persons convicted of sex offenses or where, regardless of offense title, a reading of the description of the offense indicates that it was really of a sexual nature. Inmates eligible for participation in MAP contracts will be assigned a target release date by the Board, and can at a later date "contract" for a MAP release date with the MAP coordinator. The MAP release date will be somewhere within the range indicated on the Parole Release Date Matrix and will depend upon the amount of involvement in institutional programming included in the contract. The lower figure of the ranges indicated in the Parole Release Date Matrix is the soonest date a person could be released with completion of a MAP contract. The target release date is a guaranteed parole date with non-participation or non-completion of a MAP contract and with good institutional behavior. The MAP release date, upon ratification by the Board, is a guaranteed release date upon prior completion of the MAP contract and with good institutional behavior. For persons not eligible for MAP contracts, participation in education, vocational training, job assignments, or treatment will not affect their target release date.

d. Effect of institutional misconduct on time served until parole:

If an inmate is convicted of or pleads guilty (including so-called waivers) to a violation of the institutional disciplinary code that could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court, the Board will extend the target release date assigned at initial hearing. The length of the extension will vary with the seriousness of the misconduct.

.3 Application of the Guidelines:

a. New admissions:

Persons admitted to Minnesota adult correctional institutions on or after April 5, 1976, will be assigned target release dates under provisions of these guidelines at their initial hearing, normally within two months of their admission date.

7-104.3
cont'd.

b. Persons in the population on May 3, 1976:

Persons in the population of adult correctional institutions on May 3, 1976, will be assigned a target release date at the time of their next annual review. In the event that an inmate in the population on the date of implementation will have served longer than the "upper limit" indicated by the Parole Release Date Matrix before his or her next annual review, that inmate may request a special review prior to the next annual review.

- (1) If an inmate requests a special review under Section 7-104.3b (above), the request will be screened by a single member of the Board who will determine the accuracy of the factual information on which the request is based.
- (2) If the member determines that the actual information is correct, the case will be placed on a calendar within thirty days. The inmate is entitled to a personal appearance before the Board at this hearing.
- (3) If the member finds that the facts do not support the inmate's request, the member will give a written statement to the inmate stating the reasons for the finding.

.4 Types of Hearings Under These Guidelines:

There are three types of hearings under these guidelines: initial hearing (at which the target release date is assigned), interim annual review, and re-entry hearings.

a. Initial hearings

(1) Purpose of hearing:

The purpose of the initial hearing is to ensure that the Board has complete and accurate information on each case in order to assign an appropriate target release date.

(2) Personal appearance of inmate:

- (a) Inmates serving a Minnesota sentence who are in custody in a Minnesota correctional institution are entitled to a personal appearance before the Board at the hearing at which a target release date is assigned. If an inmate signs a written waiver of his or her entitlement to a personal appearance, or if an inmate refuses to sign a waiver or attend the hearing, the Board may, at its discretion, assign a target release date in the inmate's absence.
- (b) Inmates serving a Minnesota sentence who have been transferred to an institution in another state, or transferred to a federal institution, are not entitled to a personal appearance before the Board at the hearing at which a target release date is assigned.

7-104.4
cont'd.

(3) Responsibility of caseworker:

- (a) Providing to the inmate and the Board the following information ten working days before the initial hearing:
 - i. Information needed to assess risk of failure on parole.
 - ii. Information needed to assess the severity of the committing offense.
 - iii. Information regarding aggravating or mitigating circumstances.
 - iv. Presentence investigation.
 - v. Sentencing transcript.
 - vi. Psychiatric or psychological reports.
 - vii. Institutional case summary.
- (b) Verifying all the above information by consulting official records.
- (c) Re-verifying information on which the inmate contends the official records available to the caseworker are in error.
- (d) Explaining to the inmate prior to the hearing MAP (Mutual Agreement Program) eligibility requirements, the effect of MAP participation on time incarcerated, and the procedures for initiating a MAP contract.

(4) Role of inmate:

The inmate may present any documentary material to the Board which deals with the information considered by the Board at the hearing. The inmate may challenge the accuracy of factual information used by the Board to arrive at a decision. If the challenged information has not been reverified, the Board will continue the case until reverification is complete. If the challenged information has been reverified, the inmate is responsible for re-checking the disputed information, and the Board may assign a target release date based on the reverified, but disputed, information. If the inmate produces new information which indicates that the Board acted upon erroneous data, the Board will schedule a new hearing for the purpose of assigning a target release date based upon accurate information.

(5) Responsibility of the Minnesota Corrections Board:

The Board will review the information prepared by the caseworker relating to risk of failure, severity of committing offense, aggravating or mitigating factors, pre-sentence investigation, sentencing transcripts, psychiatric or psychological reports, etc., and will review any documentary material on these matters presented by the inmate. The Board will assign a target release date, and where the date deviates from the time indicated by the Parole Release Date Matrix,

7-104.4
cont'd.

the Board will provide the inmate with a written statement of the reasons for its decision and the information used to make that decision.

b. Interim annual reviews

Annual reviews between the initial hearing and the re-entry hearing will be non-appearance reviews. For these annual reviews the caseworker will prepare a summary which contains information relative to:

- (1) Inmate progress on MAP contract, if applicable.
- (2) Inmate participation in activities, programs, treatment, education, vocational training, work assignments, etc.
- (3) Any convictions (including guilty pleas or "waivers") of violations of the Inmate Disciplinary Code, and the disposition for each conviction.
- (4) Any reports given the inmate for meritorious behavior.

Caseworkers will provide the copies of this summary to the Board and to the inmate ten working days before the scheduled interim review.

c. Re-entry hearing

It is the policy of the Board that no inmate will be paroled without a satisfactory re-entry plan. Approximately sixty days before the target release date assigned at the initial hearing the Board will hold a re-entry hearing to facilitate development of a re-entry plan.

(1) Purpose of the hearing:

The purpose of the re-entry hearing is to develop an approved general re-entry plan which adequately protects the public and which meets the needs of the inmate.

(2) Personal appearance of inmate:

The inmate is entitled to a personal appearance before the Board at the re-entry hearing.

(3) Responsibility of inmate and caseworker:

The inmate and his or her caseworker will develop a general re-entry plan and will submit the plan to the agent of record at least twenty working days before the scheduled re-entry hearing, and to the Board at least ten working days before the scheduled re-entry hearing. Absence of response from the agent of record at the time of the re-entry hearing will be interpreted by the Board as concurrence with the provisions of the general re-entry plan. This plan shall deal with the following areas:

7-104.4
cont'd.

- (a) Residence
- (b) Employment
- (c) Special conditions

(4) Role of the Minnesota Corrections Board:

At the re-entry hearing the Board will review the adequacy of the general re-entry plan, and, if the proposed plan is inadequate, will make written suggestions for alterations. If the proposed plan is satisfactory, the Board will approve the general re-entry plan and will direct the inmate, caseworker, agent of record, and courtesy agent (if applicable) to develop a detailed re-entry plan. The detailed re-entry plan must be submitted to the Board at least ten working days before the target release date. The Board will review the detailed re-entry plan in a non-appearance review. If the detailed re-entry plan is consistent with the approved general re-entry plan, the Board will grant parole effective on the target release date. If the Board determines that a detailed re-entry plan is inconsistent with the approved general re-entry plan, it will provide a written statement to the caseworker and the inmate which specifies the areas of inconsistencies, and will continue the case until the inconsistencies have been remedied.

.5 Disposition of Special Types of Cases Under the Guidelines:

a. Inmates with multiple committing offenses and concurrent sentences:

The Board will establish the target release date by using the most severe of the committing offenses, as indicated by the Offense Severity Index, and the appropriate risk of failure category. The Board may consider the additional committing offenses as aggravating factors and may adjust upwards the target release date.

- (1) Inmates with multiple convictions for first, second, or third degree murder serving concurrent sentences: The Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix for the most severe of the committing offenses and the appropriate risk of failure category, and by adding an additional seven years for each additional first degree murder conviction, by adding an additional five years for each additional second degree murder conviction, and by adding an additional three years for each additional third degree murder conviction.

b. Inmates with multiple committing offenses and consecutive sentences:

The Board will establish the target release date by determining the time indicated by the parole release date matrix for the most severe of the offenses for which there are consecutive sentences, and the appropriate risk of failure level, and then increasing that time by adding the time (or time range) indicated by the parole release date matrix for each consecutive offense at the appropriate level of severity and the lowest level of risk.

7-104.5
cont'd.

c. Parole revocations with a new felony conviction:

Persons whose parole is violated after conviction of a new felony offense, and who are committed to the Commissioner of Corrections or to the Minnesota Corrections Board, will be considered under these guidelines as a new admission. The Board will add six months to the time indicated by the parole release date matrix (for the parole violation) and will consider the person's previous conviction(s) as an aggravated circumstance when determining a target release date for the new conviction.

d. Parole revocations for violations of technical rules:

These guidelines will not apply to persons whose parole is revoked for violation of technical rules. Generally, persons are deemed to have served enough time for the offense(s) they have committed. In making decisions regarding persons whose parole is revoked for violation of technical rules, the policy of the Board will be to reinstitute a revised parole plan, unless:

- (1) The preponderance of available evidence suggests that the inmate would pose a danger to public safety if reparaoled, or
- (2) The person has multiple revocations for violation of technical rules under the current sentence.

e. Cases where statutory sentence conflicts with the guidelines:

In any case where a statutory sentence conflicts with the target release dates indicated in the parole release date matrix (such as sentences with mandatory minimums or sentences under the extended term law), the statutory sentence is binding.

f. Persons with maximum security custody classification:

Persons with maximum security custody classification on the target release date will not be considered for parole by the Board until the maximum security custody classification is removed.

g. Inmates with disciplinary reports pending or serving disciplinary segregation sentences:

Inmates with disciplinary reports pending or serving disciplinary segregation sentences will not appear before the Board at scheduled personal appearance hearings. The names of persons with disciplinary charges pending or serving disciplinary segregation sentences will appear on the calendar, but their cases will be continued until completion of the disciplinary process.

h. Persons serving mandatory minimum sentences:

The Board will not assign target release dates to persons serving mandatory minimum sentences for murder in the first degree until they have served the mandatory minimum. Likewise, the Board will not set target release dates for persons serving consecutive, multiple minimum sentences. All other individuals, i.e., those

7-104.5
cont'd.

serving single counts of a year and a day and three-year minimum sentences will have their target release dates set at the time of their admission hearing.

i. Criminal Negligence:

Where persons committed for Criminal Negligence have no prior criminal history, where the Criminal Negligence did not occur in the course of the commission of another felony, and where the person otherwise has exhibited a stable pattern of community living, the Board will assign a lower target release date than indicated by the Parole Release Date Matrix. This date will be consistent with the nature of the problem contributing to the Criminal Negligence and the resources available to address the problem. Where the Criminal Negligence is one element in a pattern of criminal behavior, the Board will not reduce the target release date, and may extend it on the basis of specified aggravating circumstances.

j. Extension of release date for offenses involving injury:

In cases where the committing offense involved shooting or stabbing the victim or where the victim was beaten to an extent requiring medical treatment, the Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix at the appropriate level of risk and severity, and adding ten months to that time.

In cases where the committing offense involved great bodily harm, defined as injury (a) creating high probability of death, (b) protracted hospitalization, or (c) permanent or protracted loss of bodily function or organ, the Board will remove the case from the matrix and assign a target release date based on the specific facts of the case.

k. Retroactive application of changes in the guidelines:

(1) Whenever changes in the guidelines are promulgated under section 7-101.7, the Board will apply those changes retroactively to all inmates previously assigned target release dates where:

- (a) the Board did not depart from the time indicated by the guidelines in effect at the time the target release date was originally assigned; and,
- (b) where the cumulative effect of the revised guidelines would reduce the previously assigned target release date.

(2) Procedure for retroactive application:

- (a) A personal appearance hearing is not required for the Board to reduce a previously assigned target release date.
- (b) Generally reductions of target release date will be made at an eligible inmate's next annual review.

7-104.5
cont'd.

(c) In the event that a reduced target release date would result in parole before the next annual review, the inmate may request a special review for an early assignment of the reduced target release date, following the procedure outlined in section 7-104.3b., except that a personal appearance hearing is not required to reduce the target release date.

l. Credit for pre-trial confinement:

In establishing the target release date, the Board will reduce the time indicated by the Parole Release Date Matrix by the amount of time--if any--the inmate was confined between arrest and conviction for the current offense. "Jail credit" procedures, relating to sentence expiration, are not affected by this section.

m. Matrix guideline time exceeds expiration:

In cases where the guideline time indicated by the Parole Release Date Matrix exceeds expiration of the sentence, the Board will establish the target release date by finding the highest number of months at that level of severity below expiration of the sentence.

n. Impact of escape on target release date:

For inmates returning from escape from a state correctional institution without a new felony conviction, or with a new conviction for escape and a concurrent sentence, the previously assigned target release date will be extended by 6 to 12 months, according to the procedure set forth in section 7-104.6. Any aggravating factors, over and above the act of escape, will be taken into consideration in establishing the range of the extension. Nothing in this policy will be construed to confer MAP eligibility on an inmate not eligible under regular MAP criteria.

Inmates returning from escape from a state correctional institution with a new escape conviction and a consecutive sentence will receive a new target release date based upon the procedure set forth in section 7-104.5b.

o. New felony conviction while on escape, furloughs, temporary paroles, or medical paroles:

Inmates who receive new felony convictions while on furloughs, temporary paroles, medical paroles, or escape will be assigned a new target release date based on the time indicated by the parole guidelines for the new offense or new offenses plus the unserved balance of the previously assigned target release date for the prior offense.

7-104.6 Extension of Target Release Dates:

a. Reasons for extension of target release dates:

Once a target release date is assigned an inmate, it may be extended only in the following circumstances:

- (1) During the renegotiation of a MAP contract. In this circumstance, the extension will apply only to the "lower limit" assigned at the initial hearing. In no case will the renegotiation of a MAP contract result in an increase of the "upper limit" assigned at the initial hearing.
- (2) After conviction of (or plea of guilty to) a violation of the inmate disciplinary code which could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court.
- (3) After a psychiatric diagnosis of severe emotional disturbance.

b. Procedure for extension of target release date:

- (1) The Board shall set a date for a hearing on the question of extending the target release date for disciplinary convictions. The hearing will be held on the date of the next interim annual review, or at the re-entry hearing, whichever is sooner.
- (2) At the re-entry hearing, the Board may extend the target release date to a specified future date if a psychiatric diagnosis indicates severe emotional disturbance, and the Board will recommend to the Department of Corrections that the individual be committed, transferred, or placed in a facility or program providing appropriate treatment.
- (3) The inmate is entitled to a personal appearance before the Board. If the inmate waives his right to appear or refuses to appear the Board may hold the hearing in his or her absence.
- (4) The caseworker shall schedule a hearing and shall give the inmate and the Board a notice ten working days before the hearing which specifies the nature of the hearing.

.7 Record of Hearings:

The Board will tape record all hearings in which inmates appear before the Board in person and will preserve the tapes for a period of one year.

.8 Recision Hearing:

If an inmate receives a disciplinary misconduct report after a parole has been granted but before the inmate leaves the institution, the Board shall immediately hold a recision hearing to nullify the previous action to grant parole pending disposition of the disciplinary report.

7-105.0 FORMS

<u>Form Name / Use</u>	<u>Form Number</u>
.1 Parole Agreement	Corr. 240
.2 Temporary Parole Agreement	Corr. 359
.3 Temporary Parole Denial Report	- - - - -
.4 Notice of Parole Violation and Right to Hearing	Corr. 376
.5 Notice of Preliminary/Revocation Hearing	Corr. 376
.6 Parole Violator Returnee	Corr. 378
.7 Application for Temporary Parole	Corr. 361
<u>Matrix:</u>	
.8 Risk of Failure Work Sheet	Corr. 388
.9 Parole Release Date Matrix	(7-1-77)
<u>MAP:</u>	
.10 Offense Eligibility	(9-12-75)
.11 Standard Contract	- - - - -
.12 Refusal	MAP form #3
.13 Medical Parole	Corr. 275

Form Sample

State of Minnesota Minnesota Corrections Authority

PAROLE AGREEMENT

WHEREAS, it appears to the Minnesota Corrections Authority that _____
presently confined in the _____ is eligible for parole, and

WHEREAS, the said Authority, after careful consideration, believes that there is a reasonable probability that said individual will lead a law-abiding life and believes further that the release of said individual on parole is compatible with the welfare of society;

Now, THEREFORE, be it known that the Minnesota Corrections Authority, under the authority vested in it by law, grants parole to _____ and does authorize his release from the institution at such time as a parole plan, including employment and housing arrangements, has been approved. Upon being paroled and released he shall be and remain in the legal custody and under the control of the Minnesota Corrections Authority, subject to the rules, regulations, and conditions of this parole set forth on the reverse side of this agreement.

Signed in duplicate this _____ day of _____ 19 _____

STATEMENT OF RULES, REGULATIONS, AND CONDITIONS
UNDER WHICH PAROLE IS GRANTED

Form Sample

In consideration of the parole granted to me by the Minnesota Corrections Authority I do hereby accept such parole and agree to abide by the following terms and conditions:

- 1. I will report immediately upon arrival at my destination, either by mail, telephone, or personal visit, to my supervising agent who is:

Name: _____ Telephone No. _____

Address: _____

- 2. I will abide by the terms and conditions contained in this agreement and be subject to the supervision of an assigned agent.

I shall at all times follow the instructions of my supervising agent and keep him informed of my residence and activities.

I will ask for his guidance and assistance and follow his directions with the day-to-day problems which might arise during my parole, including but not limited to the following: the purchase of motor vehicles; the driving of motor vehicles; borrowing money; credit or installment buying; changing employment or school programs; or getting married.

- 3. I shall submit such reports as may be required and shall reply promptly to any communications about my parole.
- 4. I shall not possess or use narcotics or other drugs or preparations, except those prescribed for me by a physician.
- 5. I will not purchase or otherwise obtain, or have in my possession, any type of firearm or dangerous weapon. (The "Federal Gun Control Act of 1968" prohibits such permission being given to persons who have been convicted of a felony.)
- 6. Conviction of a felony, gross misdemeanor, or any misdemeanor, except traffic violations, is a violation.
- 7. I will not leave the state without written permission from my supervising agent, and then only under such terms and conditions as he may prescribe in writing.
- 8. SPECIAL CONDITIONS: (include residence and employment)
- 9. I understand that any conduct by me in violation of the terms and conditions listed under paragraphs 4 through 8 above will subject me to being taken into immediate custody by the Minnesota Corrections Authority and institution of proceedings for revocation of my parole. It is further understood that a continuous course of conduct in violation of the provisions in paragraphs 1 through 3 above may also result in my being taken into custody and revocation proceedings begun.
- 10. I hereby do 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 hereby certify that this parole agreement and Statement of Rules, Regulations and Conditions has been read and explained to the parolee and he has agreed and consented to these rules, regulations and conditions upon his release, this

_____ day of _____, 19_____.

Institution Agent or Field Agent

I hereby certify that I fully understand this parole agreement and all the rules, regulations and conditions set forth herein, and I hereby agree to be bound by all the rules, regulations and conditions of this agreement. I certify that I have received a copy of this agreement.

Parolee

Date Released: _____; Cash Received \$ _____

Balance \$ _____; Expiration Date: _____

Distribution:

- Original - Central Office
- 2nd copy - Parolee
- 3rd copy - Agent
- 4th copy - Inst. File

State of Minnesota

MINNESOTA CORRECTIONS AUTHORITY

TEMPORARY PAROLE AGREEMENT

WHEREAS, it appears to the Minnesota Corrections Authority that _____
_____ presently confined at _____
is eligible for a temporary parole, and

WHEREAS, the said Authority, after careful consideration, believes that conditional release on such
parole will materially enhance this person's progress toward rehabilitation, and that the temporary parole
is compatible with the welfare of society.

NOW, THEREFORE, be it known that Minnesota Corrections Authority, under the authority
vested upon it by Laws 1973, Chapter 654, grants temporary parole to _____
and does hereby authorize his release from the institution in which he is confined. Upon being paroled
and released he shall be and remain in the legal custody and under the control of the Minnesota
Corrections Authority, subject to the rules, regulations and conditions of this parole as set forth on the
reverse side of this agreement.

Signed in duplicate this _____ day of _____ 19 ____.

PART VII - PAROLE, PROBATION DEPARTMENT OF CORRECTIONS 7-105.2
& PARDON BOARD STATEMENT OF RULES, REGULATIONS, AND CONDITIONS July 1977
PROCEDURES UNDER WHICH THE TEMPORARY PAROLE IS GRANTED

Form Sample

In consideration of the parole granted to me by the Minnesota Corrections Authority I do hereby accept such parole and agree to abide by the following terms and conditions:

1. I will report immediately to my destination, which is:

Name: _____

Address: _____

Phone No. _____

1. I recognize that my release on temporary parole is conditional and that I am subject to the control and jurisdiction of the Minnesota Corrections Authority.

2. I will immediately notify my agent (indicated below) if I am arrested or become involved in any other situation which could have a bearing on my conditional release.

3. I understand that I am to remain at liberty only for the designated number of days and that I must return promptly on the last day of the period.

4. I understand that willful failure to return to the institution from temporary parole shall be considered as a violation of temporary parole and I will be deemed a fugitive.

5. I will reply promptly to any communication from any authorized representative of the Commissioner of Corrections or the Minnesota Corrections Authority.

6. I understand that the Minnesota Correction Authority has the authority to place me in custody at any time and to revoke my temporary parole in the event that I violate any of the terms or conditions thereof.

7. If I am convicted of or involved in the commission of a felony, gross misdemeanor or violation of any federal, state or local law or ordinance pertaining to the possession of firearms or narcotics or other prohibited drugs or any unlawful behavior involving moral turpitude, I understand that my temporary parole will be revoked and that I will be returned to custody.

8. I hereby do 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.

9. In case of problem or difficulty with the law I will immediately contact:

Name of Parole Agent

Address

Phone No.

Date Parole Effective _____

Date Parole Terminates _____

At _____ O'Clock

I hereby certify that this parole agreement and statement of rules, regulations, and conditions has been read and explained to the parolee and he has agreed and consented to these rules, regulations and conditions upon his release, this

_____ day of _____, 19____.

Supervisor

I hereby certify that I fully understand this parole agreement and all the rules, regulations, and conditions set forth for me to comply with, and I hereby agree to be bound by all the rules, regulations, and conditions of this agreement. I certify that I have received a copy of this agreement.

Parole

STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS
MINNESOTA CORRECTIONS BOARD

TEMPORARY PAROLE DENIAL REPORT

To: _____ No. _____ Date: _____

On the basis of our consideration of all available information, we have decided to deny your temporary parole application.

Checked below are the reasons for this decision:

- _____ You are too far removed in time from your next scheduled review by the Authority.
- _____ You may not be paroled at your next scheduled hearing and will be serving further time in confinement.
- _____ Your history of assaultive behavior may indicate a potential for further illegal acts in the community.
- _____ You may have the potential to commit further illegal acts in the community.
- _____ You may have the potential to use drugs or alcohol excessively while on temporary parole.
- _____ You are not eligible for a temporary parole because you have not served the minimum time of your sentence before parole eligibility.
- _____ You have not maintained a good conduct record for six months prior to your application.
- _____ Your custody status is not less than maximum.
- _____ You have not demonstrated a level of maturity to warrant a temporary parole.
- _____ You have had a temporary parole within the last ninety days.
- _____ Your reasons for a temporary parole are insufficient.
- _____ Other _____

COMMENTS _____

Date: _____

Signature of Authority Member

STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS

Form Sample

NOTICE OF PAROLE VIOLATION AND OF RIGHT TO HEARING

TO: _____

DATE: _____

I. It is alleged that you have violated the terms and conditions of your parole in the following manner:

II. A. You are entitled to:

1) A Preliminary Hearing to determine if there is probable cause or reasonable ground to believe that you have violated your parole as alleged above; and

2) A Revocation Hearing to finally determine whether you have violated your parole and to either revoke your parole or continue on parole under such terms and conditions as may be imposed by the Minnesota Corrections Authority.

B. The Preliminary Hearing will be conducted at a suitable place in the community in which the violation occurred by a Hearing Officer appointed by either the Commissioner of Corrections or the Minnesota Corrections Authority.

C. At both the Preliminary Hearing and the Revocation Hearing you will have the following rights:

1) To appear and speak in your own behalf and to present witnesses and other evidence, including documentary evidence;

2) To disclosure of the evidence against you;

3) To cross-examine witnesses against you, unless the Hearing Officer or the Minnesota Corrections Authority finds good cause for not allowing such confrontation.

4) To a written statement of the evidence against you and the findings and reasons for (a) finding probable cause, and (b) revoking parole.

5) To be represented by counsel of your own choosing if you are able to afford counsel. If you are unable to afford counsel, the Public Defender will be asked to represent you.

- III. You will be notified of the nature of your hearing, Preliminary or Revocation, and of the date, and place thereof. Notice will also be sent to your attorney, if you have one.
- IV. If members of the Minnesota Corrections Authority are available in the community in which the alleged violation took place and a timely hearing before them can be arranged, no Preliminary Hearing will be held.
- V. If you are not in custody - i.e., if you have been left at liberty during the pendency of proceedings to revoke your parole, failure to appear at the date, time and place of a scheduled Preliminary or Revocation Hearing is cause for Revocation of your parole and return to confinement.
- VI. You may waive your right to a Preliminary Hearing, however, waiver of a Preliminary Hearing will result in your being taken into custody and returned to the institution from which paroled for a Revocation Hearing which will be held before the Minnesota Corrections Authority within _____ days of your return to such institution.

I, _____, do hereby acknowledge receipt of the foregoing Notice and that it has been fully explained to me.

Dated: _____ PAROLEE

I, _____, with full knowledge of the consequences, do hereby waive my right to a Preliminary Hearing.

Dated: _____ PAROLEE

I, _____, Supervising Corrections Agent, do hereby certify that on _____ day of _____ 19 _____, the above named Parolee refused to acknowledge receipt of the foregoing Notice, wherefore, the same has been explained to him and a true exact copy left with him.

CORRECTIONS AGENT

STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS

NOTICE OF PRELIMINARY HEARING
 REVOCATION

(To be given personally to Parolee)

TO: _____

DATE: _____

Your Preliminary Revocation Hearing will be held on _____

_____ at _____, _____

DATE

TIME

PLACE

A copy of the Violation Report is either attached or will be given to you or your attorney, if you have one, within seventy-two (72) hours.

Your rights in regard to the hearing were explained to you in the Notice of Violation and Right to a Hearing.

If you fail to appear at this hearing your parole will be revoked and an Apprehension Warrant will be issued for your apprehension and immediate return to the institution.

TITLE

cc: Parolee
Parolee's Attorney
Department Attorney
Minnesota Corrections Authority

STATE OF MINNESOTA

Form Sample

MINNESOTA CORRECTIONS AUTHORITY

TO: _____

In the matter of _____ # _____

who was heretofore conditionally released from the _____

_____ on _____
(parole; probation; work release; temp parole)

IT HAS BEEN MADE TO APPEAR TO THE SATISFACTION of the Minnesota Corrections Authority that probable cause exists upon which to believe that _____ above named, has violated the terms and conditions of his/her conditional release, and that he should be placed in actual custody pending final hearing and disposition of his case;

NOW THEREFORE, You are authorized and commanded to receive _____ aforesaid, into your custody and safekeeping pending the further Order of the Minnesota Corrections Authority.

Probable Cause is found to exist upon the following:

- Preliminary Hearing on _____ at _____
- Preliminary Hearing waived, Waiver attached
- Taken into custody pursuant to M. S. 243.05 after failure to appear at Preliminary Hearing.
- Returned to State of Minnesota by extradition or pursuant to waiver of extradition.
- Revocation of parole by M.C.A.

MINNESOTA CORRECTIONS AUTHORITY

By _____
(Authorized Signature)

APPLICATION FOR TEMPORARY PAROLE

_____ Institution

Last Name _____ First Name _____ Initial _____ Age _____ Number _____

I request temporary parole for _____ days to begin on _____ date and end on _____ date

for the following purpose: _____

I will stay with _____ Name _____ Relationship _____

Who lives at _____ (Complete Address)

Transportation will be: _____ (bus, relative's car, etc.)

Total estimated expense for the temporary parole: _____ . I have: _____
available, from _____ (savings, relatives, etc.) My current custody is _____

My last commission appearance was _____ Month-Year . My next commission appearance is _____ Month-Year

My last request for temporary parole was _____ Month-Year

My adjustment in the institution has been: _____

_____ (MCIW applicants indicate point quota, current point balance and recent fines)

A temporary parole would help me reach the following goals set with me, by my caseworker and classification team:

The above facts have been verified by _____
_____ Name and position (Caseworker, agent, etc.)

Form Sample

PART VII - PAROLE, PROB. *This Side For Staff And Commission Use Only*
 & PARDON BOARD PROCEDURES
 CASEWORKER COMMENTS AND RECOMMENDATION

7-105.7
 July 1977

Form Sample

_____ Recommended _____ Not Recommended

Comments: _____

Caseworker Signature

CLASSIFICATION TEAM RECOMMENDATION

_____ Recommended _____ Not Recommended

Comments: _____

Team Chairman Signature

ADULT CORRECTIONS COMMISSION/YOUTH CONSERVATION COMMISSION

_____ Granted _____ Denied

Comments: _____

(11-6) R.I.N. <input type="text"/>	(7-8) CARD NO. <input type="text"/> <input type="text"/>	(9) ACC <input type="checkbox"/>	(10) YCC <input type="checkbox"/>	(11) REASON FOR TEMPORARY PAROLE			
				<input type="checkbox"/>	family emergency		
				<input type="checkbox"/>	medical		
				<input type="checkbox"/>	social adjustment		
				<input type="checkbox"/>	pre-release planning		
DATE APPLICATION APPROVED	BY CASEWORKER (12-17)	BY CLASSIFICATION (18-23)	BY COMMISSION (24-29)				
DATE APPLICATION DISAPPROVED	(30-35)	(36-41)	(42-47)				
DATE OF DEPARTURE	(48-53)	TOTAL DAYS (60-62)	DATE REVOKED BY VIOLATION (83-88)	69) REASON REVOKED	HOW RETURNED (70)		
DATE OF RETURN	(54-59)			1 absconded	self		
				2 technical			
				3 misdemeanor			
				4 gross misdemeanor			
				5 felony	fugitive		

Copies: ACC
 Orig. to base file
 Commission packets (3)

C.O. file - Research
 Agent
 Supervisor

YCC
 Orig. to base file
 Commission Packets (2)

C.O. file-research
 Agent
 Supervisor

MINNESOTA CORRECTIONS BOARD - RISK OF FAILURE WORKSHEET
 PART VII - PAROLE, PROBATION
 AND PARDON BOARD PROCEDURES

DEPARTMENT OF CORRECTIONS

7-105.8
 July 1977

Inmate _____ Inst. # _____ Date of Birth _____

Admission Offense	Adm. Date	Sentence	Form Sample Cc/Cs	Exp. Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

State Time Already Served _____ Recorded Jail/Wkhse Time _____

ITEM	YES	NO
1. The inmate has a prior conviction for exactly the same offense as any offense for which the inmate is now under sentence.		
2. The inmate was 19 or younger at the time of the first felony conviction.		
3. The inmate has a total of three or more felony convictions, including convictions for the current sentence.		
4. The inmate has one or more prior adult commitments to state correctional institutions.		
5. The inmate has two or more prior probation or parole failures as an adult.		
6. The inmate's current sentence includes one or more burglary convictions.		
Sev. Level _____ Risk Level _____ Matrix Time _____ Total # _____ Yes		

AGGRAVATING CIRCUMSTANCES

MITIGATING CIRCUMSTANCES

DISTRIBUTION: Inmate Copy

CASEWORKER _____
 DATE _____

REASONS FOR DEPARTURE

INFORMATION USED FOR DECISION

CERTIFICATION

W/IN

DEP

TYPE OF HEARING

- _____ New Admission
- _____ Annual Review
- _____ Special Review

MCB MEMBERS

- _____ MULCRONE
- _____ GREEN
- _____ SKWIERA
- _____ MELCHERT
- _____ BYRNES
- _____ LINDE
- _____ RYAN

- _____ # MOS. ASSIGNED BY MCB
- _____ # MOS. SERVED IN STATE INST.
- _____ # MOS. JAIL CREDIT
- _____ # MOS. LEFT TO PAROLE
- _____ TRD (date comp. from _____)

MAP ELIGIBLE ___ YES ___ NO

DISTRIBUTION

- 1 - Inmate
- 1 - Institution
- 1 - C.O. File
- Research

MEMBER _____ DATE _____

INMATE COPY

14. PART VII - PAROLE, PROBATION AND PARDON BOARD PROCEDURES

DEPARTMENT OF CORRECTIONS

7-105.9
July 1977

PAROLE RELEASE DATE MATRIX (effective 7-1-77)		Number "Yes" Responses on Worksheet				
Severity Level	Offenses	Predicted Group Failure Rate				
		0	1-2	3-4	5	6
		11%	28%	35%	49%	63%
		I.	II.	III.	IV.	V.
I.	UUVV Possession of a Controlled Substance Forgery, Aggravated Forgery, Uttering a Forged Instrument	4-12	7-12	9-12	11-17	18-28
II.	Aggravated Criminal Damage to Property—no weapon Burglary—no weapon—not in dwelling Negligent Fires Possession of Burglary Tools Receiving Stolen Property Arson—Third Degree Theft—\$100 to \$2500; Theft by Check Terroristic Threats Defeating Security on Personality Damage to Public Property	7-12	9-12	11-17	18-24	25-36
III.	Theft—more than \$2500 Burglary—weapon—not in dwelling Burglary—no weapon—dwelling Escape from Custody Aggravated Criminal Damage to Property—weapon Indecent Liberties—no injury* Criminal Sexual Conduct—Fourth Degree* Possession of Controlled Substance with Intent to Sell Dangerous Weapon—machine gun Felon in Possession of Pistol Arson—Second Degree Prostitution—other acts prohibited	9-12	11-17	18-24	25-32	33-45
IV.	Burglary—weapon—dwelling Simple Robbery Aggravated Arson; Arson—First Degree Aggravated Assault Indecent Liberties—-injury* Kidnapping—no injury Criminal Sexual Conduct—Third Degree* Attempted Murder—Second Degree; Third Degree Incest Sexual Intercourse with Child—over age 16* Confining own Child; False Imprisonment Burglary with Tool Theft from Person Sale of a Controlled Substance Prostitution—Soliciting or Inducing Person Under 18 to Practice	11-17	18-24	26-32	34-40	47-53
V.	Aggravated Robbery Manslaughter—Second Degree* Criminal Negligence* Attempted Murder—First Degree Conspiracy to Commit Murder—First Degree Sexual Intercourse with Child—age 14 to 16*	18-24	26-32	39-45	51-60	67-76
VI.	Manslaughter—First Degree Criminal Sexual Conduct—First Degree; Second Degree Kidnapping—-injury Sodomy; Sodomy with Child Sexual Intercourse with Child—age 10 and under, and age 11 to 13	42	50	60	75	92
VII.	Murder—Third Degree	72	86	109	135	170
VIII.	Murder—Second Degree	86	108	145	194	240
IX.	Murder—First Degree	204	241	301	355	416

ELIGIBLE FOR MAP
(Except where noted)

NOT ELIGIBLE
FOR MAP

*Not Eligible for MAP Contract - Any inmate whose offense involved injury to the victim will not be eligible for MAP. Persons convicted of sex offenses or where, regardless of offense title, a reading of the description of the offense indicates that it was really of a sexual nature will not be eligible for MAP.

OFFENSE ELIGIBILITY FOR MINNESOTA
MUTUAL AGREEMENT PROGRAMMINGForm Sample

Minnesota Statute Number	Minnesota Offense Code Number	
152.15	707	Illegal Possession or Use of Narcotic Drugs
243.55	703	Illegal Possession or Use of Intoxicating Liquors
340.55	701	Illegal Sale of Intoxicating Liquors
609.42	802	Bribery of Public Officials
609.425	804	Corruptly Influencing Legislators
609.445	811	Failure to Pay Over State Funds
609.455	821	Permitting False Claims Against Government
609.465	822	Presenting False Claims to Public Officials or Body
609.48	820	Perjury
609.52	204	Theft over \$100.00
609.525	201	Bringing Stolen Goods into State over \$100.00
609.53	203	Receiving Stolen Property over \$100.00
609.54	202	Embezzlement of Public Funds
609.55	205	Unauthorized Use of Motor Vehicle
609.58	403	Burglary
609.59	407	Possession of Burglary Tools
609.61	406	Defrauding Insurer
609.615	404	Defeating Security or Realty over \$100.00
609.62	405	Defeating Security or Personality
609.625	301	Aggravated Forgery
609.63	303	Forgery
609.635	305	Obtaining Signature by False Pretense
609.64	306	Recording, Filing of Forged Instrument
609.645	304	Fraudulent Statements
609.65	302	False Certification by Notary Public
609.82	814	Fraud In Obtaining Credit over \$100.00
609.825	803	Bribery of Participant or Official in Contest
609.83	812	Falsely Impersonating Another

September 12, 1975

Form Sample

MINNESOTA CORRECTIONS BOARD

MINNESOTA MUTUAL AGREEMENT PROGRAM CONTRACT

NAME: _____, No. _____, at _____

Contingent upon the successful completion of the following listed contract objectives and compliance with the stated contract conditions, the Minnesota Corrections Board shall grant parole to _____ by _____ but not before _____.

CONTRACT OBJECTIVES:

The objectives below comprise the program that has been negotiated between _____ and the Minnesota Corrections Board on _____, 19____.

Form Sample

CONDITIONS UNDER WHICH THIS CONTRACT MAY BE RENEGOTIATED OR CANCELLED

1. I understand that during the life of this contract should I be found guilty by the Institutional Disciplinary Court of an offense, which, if dealt with in a court of law, could result in a conviction for a criminal offense (felony or misdemeanor), this contract is suspended and is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
2. I understand that it is my responsibility to protect the custody level rating I have at the time of entering into this contract. Should this contract call for a reduction in custody level (for example, minimum status), it is my responsibility to achieve the required custody level. I further understand that should I fail to acquire the custody status required, this contract is suspended until that custody status is achieved. If the required custody status cannot be achieved within the time limitation set to meet the objectives of this contract, the contract is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
3. I understand that should I commit an act which may be considered a breach of contract before the effective date of parole, the Minnesota Corrections Board may suspend the order of parole pending the outcome of any administrative hearings required to establish breach of contract. If a breach of contract is established, it is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
4. If previously unknown information regarding pending felony prosecution or detainers from other jurisdictions became available, the contract may be renegotiated or cancelled at the Minnesota Corrections Board's discretion. I further understand that should any detainer be in full force and effect upon completion, by me, of my obligations under this contract, that any parole pursuant to this contract shall be to that detainer.
5. I understand that should this contract be cancelled, I will return to the upper level time period assigned to me at my initial hearing before the Minnesota Corrections Board. I further understand that the hearing at the upperlevel time period can be for parole consideration but that the Minnesota Corrections Board will decide upon the merits of my case whether a parole will or will not be granted at that time.

SIGNATURES OF CONTRACTING PARTIES

Resident

I, _____, have read, or have had read to me, and understand and agree to satisfactorily complete the objectives listed in this contract in consideration of a specific parole date. I further understand that, at any time during this contract, I may request a renegotiation of its terms or unilaterally cancel it without prejudice. I will, to the best of my abilities, carry out the objectives of this contract, and realize that failure to do so will cancel this contract.

By: _____

Date: _____

DEPARTMENT OF CORRECTIONS

Form Sample

I, _____, Department of Corrections, have reviewed the terms of this contract and certify that the programs and services specified in the contract are now available and will continue to be available to enable _____ to timely and successfully complete the objectives of this contract.

Minnesota Department of Corrections

By: _____

Title: _____

MINNESOTA CORRECTIONS BOARD

We, _____, _____, as members of the Minnesota Corrections Board, agree that the above-named resident will be paroled on _____, 19____, CONTINGENT UPON THE SUCCESSFUL COMPLETION of the objectives of the contract as certified to us by the Department MAP Co-ordinator.

Minnesota Corrections Board

By: _____
(Member)

(Member)

(Member)

Distribution

- Resident
- Base File
- MCA--3
- C. O. File
- Agent
- Supervisor

State of Minnesota

Form Sample

DEPARTMENT OF CORRECTIONS

Minnesota Corrections Authority

MEDICAL PAROLE

The Minnesota Corrections Authority does, by virtue of the authority conferred upon it by law, hereby grant a MEDICAL PAROLE to

now confined at the _____, at _____
Minnesota, and allow him to go outside the buildings and enclosure of said institution, subject, however, to the following regulations and conditions:

1. He shall at once upon leave the said institution proceed to the _____
at _____, Minnesota, an institution with hospital facilities, and there exclusively remain for care and treatment during all of such time as this medical parole is in force and effect, and during the period of this medical parole the _____ of the _____
is hereby designated and appointed an agent of the Minnesota Corrections Authority to exercise the necessary supervision and control of the said _____.

2. He shall upon leaving the said _____ immediately return, or be returned to the said correctional institution unless otherwise determined by the Minnesota Corrections Authority.

3. All expenses in connection with said care and treatment shall be defrayed by the inmate or by those interested in his behalf, and the Minnesota Corrections Authority assumes no obligation directly or indirectly for the payment thereof.

4. He shall as far as consistent with this medical parole, comply with all the rules and regulations of the institution from which he has been granted this medical parole and agrees to be subject to the supervision and control of the _____ of such institution.

5. This medical parole shall be terminated upon notice from the institution that the necessity for medical parole no longer exists and upon action by the Minnesota Corrections Authority.

6. _____

Signed in triplicate this _____ day of _____ 19 _____

I, _____ No. _____, an inmate of the Minnesota State
_____, hereby declare that I have carefully read, and do clearly understand, the contents and conditions of the above medical parole, and I hereby accept the same and do pledge myself to honestly comply with said conditions.

Signed in triplicate this _____ day of _____ 19 _____

WITNESSED:

NOTE: ATTACHED ARE

CHANGES IN MCB PAROLE

GUIDELINES. PLEASE MARK

THE AFFECTED SECTIONS

FOR REFERRAL TO THIS

ADDENDUM.

Office Memorandum

DEPARTMENT OF CORRECTIONS

TO : Commissioner Kenneth Schoen
 Crv Pung
 Pat Mack
 All Institutional Wardens and Superintendents
 Institutional Caseworkers

DATE: May 11, 1978

FROM : R. T. Mulcrone, Chairman
 Minnesota Corrections Board

PHONE: 296-2443

SUBJECT: Changes in MCB Parole Guidelines

The following changes were approved by the MCB in January and March and are in effect now. Pending a reprinting of existing guidelines, these changes should be noted in your existing copy and this memo should be appended to that copy.

1. 7-104.5 p. Offenders Sentenced Under the Dangerous Offender Statute (M.S. 609.16)

A new section is added with the following language:

Where an inmate is sentenced as a dangerous offender under M.S. 609.16, the target release date will be established by determining the guideline time for the admission offense and by multiplying the guideline time at that level of severity and the lowest level of risk times the number of prior felony convictions and adding the product to the guideline time for the current offense.

Example: An inmate has four total felonies, including a current conviction for aggravated assault with injury and is sentenced as a dangerous offender. He has four "yes" responses. This guideline time would be determined as follows:

Current Offense:	32 months
	+10 (Injury)
Prior Felonies:	+51 (17 x 3 priors)
	<u>93 months</u>

2. 7-104.5b Inmates with Multiple Committing Offenses and Consecutive Sentences.

The existing language is stricken and replaced with the following:

The Board will establish the target release date by determining the time indicated by the parole release date matrix for the most severe offense (whether consecutive or concurrent) and the appropriate level of risk and then increase that time (a) by adding the time for each additional consecutive sentence indicated by

the parole release date matrix at the appropriate level of severity and the lowest level of risk or (b) if none of the other sentences are consecutive, by adding the time indicated by the most severe offense at the appropriate level of severity and the lowest level at risk.

Examples:

A. An inmate has 3 new sentences as follows:

Aggravated Robbery	0-20 CC
Simple Robbery	0-10 CS
Theft	0-5 CC,
& 1 "yes" response	

The most severe offense is aggravated robbery with a guideline time of 32 months. To this, 17 months would be added for the consecutive simple robbery. No additional time would be added for the concurrent theft. Thus, the guideline time would be $32 + 17 = 49$ months.

B. An inmate has four new sentences as follows:

Criminal Sexual Conduct, 3rd degree	0-10 CS
Criminal Sexual Conduct, 4th degree	0-5 CS
Theft	0-5 CC
Forgery	0-5 CC
& 2 "yes" responses	

The most severe offense is CSC, 3 with a guideline time of 24 months. To this, 12 months would be added for the consecutive CSC, 4, and 12 months for the other concurrent offenses, making a guideline time of 48 months ($24+12+12$).

3. 7-104.5o is amended by striking the "or" before "escape" on line 2 and adding after the word "escape" the following phrase, "or while in the institution." The title is amended accordingly.

4. 7-104.5a Inmates with Multiple Committing Offenses and Concurrent Sentences

This section is amended by inserting a new sentence after the first sentence which reads as follows:

"Where an inmate is serving concurrent sentences for two or more offenses of equal severity with different admission dates, and where the inmate has not been paroled on any of the offenses, the target release date will be computed from the initial admission date."

(i) The preponderance or available evidence suggests that the inmate would pose a danger to public safety if re-paroled, or

(ii) The person has multiple revocations for technical violations or new non-felony convictions during the current parole.

(b) In determining the period of re-incarceration, the following general standard will be applied:

(i) For a technical violation--three months from the date of readmission;

(ii) For a new misdemeanor or gross misdemeanor--four months from the date of readmission;

(iii) For a new felony conviction where the parolee is not committed for the new felony - six months from the date of readmission.

2. Persons Violating Work Release

Inmates violating conditions of work release will be returned to the institution and will receive a minimum continuance of three months from the date of readmission. If the inmate was released to work release after completing a MAP contract, he or she will be continued to their target release date plus three months. If the target release date was passed while on work release, the inmate will be continued for three months from the date of readmission.

3. No Credit for Jail Time

For persons covered by section 7-104.5d, institutional continuances will not be reduced by the amount of time, if any, such persons were confined in jails between violation and return."

9. 7-104.5l Credit for Pre-Trial Confinement:

Amend by inserting the following sentence between the first and second sentence:

"To obtain credit for pre-trial confinement, the inmate must assert his or her claim to such credit within two months of initial MCB review."

10. 7-104.5n Impact of Escape on Target Release Date:

Amend by replacing (in lines 1-2) the phrase "from a state correctional institution" with "from custody"...

5. 7-104.5k (1) Change the word "promulgated" to "made."

6. 7-104.2e A new section is added, as follows:

Rectifying Errors in Previously Assigned Target Release Dates

"If the Board discovers it acted upon erroneous information or incorrect computation in assigning a target release date, the Board can assign a new target release date based upon correct information or computation. The inmate may invoke verification procedures under section 7-104.4(3), but once verified, the inmate may not assert a claim to the prior target release date based on erroneous information."

7. 7-104.2c MAP Eligibility:

This section is rewritten to read as follows:

"Effective July 1, 1978, all inmates who will reach their target release dates in 30 months or less are eligible for MAP contracts. Inmates completing MAP contracts who were convicted of crimes where the victim was injured, or convicted of sex offenses or where, regardless of offense title, a reading of the official description of the offense indicates it was a sexual nature, may not be released earlier than 120 days before the target release date. Moreover, for these inmates, where a psychological or psychiatric evaluation indicates a characterological disorder, inmates will be released only to a program designed to treat that disorder. Where no characterological disorder is found, these inmates will be released only through work release."

(This language would replace the first 10½ lines of section 7-104.2(c). The balance of that section would remain unchanged.)

8. 7-104.5d Retitle: Revocation of Paroles or Work Release for Violations of Technical Rules or New, Non-Felony Criminal Convictions:

The existing language of 7-104.5d is stricken and replaced with the following:

"1. Persons violating parole release:

- (a) Generally, those paroled are deemed to have served enough time for the offense for which they were committed. For such people who violate parole with technical violations or new non-felony convictions, the Board will return the individual to a state correctional institution for a short period of time and then re-institute a revised parole plan, unless:

11. Delete current language under 7-104.6a (1), and replace with the following:

"Following escape from a state correctional institution pursuant to section 7-104.05n."

12. In section 7-104.5J, second paragraph, lines 4 and 5, delete the language, "remove the case from the matrix", and replace with "depart from the guidelines".
13. In section 7-104.5I, on the second line from the bottom, insert the following phrase after the word "date": "indicated by the parole release date matrix".
14. Place "Aggravated Sodomy" at the sixth level of offense severity on the parole release date matrix, and reduce "Sodomy" from the sixth to the fifth level of offense severity.
15. Add "Aiding and Abetting Escape" as an offense at the third level of offense severity.

RTM:DP:SS

Appendix C

OREGON

EXHIBIT A

Part I

OFFENSE SEVERITY UNDER RULE 254-135-005

OFFENSE	RATING	FELONY CLASS
163.095 - Aggravated Murder	7	A
163.115 - Murder	7	A
166.005 - Treason	7	A
163.118 - Manslaughter I	6	A
163.235 - Kidnapping I	6	A
163.375 - Rape I (Subcategory 1)	6	A
163.405 - Sodomy I (Subcategory 1)	6	A
164.415 - Robbery I (Subcategory 1)	6	A
163.185 - Assault I (Subcategory 1)	6	A
164.325 - Arson I (Subcategory 1)	6	A
163.185 - Assault I (Subcategory 2)	5	A
164.325 - Arson I (Subcategory 2)	5	A
164.415 - Robbery I (Subcategory 2)	5	A
162.165 - Escape I	5	B
164.225 - Burglary I (Subcategory 1)	5	A
163.175 - Assault II	4	B
163.225 - Kidnapping II	4	B
163.365 - Rape II (Subcategory 1)	4	B
163.395 - Sodomy II	4	B
164.225 - Burglary I (Subcategory 2)	4	A
167.017 - Compelling Prostitution	4	B
164.405 - Robbery II	4	B
167.207(4) - Criminal Activity in Drugs (Subcategory 1)	4	A
163.275 - Coercion (Subcategory 1)	4	C
164.075 - Theft by Extortion (Subcategory 1)	4	C
475.992(i) - Manufacture or Delivery of a Controlled Substance (Subcategory 1)	4	A
475.995 - Unlawful Delivery of a Controlled Substance to a Minor (Subcategory 1)	4	A,B
163.125 - Manslaughter II	3	B
162.015 - Bribe Giving	3	B
162.025 - Bribe Receiving	3	B
167.207(1) - Criminal Activity in Drugs (Subcategory 1)	3	B
163.425 - Sexual Abuse I	3	C

OFFENSE -	RATING	FELONY CLASS
164.225 - Burglary I (Subcategory 3)	3	A
163.365 - Rape II (Subcategory 2)	3	B
164.215 - Burglary II (Subcategory 1)	3	C
164.055 - Theft I (Subcategory 1)	3	C
164.125 - Theft of Services (Subcategory 1)	3	C
164.085 - Theft by Deception (Subcategory 1)	3	C
165.013 - Forgery I (Subcategory 1)	3	C
475.992(1) - Manufacture or Delivery of Controlled Substance (Subcategory 2)	3	A,B,C
475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 1)	3	A
475.995 - Unlawful Delivery of a Controlled Substance to a Minor (Subcategory 2)	3	A,B
162.065 - Perjury	2	C
162.155 - Escape II (Subcategory 1)	2	C
162.205 - Failure to Appear I	2	C
162.265 - Bribing a Witness	2	C
162.275 - Witness Receiving a Bribe	2	C
163.145 - Criminally Negligent Homicide	2	C
163.205 - Criminal Mistreatment	2	C
163.257 - Custodial Interference I	2	C
163.275 - Theft by Coercion (Subcategory 2)	2	C
163.355 - Rape III	2	C
163.385 - Sodomy III	2	C
163.535 - Abandon Child	2	C
164.055 - Theft I (Subcategory 2)	2	C
164.095 - Theft by Receiving	2	C
164.135 - Unauthorized Use of a Motor Vehicle (Subcategory 1)	2	C
164.215 - Burglary II (Subcategory 2)	2	C
164.315 - Arson II	2	C
164.395 - Robbery III	2	C
165.013 - Forgery I (Subcategory 2)	2	C
163.175 - Assault III	2	C
167.207(4) - Criminal Activity in Drugs (Subcategory 3)	2	A
167.207(1) - Criminal Activity in Drugs (Subcategory 2)	2	A
164.125 - Theft of Services (Subcategory 2)	2	C
164.075 - Theft by Deception (Subcategory 2)	2	C
165.095 - Sports Bribery	2	C
165.090 - Sports Bribe Receiving	2	C
166.270 - Ex-convict in Possession	2	C
166.410 - Sale related (firearms)	2	C
166.220 - Carrying a Weapon With Intent to Use	2	C
167.012 - Promoting Prostitution	2	C

OFFENSE	RATING	FELONY CLASS
167.278 - Obtaining Drugs Unlawfully	2	B
496.992(3) - Poaching (Subcategory 1)	2	C
475.992(1) - Manufacture or Delivery of a Controlled Substance (Subcategory 3)	2	A,B,C
475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 2)	2	B,C
475.992(4) - Possession of a Controlled Substance (Subcategory 1)	2	B,C
475.995 - Unlawful Delivery of a Controlled Substance to a Minor (Subcategory 3)	2	C
162.185 - Supplying Contraband	1	C
162.325 - Hindering Prosecution	1	C
163.515 - Bigamy	1	C
163.525 - Incest	1	C
163.555 - Criminal Nonsupport	1	C
164.065 - Theft: Lost, Mislaid	1	C
164.075 - Theft by Deception (Subcategory 3)	1	C
164.125 - Theft of Services (Subcategory 3)	1	A -\$200 (M) C +\$200
164.365 - Criminal Mischief I	1	C
165.022 - Forged Instrument I	1	C
165.032 - Forgery Device	1	C
165.055 - Fraudulent Use of a Credit Card	1	A -\$200 (M) C +\$200
165.070 - Fraudulent Communication Device	1	C
167.127 - Promoting Gambling	1	C
167.137 - Possession of Gambling Records I	1	C
167.212 - Tampering with Drug Records	1	C
- Welfare Fraud	1	C
- Felony Traffic	1	C
133.723 - Interception of Communication	1	C
496.992(3) - Poaching (Subcategory 2)	1	C
167.207(1) - Criminal Activity in Drugs (Subcategory 3)	1	A
164.215 - Burglary II (Subcategory 3)	1	C
164.135 - Unauthorized Use of a Motor Vehicle (Subcategory 2)	1	C
162.155 - Escape II (Subcategory 2)	1	C
475.992(1) - Manufacture or Delivery of a Controlled Substance (Subcategory 4)	1	A,B,C
475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 3)	1	B,C
475.992(4) - Possession of a Controlled Substance (Subcategory 2)	1	B,C
475.993 - Violation of Controlled Substance Act by Registrants	1	C

Conspiracy has the same offense severity as the crime conspired to.

CHART #2

AFTER SEVERAL MISDIRECTED EFFORTS, THE FOLLOWING LIST OF CRITERIA WAS CHOSEN AS THE KEY FACTORS THAT CORRECTIONAL STAFF SAID, IN RESPONSE TO A SURVEY, THEY USED IN MAKING CLASSIFICATION DECISIONS REGARDING LEVELS OF CUSTODY AND SUPERVISION.

1. NATURE OF OFFENSE;
2. CRIMINAL HISTORY PATTERN;
3. LENGTH OF TIME TO RELEASE DATE;
4. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY TO HANDLE RESPONSIBILITY;
5. MENTAL/EMOTIONAL STABILITY;
6. FAMILY TIES AND INTERPERSONAL RELATIONSHIPS;
7. EMPLOYMENT/ACADEMIC RECORD;
8. DRUG/ALCOHOL PROBLEM;
9. AGE;
10. RECORD OF PHYSICAL FLIGHT TO AVOID RESPONSIBILITY; AND,
11. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES AND THE PUBLIC.

CHART #2

AFTER SEVERAL MISDIRECTED EFFORTS, THE FOLLOWING LIST OF CRITERIA WAS CHOSEN AS THE KEY FACTORS THAT CORRECTIONAL STAFF SAID, IN RESPONSE TO A SURVEY, THEY USED IN MAKING CLASSIFICATION DECISIONS REGARDING LEVELS OF CUSTODY AND SUPERVISION.

1. NATURE OF OFFENSE;
2. CRIMINAL HISTORY PATTERN;
3. LENGTH OF TIME TO RELEASE DATE;
4. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY TO HANDLE RESPONSIBILITY;
5. MENTAL/EMOTIONAL STABILITY;
6. FAMILY TIES AND INTERPERSONAL RELATIONSHIPS;
7. EMPLOYMENT/ACADEMIC RECORD;
8. DRUG/ALCOHOL PROBLEM;
9. AGE;
10. RECORD OF PHYSICAL FLIGHT TO AVOID RESPONSIBILITY; AND,
11. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES AND THE PUBLIC.

EXHIBIT C

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR PROBATIONERS

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	1	1	1	1	1	1	1	1	1
6	1	1	1	1	1	1	1	1	1	1
5	1	1	1	2	2	2	2	3	3	3
4	1	1	2	2	2	2	3	3	3	3
3	1	2	2	2	2	3	3	3	3	3
2	1	2	2	2	2	3	3	3	3	3
1	2	2	2	2	3	3	3	3	3	3
MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE										0 - 2

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	1	1	1	1	1	1	1	1	1
6	1	1	1	1	1	1	1	1	1	1
5	1	1	1	2	2	2	2	3	3	3
4	1	2	2	2	2	2	3	3	3	3
3	2	2	2	2	2	3	3	3	3	3
2	2	2	2	2	2	3	3	3	3	3
1	2	2	2	2	3	3	3	3	3	3
MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE										3 - 5

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	1	1	1	1	1	1	1	1	1
6	1	1	1	1	2	2	2	2	2	2
5	1	1	1	2	2	2	2	3	3	3
4	1	2	2	2	2	2	3	3	3	3
3	2	2	2	2	3	3	3	3	3	3
2	2	2	2	2	3	3	3	3	3	3
1	2	2	2	3	3	3	3	3	3	3
MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE										6 - 8

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	1	1	1	1	1	1	1	1	1
6	1	1	1	1	2	2	2	2	2	2
5	1	1	2	2	2	2	2	3	3	3
4	2	2	2	2	2	3	3	3	3	3
3	2	2	2	2	3	3	3	3	3	3
2	2	2	3	3	3	3	3	3	3	3
1	2	2	3	3	3	3	3	3	3	3
MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE										9 - 11

CHART #3

IN COMPARING THIS LIST WITH THE FACTORS USED BY THE PAROLE BOARD TO COMPUTE THE CRIMINAL HISTORY RISK SCORE, IT WAS CONCLUDED THAT ASIDE FROM SEMANTIC DIFFERENCES, THE FACTORS WERE VERY SIMILAR EXCEPT FOR FOUR (4) CRITERIA:

1. LENGTH OF TIME TO RELEASE;
2. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY TO HANDLE RESPONSIBILITY;
3. NATURE OF FAMILY TIES AND INTERPERSONAL RELATIONSHIPS; AND,
4. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES AND GENERAL PUBLIC.

EXHIBIT D

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR INMATES

CRIME CATEGORY	MONTHS TO RELEASE										
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60	Over 60
7	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
6	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
5	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
4	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	Cls
3	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	Cls
2	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	
1	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE D - 2

CRIME CATEGORY	MONTHS TO RELEASE										
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60	Over 60
7	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
6	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
5	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
4	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	Cls
3	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	Cls
2	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	
1	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 3 - 5

CRIME CATEGORY	MONTHS TO RELEASE										
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60	Over 60
7	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
6	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
5	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls	Cls
4	Min	Min	Min	Min	Med	Cls	Cls	Cls	Cls	Cls	Cls
3	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	Cls
2	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	
1	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls	Cls	

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 6 - 8

CRIME CATEGORY	MONTHS TO RELEASE										
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60	Over 60
7	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls
6	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls
5	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls
4	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls
3	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	Cls
2	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	
1	Min	Min	Min	Min	Min	Min	Med	Med	Cls	Cls	

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 9 - 11

EXHIBIT E

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	2	2	2	2	2	2	2	2	2
6	1	2	2	2	2	2	2	2	2	2
5	1	2	2	2	2	2	2	2	2	2
4	1	2	2	2	2	2	2	2	2	2
3	1	2	2	2	2	2	2	2	2	2
2	2	2	2	2	2	2	2	2	2	2
1	2	2	2	2	2	2	2	2	2	2
MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE										0 - 2

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	2	2	2	2	2	2	2	2	2
6	1	2	2	2	2	2	2	2	2	2
5	1	2	2	2	2	2	2	2	2	2
4	1	2	2	2	2	2	2	2	2	2
3	2	2	2	2	2	2	2	2	2	2
2	2	2	2	2	2	2	2	2	2	2
1	2	2	2	2	2	2	2	2	2	2
MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE										3 - 5

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	2	2	2	2	2	2	2	2	2
6	1	2	2	2	2	2	2	2	2	2
5	1	2	2	2	2	2	2	2	2	2
4	1	2	2	2	2	2	2	2	2	2
3	2	2	2	2	2	2	2	2	2	2
2	2	2	2	2	2	2	2	2	2	2
1	2	2	2	2	2	2	2	2	2	2
MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE										6 - 8

CRIME CATEGORY	MONTHS UNDER SUPERVISION									
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-54	55-60
7	1	2	2	2	2	2	2	2	2	2
6	1	2	2	2	2	2	2	2	2	2
5	1	2	2	2	2	2	2	2	2	2
4	2	2	2	2	2	2	2	2	2	2
3	2	2	2	2	2	2	2	2	2	2
2	2	2	2	2	2	2	2	2	2	2
1	2	2	2	2	2	2	2	2	2	2
MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE										9 - 11

EXHIBIT F

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR PAROLEES

CRIME CATEGORY	MONTHS UNDER SUPERVISION															
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-60	61-72	73-84	85-102	103-144	145-150	151-240	241-300
7	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
6	1	1	1	1	1	1	2	2	2	2	2	2	3			
5	1	1	1	1	1	2	2	2	2	3	3	3	3			
4	1	1	1	1	2	2	2	2	3	3	3	3	3			
3	1	1	2	2	2	2	2	3	3	3	3	3	3			
2	1	1	2	2	2	2	3	3	3							
1	1	1	2	2	2	3	3	3	3							

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 0 - 2

CRIME CATEGORY	MONTHS UNDER SUPERVISION															
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-60	61-72	73-84	85-102	103-144	145-150	151-240	241-300
7	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2
6	1	1	1	1	1	2	2	2	2	2	2	2	3			
5	1	1	1	1	2	2	2	2	3	3	3	3	3			
4	1	1	1	2	2	2	2	2	3	3	3	3	3			
3	1	1	2	2	2	2	2	3	3	3	3	3	3			
2	1	1	2	2	2	2	3	3	3							
1	1	2	2	2	2	3	3	3	3							

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 3 - 5

CRIME CATEGORY	MONTHS UNDER SUPERVISION															
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-60	61-72	73-84	85-102	103-144	145-150	151-240	241-300
7	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2
6	1	1	1	2	2	2	2	2	2	3	3	3	3	3	3	3
5	1	1	1	2	2	2	2	2	3	3	3	3	3	3	3	3
4	1	1	2	2	2	2	3	3	3	3	3	3	3	3	3	3
3	1	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3
2	1	2	2	2	2	3	3	3	3							
1	1	2	2	2	2	3	3	3	3							

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 6 - 8

CRIME CATEGORY	MONTHS UNDER SUPERVISION															
	1-6	7-12	13-18	19-24	25-30	31-36	37-42	43-48	49-60	61-72	73-84	85-102	103-144	145-150	151-240	241-300
7	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2
6	1	1	2	2	2	2	2	3	3	3	3	3	3	3	3	3
5	1	1	2	2	2	2	3	3	3	3	3	3	3	3	3	3
4	1	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3
3	1	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3
2	1	2	2	2	2	3	3	3	3							
1	2	2	2	2	2	3	3	3	3							

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 9 - 11

DEFINITIONS OF INSTITUTION CUSTODY LEVELS

In the Division's institutions, four (4) potential degree of custody levels of classification were established: (1) Maximum; (2) Close; (3) Medium; (4) Minimum.

LEVELS OF CUSTODY	DEFINITION OF CUSTODY LEVELS
(1) MAXIMUM	<p>Maximum custody is assigned to those inmates who are considered active, extreme escape risks, or who demonstrate conduct which represents a continuing source of agitation or an actual or potential threat of physical violence toward others. Maximum custody inmates may be given special security housing and are not permitted out of their assigned cell/room except when in the actual custody of a staff member. Restraints may be used at the discretion of the superintendent. Maximum custody is not assigned using the matrix to be described later; rather, it is assigned to inmates after an Administrative Hearing, based on any or all of the following criteria: (a) any inmate receiving more than six (6) disciplinary reports within a six-month period; (b) any inmate nearing the end of a long period in disciplinary segregation; (c) any inmate shown to be a disruptive influence in the general population by verified information, even though he or she may have received few if any disciplinary reports; (d) any inmate with a documented prior history of rule violation being classified as a security risk in another institution; or (e) any inmate volunteering for a Maximum Custody classification because he/she believes his or her life is in peril in the general population.</p>
(2) CLOSE	<p>This custody level is assigned to those individuals whose trustworthiness has not been demonstrated or about whom unverified information is the principal guide. This classification serves to alert staff of the need for closer supervision and awareness of such inmates. Persons classified as Close Custody may move about freely in <u>authorized areas within the security perimeter</u>. They may go outside the security perimeter only for reasons consistent with accepted rehabilitation practices (i.e., medical trips, visits to critically ill family, etc., and only with constant, immediate supervision of assigned staff. Restraints may be used at the discretion of the superintendent.</p>
(3) MEDIUM	<p>This custody level is assigned to inmates who appear to be trustworthy to some degree, either through demonstrated behavior or verified information. Such inmates may move about freely in authorized areas within the security perimeter and participate in all activities for which they are eligible. In addition, inmates given a Medium Custody classification may be permitted to go outside the perimeter security of the institution for reasons consistent with rehabilitative practices without constant supervision, but they must receive periodic supervisory checks by a staff member.</p>
(4) MINIMUM	<p>This custody level is assigned to inmates who appear to be trustworthy, either through demonstrated behavior or verified information to the degree of being eligible for participation in programs and work activities outside the institution security perimeter without supervision.</p> <p>In accordance with ORS 163.105 inmates convicted or aggravated murder may not be considered for assignment to Minimum or Medium Custody until the minimum term of confinement has been completed.</p>

**OREGON ADMINISTRATIVE RULES
CHAPTER 255 — BOARD OF PAROLE**

EXHIBIT B

TIME TO BE SERVED UNDER RULE 255-35-025

CRIMINAL HISTORY/RISK ASSESSMENT SCORE

11-9	8-6	5-3	2-0
Excellent	Good	Fair	Poor

OFFENSE SEVERITY RATING

(All ranges in Categories 1-6 shown
in months)

Category 1	<6	<6	6-12 (4-8)*	12-22 (8-18)
Category 2	<6	6-10 (4-8)	10-18 (8-14)	18-28 (14-24)
Category 3	6-10 (4-8)	10-16 (8-12)	16-24 (12-20)	24-36 (20-32)
Category 4	10-16 (8-12)	16-22 (12-18)	22-30 (16-24)	30-48 (24-42)
Category 5	18-24 (12-20)	24-30 (20-26)	30-48 (26-40)	48-72 (40-62)
Category 6	36-48	48-60	60-86	86-144

Category 7**

Subcategory 2	8-10 yrs	10-13 yrs	13-16 yrs	16-20 yrs
Subcategory 1	10-14 yrs	14-19 yrs	19-24 yrs	24-Life

*Months in parentheses represent range for youthful offenders (21 or younger at time of conviction).

**The range for murders committed after December 7, 1978 shall be 25 years as required by ORS 163.115.

Chart 5

DEFINITIONS OF FIELD SUPERVISION LEVELS

In the Division's field operations, three (3) potential degrees of supervision were established to govern management of probationers, work release enrollees, and parolees under Field Services Jurisdiction.

Level of Supervision	DEFINITION OF SUPERVISION LEVEL
<u>INTENSE</u> <u>TYPE I</u>	<p>This classification is assigned to those clients who may pose a significant threat to the safety and well-being of the general public, or whose program stability indicates need for maximum attention.</p>
<u>MODERATE</u> <u>TYPE II</u>	<p>This classification is assigned to those clients in need of direct or indirect personal supervision by a professional, utilizing techniques that reasonably assure compliance with the law, and conduct in accordance with the aims of the programs.</p>
<u>MINIMUM</u> <u>TYPE III</u>	<p>This classification is assigned to those clients whose conduct indicates self-compliance with the law and aims of a program, and who appear to be stable in the community. Clients in this category require only minimal attention. Direct intervention by a professional would occur only to resolve emergent issues.</p>
<u>RED</u> <u>TAGGING</u>	<p>Parolees, probationers and work release enrollees who present an actual or potential physical danger, regardless of the classification, are identified by red tags on files and field sheets. This identification may not be removed without specific approval of the Regional Manager. Red Tags are not assigned using the matrix.</p>

CHART 6

CRITERIA FOR INCREASING OR DECREASING LEVELS OF CUSTODY OR SUPERVISION

Thomas G. Toombs

CRITERIA	DEFINITIONS
<p>1. Established Performance Record and Demonstrated Ability to Handle Responsibility</p>	<p>This consists of documented information that indicates an individual (a) is an active, extreme risk to escape or abscond, (b) is a continuing source of actual or potential violence and/or agitation, or (c) has made no effort to improve him/herself. Any of these three factors may be sufficient reason to deny a reduction in level of custody supervision and/or to cause the assignment of a level of custody supervision that is a more restrictive category than that recommended by the matrix. Documented information of this nature on probationers, parolees, or work release enrollees results in a recommendation for probation/parole revocation, or removal from work release.</p> <p>Documented information that an individual is not an escape risk, a source of violence, or that he/she has sought to improve him/herself may be sufficient reason to grant a reduction to a lower level of custody/supervision than that recommended by the matrix, at a time earlier than that indicated by the matrix.</p>
<p>2. Family Ties and Interpersonal Relationships</p>	<p>Verified information from family members and/or others with whom the individual is personally related that indicates the nature of a client's family ties and/or interpersonal relationships with others may cause the client to escape, abscond or pose a threat to others may be sufficient reason to deny a reduction in custody or level of supervision and/or cause an increase to a more restrictive category than that provided in the matrix. Verified information of this nature on Field Services' clients may result in a recommendation for parole/probation revocation, or removal from work release enrollment.</p> <p>Verified information of this sort of a positive nature from family members and/or others with whom the client is personally related may be sufficient reason to grant a reduction to lower-level supervision and at a time earlier than that indicated by the matrix.</p>
<p>3. Views of the Public and/or Other Criminal Justice Agencies</p>	<p>Verified information from the general public and/or other criminal justice agencies that indicates a client is considered a serious public nuisance or a serious danger to the general public may be sufficient reason to deny a reduction in supervision and/or cause an increase to a more restrictive category than that provided by the matrix. Verified information of this nature on Field Services' clients may also result in a recommendation for parole or probation revocation or removal from work release enrollment.</p> <p>Verified information that indicates a client is not a nuisance or danger to the public may be sufficient reason to grant a reduction to lower-level supervision and at a time earlier than is indicated by the matrix. Confidential information certified by staff as reliable may be used in applying these criteria. In such instances, the source of the information is not revealed to the individual client.</p>

EXHIBIT A

Criminal History/Risk Assessment Under Rule 30-031

ITEM	SCORE
(A) No prior felony or misdemeanor convictions as an adult or juvenile:*	3
One prior conviction:	2
Two or three prior convictions:	1
Four or more prior convictions:	0 _____
(B) No prior incarcerations (i.e., executed sentences of 90 days or more) as an adult or juvenile:	2
One or two prior incarcerations:	1
Three or more prior incarcerations:	0 _____
(C) Age at first commitment of 90 days or more:**	
26 or older:	2
19 through 25:	1
18 or younger:	0 _____
(D) Never escaped, failed parole or probation:***	2
One incident of the above:	1
Any two or more incidents of the above:	0 _____
(E) Has no admitted or documented heroin or opiate derivative abuse problem, or has no admitted or documented alcohol problem:	1
One or more of the above:	0 _____
(F) Verified period of 5 years conviction free in the community prior to present offense:	1
Otherwise:	0 _____
TOTAL HISTORY/RISK ASSESSMENT SCORE:	=====

*Do not count convictions over 20 years old, convictions that have been pardoned, or juvenile or adult "status offenses" (runaway, truancy, incorrigibility, drunk in public).

**If no prior commitment, use age at present conviction.

***Count probation failure only if it resulted from new crime; count any parole failure.

SENTENCE STANDARDS

Presumptive Sentences and Customary Variations
if a Prison Term is Warranted

CRIMINAL HISTORY/RISK ASSESSMENT SCORE

11-9 Excellent	8-6 Good	5-3 Fair	2-0 Poor
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OFFENSE SEVERITY
RATING

	11-9 Excellent	8-6 Good	5-3 Fair	2-0 Poor
Category 1	2 years * ± .5	2 years ± .5	3 years ± .5	5 years ± 1
Category 2	2 years ± .5	3 years ± .5	4 years ± .1	6 years ± 1
Category 3	3 years ± .5	4 years ± 1	5 years ± 1	7 years ± 2
Category 4	4 years ± 1	5 years ± 1	6 years ± 2	9 years ± 2
Category 5	5 years ** ± 1	7 years ± 2	10 years ± 2	14 years ± 2
Category 6	10 years + 2 ***	12 years + 2	16 years + 3	20 years + 4
Category 7	Life	Life	Life	Life

* It is normally assumed that for defendants with these characteristics (inside solid lines) probation or a jail sentence will suffice; if, however, a judicial determination is made that a prison is warranted, the number on the grid indicates the presumptive sentence in years.