

PROVISIONAL DISCHARGE OVERSIGHT OF ELECTRONIC DEVICES WITH INTERNET CAPABILITIES

Minnesota Sex Offender Program

Issue Date: 7/2/24 Effective Date: 8/6/24 Policy Number: 230-5690

POLICY: To provide supervision guidelines for Minnesota Sex Offender Program (MSOP) clients on provisional discharge regarding their use of electronic devices with internet capabilities.

AUTHORITY: Minn. Stat. § 253D.35, subd. 1

APPLICABILITY: MSOP clients on provisional discharge and residing in the community.

DEFINITIONS:

Reintegration agent –refer to MSOP Division Policy 230-5600, “Provisional Discharge Management and Supervision.”

Electronic devices with internet capabilities – includes televisions, DVD players, laptop and desktop computers, cell phones, game consoles, USB’s, flash drives, etc. with capability to access the internet.

Screen – an examination and/or search of a client’s electronic device with internet capability by an MSOP reintegration agent/designee.

PROCEDURES:

- A. A client may request permission to use and/or possess any electronic device with internet capabilities to the client’s assigned reintegration agent.
- B. The reintegration agent discusses the client’s request with the MSOP Reintegration Director, who reviews and approves or denies the client’s request in consultation with the MSOP Executive Director.
- C. If approved, the reintegration agent (in consultation with the MSOP Reintegration Director) establishes parameters for the client’s use of electronic devices with internet capabilities by:
 1. completing the Client Use Agreement (230-5690a);
 2. approving or prohibiting the client from using or possessing any data encryption technique or device, data compression, or other password-protected methods or programs;
 3. conducting periodic, unannounced, and remote screenings of an MSOP client’s approved electronic devices, including retrieving and copying all data from any electronic device and any internal or external peripherals, and if necessary, removing the client’s electronic device to conduct a thorough inspection. If the agent believes the client committed a crime, the agent immediately contacts the Reintegration Director. Reintegration agents will not retrieve, review or copy correspondence or information sent between the client and the client's attorney;
 4. installing required hardware or software at the MSOP client’s expense to monitor electronic devices with internet capabilities;
 5. prohibiting client electronic devices from accessing material, information, or data relating to the client’s conviction offense(s), sex offending behavioral patterns, victim(s), potential victim(s),

illegal and/or criminal activity, or the association with individuals deemed counter-therapeutic to the client's treatment plan;

6. requiring the client to provide written authorization via the Client Use Agreement (230-5690a) for a reintegration agent to obtain all of the client's phone records, including incoming and outgoing personal and/or business calls from any and all service providers;
7. requiring client to provide written consent to disclose the client's electronic device/internet restrictions to any present or future employer; and
8. any other privileges or restrictions deemed necessary by the reintegration agent to maintain safety and security of the client and the public while allowing for legitimate use of an electronic device with internet capabilities. The reintegration agent consults with the MSOP program coordinator to obtain assistance with technical restrictions.

- D. If the request is approved, the reintegration agent performs an initial screening and inventory of all devices and equipment.
1. Only reintegration agents who have completed department-approved training using current, department-approved equipment conduct screens. Reintegration agents conduct in-person screenings in pairs when possible, if and when conducting the screen in the presence of a client;
 2. Reintegration agents conduct screens on all devices and equipment clients have access to as a condition of granting the client permission to use the equipment;
 3. The reintegration agents may conduct periodic, unannounced, and remote screenings as needed;
 4. If warranted, MSOP retains documentation of findings not related to criminal activity obtained during a screen until the conclusion of any investigation conducted by the reintegration agent/designee or after being used in a Special Review Board (SRB) or Commitment Appeal Panel (CAP) hearing, after which the reintegration agent disposes of it (see Direct Care and Treatment (DCT) Security Policy 145-1035, "Evidence Handling by Staff" and DCT Security Policy 145-1040, "Evidence Handling by OSI");
- E. If any examination, inquiry or screen reveals the presence of illegal and/or criminal activity, the reintegration agent:
1. stops the examination, inquiry or screen and immediately takes control of the device or equipment;
 2. immediately notifies the Reintegration Director;
 3. secures the equipment at the direction of the MSOP Reintegration Director/designee as evidence as outlined in MSOP Division Policy 230-5640, "Provisional Discharge – Searches" and DCT Security Policy 145-1035, "Evidence Handling by Staff";
 4. turns over the evidence to the Office of Special Investigations (OSI) (see DCT Security Policy 145-1040, "Evidence Handling by OSI") who works with DHS forensic examiners to process the evidence (if applicable) and conducts an investigation following DCT Policy 145-1010, "Investigations Involving Alleged Criminal Activity."

- F. The reintegration agent ensures the fidelity of the screening process by entering client Phoenix entries under PD-Searches each time any devices are screened.

REVIEW: Biennially

REFERENCES: DCT Security Policy 145-1035, "Evidence Handling by Staff"
DCT Security Policy 145-1040, "Evidence Handling by OSI"
MSOP Division Policy 410-5300, "Incident Reports"
MSOP Division Policy 230-5600 "Provisional Discharge Management and Supervision"
MSOP Division Policy 230-5640, "Provisional Discharge – Searches"
DCT Policy 145-1010, "Investigations Involving Alleged Criminal Activity"

ATTACHMENTS: Client Use Agreement (230-5690a)

SUPERSESSION: MSOP Division Policy 230-5690, "Provisional Discharge Oversight of Electronic Devices with Internet Capabilities," 2/1/22.

/s/

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