

2940.1800 INMATES WITH LIFE SENTENCES.

Subpart 1. **Advisory panel.** The commissioner shall convene an advisory panel of Department of Corrections employees, which shall consist of, but not be limited to, the following:

- A. the deputy commissioner for institutions;
- B. the deputy commissioner for community services;
- C. the superintendent or warden of the institution of the inmate's residence; and
- D. the executive officer of the hearings and release unit.

The commissioner shall serve as the chair of the advisory panel.

Subp. 2. **Duties of panel.** The advisory panel shall review each inmate who is serving a life sentence three years prior to the inmate's parole or supervised release eligibility date in order to establish a projected release date or a future review date. The advisory panel shall assist the commissioner in thoroughly considering the inmate's entire case history, including the facts and circumstances of the offense for which the life sentence is being served; past criminal history, institutional adjustment, program team reports, psychological and psychiatric reports where pertinent; and the results of community investigations.

The program review team of the inmate's residence shall prepare appropriate reports and recommendations as requested by the institution superintendent or warden.

Subp. 3. **Inmate's rights.** The inmate shall be given 60 days notice prior to the date of review; shall be entitled to submit written documentation in support of his or her position; and shall have the choice to be present at the review hearing.

An attorney representing the inmate or an advocate of the inmate's choice shall be allowed at the review hearing.

A representative of the ombudsman's office may be present at the review hearing.

Subp. 4. **Duties of officials.** The commissioner may initiate inquiries and take testimony as authorized by Minnesota Statutes, section 243.05.

The executive officer of hearings and release shall assist the commissioner in interviewing interested parties and prepare a summary of community input for presentation to the advisory panel.

During the deliberative process only members of the advisory panel shall be present unless determined otherwise by the commissioner.

Subp. 5. **Projected release date.** The commissioner shall establish a projected release date for each inmate or continue the case to a future review date. The decision of the

commissioner shall be communicated to the inmate in writing within 30 days of the review and shall contain the following:

- A. the factors utilized in arriving at the projected release date or a future review date;
- B. the future review or projected release date; and
- C. actions by the inmate which could cause the projected release or review date to be changed.

The projected release date, once established shall not be modified without a review incorporating the elements of the initial review referred to in subpart 3 with the exception of changes caused by a loss of good time.

Statutory Authority: *MS s 14.388; 241.26; 243.05*

History: *8 SR 2298; 17 SR 1279; 23 SR 808; L 1999 c 86 art 1 s 82*

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