



# Hearings and Release Offender Violation Guidelines

Category	Activity (Examples & Identifiers)	ISR Determination	MNStarr	Severity I	Severity II	Severity III	Severity IV
				Restructure or 50 days	Restructure or 70 days	100 days	130 days or more
NEW CRIMINAL ACTIVITY	Misdemeanor	Non-ISR	Low-Medium	X			
			High-Very High	X			
		ISR	Low-Medium	X			
			High-Very High		X		
	Gross Misdemeanor	Non-ISR	Low-Medium	X			
			High-Very High		X		
		ISR	Low-Medium		X		
			High-Very High			X	
	Felony	Non-ISR	Low-Medium			X	
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
COMMUNITY- BASED TREATMENT / PROGRAMMING / RESIDENTIAL PLACEMENT	Cognitive Based TRT  EXAMPLES: Cog Skills, Thinking for a Change, Anger Management	Non-ISR	Low-Medium	X			
			High-Very High		X		
		ISR	Low-Medium		X		
			High-Very High			X	
	Chemical Dependency Treatment including Aftercare	Non-ISR	Low-Medium		X		
			High-Very High		X		
		ISR	Low-Medium		X		
			High-Very High		X		
	Domestic Violence Programming	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
	Sex Offender Treatment including Aftercare	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
Residential Placement	Non-ISR	Low-Medium		X			
		High-Very High			X		
	ISR	Low-Medium			X		
		High-Very High			X		
CONTACT / ACCOUNTABILITY / REPORTING / DISCLOSURE	EXAMPLES: Maintain Contact, Residence & Activities, LE Contact, Contact agent within 24 hours., Reporting as Directed	Non-ISR	Low-Medium	X			
			High-Very High		X		
		ISR	Low-Medium		X		
			High-Very High			X	

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GENERAL CONDUCT /SOME STANDARD CONDITIONS	EXAMPLES: Productivity, Agent Instructions, Use of Intoxicants, UA Directives, Release of Information, Comply with Search	Non-ISR	Low-Medium	X			
			High-Very High		X		
		ISR	Low-Medium		X		
			High-Very High		X		
OFFENSE / OFFENDER-SPECIFIC CONDUCT	EXAMPLES: Fiduciary Conditions, DWI Conditions, Gambling Conditions, Liquor Establishment, Vehicle Conditions	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
WEAPONS / ASSAULTIVE ABUSIVE	EXAMPLES: Possession of Gun, Knife, Ammunition & etc. and Any Threatening or Assaultive-Type Behavior	Non-ISR	Low-Medium			X	
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
SEX OFFENDER SPECIFIC CONDITIONS	EXAMPLES: Sexually Explicit Materials, Unauthorized Internet Usage, Other Sex Offender Specific Conditions	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
INTERSTATE / DUAL-COMMIT / ICE CONDITIONS / OUT OF STATE APPREHENSIONS	EXAMPLES: DHS Specific Conditions, ICE Reporting Conditions, Sending State /Receiving State Conditions	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
OTHER SPECIAL CONDITIONS	EXAMPLES: EHM, GPS, Alcohol Monitoring, Transportation Directives, Cell Phone Directives; Other Special or Restructure Conditions	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
CONTACT WITH UNAPPROVED PERSON / GROUPS	EXAMPLES: Contact with Minors, Victims, Gang Members, Specific Instructions	Non-ISR	Low-Medium		X		
			High-Very High			X	
		ISR	Low-Medium			X	
			High-Very High				X
ISR PHASE DATES	1. Phase I & II 2. Phase III & IV 3. Phase V & VI	Phase I & II	Low-Medium			X	
			High-Very High				X
		Phase III & IV	Low-Medium			X	
			High-Very High			X	
		Phase V & VI	Low-Medium			X	
			High-Very High			X	

THESE PRESUMPTIVE GUIDELINES ARE SUBJECT TO AGGRAVATION AND MITIGATION BASED ON OTHER FACTORS

**\*\*THIS GUIDELINES GRID DOES NOT APPLY TO OFFENDERS AT MSOP\*\***

<b>Severity Level I</b>	Absent multiple and/or significant aggravating factors, the presumptive decision is to restructure with new or modified condition(s). If revoked due to aggravating factors the presumptive return time is for a minimum of <b>50 days</b> .
<b>Severity Level II</b>	Absent any aggravating factors, the presumptive decision is to restructure with new or modified conditions. If revoked due to an aggravating factor(s), the presumptive return time is for a minimum of <b>70 days</b> .
<b>Severity Level III</b>	Absent any mitigating factors, the presumptive decision is to revoke. If revoked, the presumptive return time is for a minimum of <b>100 days</b> .
<b>Severity Level IV</b>	Absent multiple and/or significant mitigating factors, the presumptive decision is to revoke. If revoked, presumptive return time is for a minimum of <b>130 days</b> .

#### **Unamenable & Risk to Public**

If **180 days** or more, disposition must include a determination of Risk to Public or Unamenable to Supervision per promulgated rules.

#### **Aggravating/ Mitigating Factors**

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

**AGGRAVATING FACTORS** include, but are not limited to:

1. Offense involved loss of life
2. Level 3 sex offender
3. Offender history involves assault(s), weapon(s) use/possession, threatening/stalking behavior, injury
4. Current behavior involves assault (s), weapon(s) use/possession, threatening/stalking behavior, injury
5. Previous violation(s) of release; either revocation(s) or restructure(s)
6. Length of time on fugitive warrant status
7. Significant discipline in a facility
8. Contact with minors/vulnerable adults was intentional/purposeful or sexual in nature
9. Multiple violations of current release
10. Violation(s) consistent with prior criminal behavior, prior violations, and probation violations
11. Committed violation(s) within a short time of release
12. Prior probation violations on current obligation
13. Current behavior compromised agent's safety

**MITIGATING FACTORS** include, but are not limited to:

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

In order to develop and maintain consistency in this process, supervisors and agents/designees are encouraged to contact the Hearings and Release Unit with any questions.

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