

1.4.G.6 System Risk Classification

I Policy Index:



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Office of Primary Responsibility: Risk Reduction Manager
and DOC Administration

II Policy:

System risk classification is based predominantly upon violence risk assessments, restrictive housing placement, sex offender risk, and history of committing violent offenses in custody/institutional disciplinary. The Department of Corrections (DOC) will exercise response to risk commensurate with each inmate's assessed system risk.

III Definitions:

ABEL:

Abel assessment for sexual interest measures an offender's sexual interest in children.

High Risk of Violence Inmate:

Inmates identified as Level 2 or Level 3 system risk as a result of placement in restrictive housing, institutional disciplinary behavior, criminal typology, sex offender typology/evaluation/assessment, or through a psychopathy/violence evaluation.

LSI-R:

Level of Service Inventory-Revised. An assessment used to measure an inmate's risk to reoffend and define the inmate's programming needs.

MnSOST:

Minnesota Sex Offender Screening Tool – Instrument used to predict likelihood of sexual recidivism.

Offender:

An offender is an inmate in the custody of the DOC institutional system or a parolee under parole or suspended sentence supervision by the SD Parole Services.

PCAN:

The HARE PSCAN is a tool that serves as a screen to rate the inmate's tendency towards psychopathic features.

PCL-R: SV:

The Psychopathy Checklist – Revised Screening Version is an instrument that is used to screen offenders for psychopathy risk.

Psychosexual Assessment:

A psychosexual assessment that focuses on an individual's sexual development, sexual history, paraphilic interests, sexual adjustment, risk level, and victimology.

Risk Reduction Program:

The Risk Reduction Program is operated by the DOC. The goal of the Risk Reduction Program is to identify inmates that represent a high risk of violence, and ensure the system responds appropriately to that risk.

Sex Offender:

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a felony sex crime, as listed in SDCL § [22-24B-1](#), regardless of the offense date or date of conviction; an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime; and offenders identified as having a Sexual Behavior Issue (SBI) by SOMP staff (designated by sexual behavior code of 2), or an offender convicted of any offense requiring sex offender registration.

Sex Offender Management Program (SOMP):

SOMP is the sex offender management program operated by the DOC. This includes the implementation of sex offender specific assessments, A&O psychosexual screens, sex offender treatment, psychosexual reports, community release planning, assistance in community supervision, development and promotion of a community treatment provider network, and sex offender community treatment and supervision standards.

Sex Offender Treatment:

The sex offender treatment is offered to inmates at the following facilities: South Dakota State Penitentiary, Mike Durfee State Prison, Jameson Annex and South Dakota Women's Prison. The goal of sex offender treatment is to provide the inmate with the attitudes and behaviors necessary to return to the community and prevent further sex offending behaviors.

SOMP Screening Instrument:

A screening tool that reviews a sex offenders risk using several predictive factors for sexual recidivism. Outcome of the instrument determines if a sex offender should be referred to Parole Board for withholding of parole eligibility.

Static 99:

Ten item actuarial risk assessment used to predict risk of sexual recidivism.

Violence Risk Evaluation:

Forensic evaluation report completed on inmates assessed for violence risk by the Risk Reduction Program.

Violence:

Behavior involving physical force intended to hurt, damage or kill someone.

VRAG:

Violence Risk Appraisal Guide – Violence assessment used to predict likelihood of violent recidivism.

IV Procedures:

1. Authority:

- A. The System Risk Classification process is designed to set forth objective criteria used to identify inmates that may represent a high risk of violence towards staff, others and/or the public.
- B. Any institutional response affecting custody classification as a direct result of system risk designation, is considered an administrative risk factor (See DOC policies 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.14 [Female Inmate Classification](#)).
- C. After review of the system risk factors (See Section 5), the Risk Reduction Manager will determine an inmate's system risk level and notify staff of any changes to the inmate's system risk level status.
- D. Inmates sentenced in South Dakota that are housed in secure custody outside of South Dakota will have their system risk level assigned based upon information available in the inmate's unit file and COMS records.

2. System Risk Information:

- A. Applicable assessment information from an inmate's Restrictive Housing hearings, Offenses in Custody committed by the inmate, LSI-R, VRAG, PCL-R, PSCAN, MnSOST-R, Static 99, Violence Risk Evaluation, Psychosexual evaluation, and ABEL scores/results will be reviewed prior to assigning system risk to an inmate.
 1. Restrictive Housing hearing information, Offenses in Custody committed, LSI-R, VRAG, PCL-R, PSCAN, MnSOST-R, Static 99 assessments are documented and available in the adult Comprehensive Offender Management System (COMS).
 2. Violence Risk evaluations, psychosexual evaluations and the ABEL are available for review on the M-drive in the Risk Reduction Folder.
 - a. Violence Risk evaluations are reports completed by Risk Reduction staff and include video evaluations of the inmate.
 3. Any staff member may submit relevant information to the Risk Reduction Manager for review and consideration during assignment or review of an inmate's System Risk Level.

3. System Risk Level Actions:

- A. Inmates will be assigned to one of the following three case management levels, as determined by the Risk Reduction Manager (See DOC policy 1.1.E.6 [Case Management](#)):
 1. Level 3 system risk.
 2. Level 2 system risk.
 3. Level 1 or 0 system risk.
- B. An inmate's System Risk Level will be reviewed when changes to the factors used to assign risk occur which may affect the inmate's current System Risk Level, including, but not limited to:
 1. Disciplinary history/commission of specified High "H" level violent Offenses in Custody.

2. Violence risk assessments/violence evaluations.
 3. Placement into or transfer from restricted housing status.
 4. Assignment or change in sex offender risk level and programming status (See DOC Policy 1.4.A.3 [Sex Offender Management Program](#)).
 5. Changes or updates in assigned MH code.
- C. Inmates assigned a System Risk Level are reviewed on a regular basis by Risk Reduction staff to identify qualifying events which may impact the inmate's assessed System Risk Level.
- D. Confidential information may be used in conjunction with other factors in determining an inmate's system risk level.

4. Administrative Remedy:

- A. Inmates may appeal their assigned System Risk through the Administrative Remedy process (See DOC policy 1.3.E.3 [Administrative Remedy for Inmates](#)).
1. The Risk Reduction Manager may be involved in the review of administrative remedy complaints involving an inmate's assigned system risk.

5. System Risk Factors:

- A. Restrictive Housing:
1. This category scores the inmate's restrictive housing status (as applicable) at the time of the assessment. Inmates on this status have not responded to counseling or conventional sanctions and may be flagrantly or chronically disruptive to the good order of the institution or pose a threat to staff. The Alerts Report and Alerts Screen in COMS is used by Risk Reduction staff to determine the inmates on Restrictive Housing status and the inmate's current level.
 - a. Inmate is housed in levels 1-4 restrictive housing in accordance with DOC policy 1.3.D.4 [Restrictive Housing](#) – scores 30 points
 - b. Inmate is on level 5 restrictive housing status (housed on Unit D) – scores 20 points
 - c. Inmate is not on restrictive housing status – scores 0 points
- B. Violence Risk Assessments:
1. The process for this section involves the completion of the LSI-R and PSCAN assessments. Inmates identified as high risk (LSI-R 37 + and PSCAN >30) on these assessments will have their file/assessment reviewed by a qualified psychologist. It is during this file review that the VRAG and PCL-R may be completed, if the psychologist determines enough indicators of violence risk are present. Indicators include, violence in adult criminal history, juvenile violence, instrumental violence, gratuitous violence, animal cruelty, use of weapons, and diagnosis of anti-social personality disorder and/or narcissism personality disorder.
 - a. LSI-R 37+ and PSCAN >30 = mandatory file review by psychologist.

- b. LSI-R 37+ and PSCAN<30 = staff will discuss with the psychologist to determine if a full file review is warranted.
 - c. LSI-R <37 and PSCAN >30 = staff will refer to the Risk Reduction office who will discuss with the psychologist to determine if a full file review is warranted.
 - d. LSI-R <37 and PSCAN <30 = staff will refer to the Risk Reduction office if they believe an inmate's assessment scores do capture the inmate's risk.
 2. The PCL-R will not be completed if the inmate's file contains insufficient historical evidence of violence. This historical evidence must include details of the violence to warrant an evaluation. Details may be found in police reports, disciplinary/incident reports, sentencing documents, victim statements, Parole or jail reports, PSI, and/or inmate self-report. The VRAG will be scored, if possible, based upon available information from the psychologist. If the inmate's file was reviewed by the psychologist but the assessments were not completed due to lack of historical evidence of violence which warrants further evaluation, the inmate will score "0" points on this section. Sources: Adult System – COMS (Assessment screen)
 - a. Inmates scoring an 18 or higher on the PCL-R and 14 or higher on the VRAG - scores 30 points.
 - b. Inmates scoring less than 18 on the PCL-R, but score 14 or higher on the VRAG – scores 20 points.
 - c. Inmates scoring 18 or higher on the PCL-R, but less than 14 on the VRAG – scores 15 points.
 - d. Inmates scoring less than 18 on the PCL-R and less than 14 on the VRAG – scores 0 points.
 - e. Male inmates with an LSI-R score of 37+ and female inmates with an LSI-R of 40+ and a PSCAN scores of 30+, with file review but further evaluation not completed due to lack of historical violence - scores 0 points.
 - f. Male inmates with an LSI-R score of greater than 37, but PSCAN <30 and female inmates with an LSI-R score greater than 40 but a PSCAN score of <30 – scores 0 points.
 - g. Inmates with an LSI-R score of less than 37 – scores 0 points.
 3. Inmates referred by staff to Risk Reduction Program with file review but further evaluation not completed due to lack of historical violence – scores 0 points
- C. Sex Offender Management Program:
 1. The process for this section involves a review of SOMP's assessment of sex offender risk (See DOC policy 1.4.A.3 [Sex Offender Management Program](#) and DOC policy 1.4.B.9 [Sexual Behavior Issue Review](#)). In some cases, assessments and evaluations may not be available due to inmate refusal to participate. In these circumstances, this section will be scored based upon available facts, information, reports and evidence. Select item that scores the most points. In cases where the inmate meets multiple criteria, select any item that scores the most points. Sources: Adult System – COMS, SOMP program staff, Assessments screen.
 - a. Sex offenders with a MnSOST rating of "R" – scores 30 points

- b. Sex offenders meeting criteria for referral for withholding of parole eligibility on the SOMP Screening Instrument* (See DOC policy 1.4.B.11 [Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1](#)) – scores 30 points
- c. Sex offenders that have refused to participate in the assessment process (Program Refusal form on file and/or are non-compliant with element 4 of their IPD) – scores 30 points
- d. Sex offenders that have refused sex offender treatment process (Program Refusal form on file and/or are non-compliant with element 4 of their IPD), but assessed as Level 2 or Level 1 on the MnSOST – scores 11 points
- e. MnSOST Level 1 and Level 2 (Compliant with Programming) – scores 5 points
- f. Sex offenders without a MnSOST – scores 5 points
- g. Not a sex offender – scores 0 points

*SOMP Screening Instrument is attached to policy as [Attachment 2](#).

D. Violent Criminal History:

- 1. This section reviews the criminal history of inmates with a Class 1, Class C, Class B, or Class A violent felony conviction, accompanied by a mental health code of MH-S3 or MH-S4. Sources: Adult System – COMS, Criminal History.
 - a. Current conviction for a specified violent felony \geq V1 (MH-S3 or MH S4) – scores 30 points
 - b. Prior conviction for specified violent felony \geq V1, offense date less than 10 years (with MH-S3 or MH S-4) – scores 20 points
 - c. Prior conviction for specified violent felony \geq V1, offense date more than 10 years (with MH-S3 or MH S-4) – scores 0 points
 - d. Felony criminal history is exclusively non-violent or non-violent and not \geq V1 (with MH-S3 or MH S-4) – scores 0 point
 - e. Current or past conviction for specified violent felony \geq V1 (no MH-S3 or MH S-4) – scores 5 points
 - f. Criminal history exclusively non-specified violent (MH-S3 or MH S-4) – scores 0 points

E. Institutional Violence:

- 1. This section requires a review of assaultive/aggressive/violent institutional disciplinary behavior that has occurred during the inmate's current booking. Sources: Adult System – COMS, Disciplinary History Report.
 - a. Guilty of H-2 or H-10 – scores 30 points.
 - b. Guilty of H-3, H-6, H-7, or H-9 within last 2 years – scores 30 points
 - c. Guilty of H-3, H-6, H-7, or H-9 greater than 2 years, but less than 5 years – scores 15 points
 - d. No H-3, H-6, H-7, or H-9 within last 5 years – scores 0 points

The Institutional Violence section is scored for current booking and is based upon finding of guilt for the rule infraction.

H-2	Killing any non-inmate
H-3	Assaulting any non-inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
H-6	Assaulting another inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
H-9	Inmate sexual abuse: If the victim does not consent, is coerced in such an act by overt or implied threats of violence, or is unable to consent or refuse.
H-10	Killing another inmate.

F. Assessed System Risk Level:

1. Level 3 System Risk 30+ points
2. Level 2 System Risk 20-29 points
3. Level 1 System Risk 11-19 points
4. Level 0 System Risk 0-10 points

G. Administrative Factors:

1. In some cases the System Risk of an inmate is not adequately captured in the assessed risk score. The administrative factors listed below are intended to create additional risk not captured in the assigned Level Risk.
 - a. MnSOST "3".
 - b. Administrative decision.
 - c. Discharge from disciplinary housing.
 - d. Previous media advisory issued.

H. MnSOST 3:

1. This administrative factor will only be used to elevate an inmate's System Risk level. Inmates with a MnSOST score of "3" that have a System Risk level of 0 or 1 will have their System Risk level set at "Level 2".

I. Administrative Decision:

1. Staff may refer inmates to the Risk Reduction Manager for possible inclusion on the High Risk list. The Risk Reduction Manager will review the inmate to determine if the inmate presents an elevated risk. Elevated risk is risk that incorporates one of the key factors in System Risk

(restrictive housing disciplinary, violent crime code/MH code, etc.). The Risk Reduction Manager will complete a new System Risk Assessment on inmates determined to represent an elevated risk to the system.

2. All staff referred inmates who are determined to represent an elevated system risk will have their System Risk set at Level 2 or Level 3, as determined by the review team (See Section 6 A).

J. Discharge from Disciplinary Housing (See DOC policy 1.3.D.1 *Disciplinary Housing*):

1. Inmates that do not meet any established criteria for System Risk Level 2 or 3 will be assigned System Risk Level 2 if the inmate is serving 60 consecutive days in disciplinary housing.

K. Previous Media Advisory:

1. Any inmate with a system risk level of 0, 1, or 2, who has had a media advisory issued for a prior release to the community, will have their system risk level set at Level 3. Regardless of the inmate's assessed risk level, the 'Previous Media Advisory' administrative factor will always be scored.
 - a. In cases where the assessed system risk level of an inmate has decreased since the media advisory was issued, the Risk Reduction Manager will notify the Director of Classification and Executive Director of the Parole Board for review of the case.
 - b. If the Director of Classification and Executive Director of Parole Board concur that a decreased risk is present, the file will be forwarded to the Secretary of Corrections and Deputy Secretary of Corrections for review. The Secretary or designee must approve any decision to reduce the inmate's system risk level.
 - c. If approved, a new system risk classification would be completed.
 - d. The Secretary or designee may direct a specific system risk level be assigned to an inmate in this process.

6. Staff Referral Process:

- A. Staff may refer inmates to the Risk Reduction Manager for review of the inmate's System Risk Level. Staff referrals will be reviewed by the Risk Reduction Manager. The Risk Reduction Manager will consult with the referring staff, and if applicable, SOMP staff, Director of Classification and Transfer, or an Associate/Deputy Warden.
- B. This process will determine if the inmate's risk level should be raised to a Level 2 or Level 3. The inmate must meet the following criteria after review for their System Risk level to be raised:
 1. The reasoning for the staff referral cannot be already captured by the assessment. (Violent disciplinary, prior restricted housing status, sex offender issues, etc...)
 2. One of the following conditions exist:
 - a. A documented incident and/or statement conveying a clear and present danger to staff and/or the public.
 - b. The inmate's crime is so heinous or high profile that the release/discharge of the inmate warrants specific communication to the public to proactively address concerns or questions that have or may be raised about the inmate's release/discharge from custody.

3. If Risk Reduction staff determines no elevated risk is present, the inmate will remain at their assigned System Risk Level and a case note will be generated noting the same.
- C. If it is determined an inmate represents an elevated system risk, (inmates that have documented information regarding past history of violence which cannot be scored on the assessment or documented plans to commit future violence), the inmate will have their System Risk level set to System Risk Level 2 or Level 3, as determined appropriate by the Risk Reduction Manager.
1. The review team will determine the next date for a review of the established System Risk for the inmate, if appropriate.
 - a. This next review date can be set after the inmate's Term Expires date if the Review Team determines the inmate's System Risk Level does not warrant further review.
 - b. The Risk Reduction Manager will document the next review date on the System Risk Assessment on COMS.
 2. The Risk Reduction Manager's decision will be documented in the "Comments" section of the System Risk Assessment, as well as a "Case Note" on the inmate's record.
- D. If the Risk Reduction Manager **does not** conclude an elevated risk is present:
1. The decision will be documented on the System Risk assessment in the "Comments" sections, as well as a "Case Note" on the inmate's record.
 2. Once reviewed, the decision is final and no further review is necessary, unless new information is discovered that prompts another review or referral of the inmate.

7. Community Review Administrative Factors:

- A. Following release to community supervision, the system risk level for all parolees will be monitored and the parolee's established system risk level may be adjusted due to the following community administrative risk factors.
1. GPS alert active (See DOC policy 1.5.G.10 *Parole Services GPS and Electronic Monitoring*).
 - a. Parolees on community supervision with a system risk level of Level 1 or Level 0 placed on GPS or electronic monitoring will have their system risk level set to Level 2. The Risk Reduction Manager will place the parolee on the Absconder Direct Notification List.
 - 1) Parolees who have met the criteria for removal from GPS monitoring or electronic monitoring may be removed from the High Risk Release List by the Risk Reduction Manager and be assigned a Level 1 or Level 0 Risk Level.
 2. Continue current system risk.
 - a. Level 2 & 3 parolees that have served 12 consecutive months of community supervision, that based on review, continue to represent a risk to the community (See [Attachment 2](#)), shall remain on the Absconder Direct Notification List and maintain their current system risk level.
 - 1) A case note summarizing the decision shall be made on COMS by the Risk Reduction Manager.
 - 2) Next review date will be set for 12 months from the most recent review date.
 3. Reduce system risk.

- a. Level 2 & 3 parolees that have served 12 consecutive months of community supervision that, based upon review, have mitigated their risk to the community, shall have their system risk level set to Level 1 and will be removed from the Absconder Direct Notification List.
 - 1) A case note summarizing the decision shall be made on COMS by the Risk Reduction Manager.
 - 2) Next review date shall be set by review team and updated on COMS by the Risk Reduction Manager.

8. DOC Response to System Risk Levels:

A. High Risk Release List:

1. The Risk Reduction Manager will maintain a current list of offenders identified as a Level 3 or Level 2 System Risk. The list shall be stored on a central computer drive accessible to staff.

B. Level 3 System Risk.

1. Level 3 System Risk inmates will have a high risk release packet completed for review by DOC Senior Staff for possible Media Notification.

C. The packet will be completed a minimum of 45 days prior to the inmate's scheduled release/discharge date.

1. If the inmate's system risk level elevates to a Level 3 with less than 45 days remaining prior to release, the packet will be completed as soon as possible following the inmate's assignment to Level 3 System Risk.
2. If staff are notified of a Level 3 System Risk inmate's release and less than 45 days remaining prior to the inmate's set release/discharge date, staff will complete and submit the high risk release packet for review by DOC Senior Staff within five (5) business days of being notified or becoming aware of the release.

D. The packet will include a summary report describing the type of release (discharge, CTP, suspended sentence, presumptive or discretionary parole).

E. The following information will be included in the packet, if available:

1. Investigative summary report from COMS.
2. Updated psychosexual report from SOMP.
3. Violence risk assessment from Risk Reduction Office.
4. Summary of current restrictive housing level status.
5. Mental health summary.
6. Risk assessment outcomes (Classification, LSI-R, PSCAN, MnSOST, Static 99, VRAG, PCL- R).

F. All Level 3 System Risk inmates will have a law enforcement notification completed.

G. Level 3 System Risk inmates released to parole or suspended sentence will be placed on the

Absconder Direct Notification list by the Risk Reduction Manager (See [Attachment 2](#)).

H. Level 2 System Risk:

1. Level 2 System Risk inmates will have a Law Enforcement Notification completed by the Risk Reduction Manager. A High Risk Packet is not required for Level 2 System Risk inmates. The Risk Reduction Manager will complete a Law Enforcement Notification on all Level 2 System Risk inmates.

I. Level 1 and Level 0 System Risk:

1. Level 1 and Level 0 System Risk inmates will be released in accordance with DOC policy 1.4.G.2 [Inmate Release Procedure](#).

9. Law Enforcement Notification:

A. The following law enforcement agencies will be notified by the Risk Reduction Manager a minimum of five (5) days prior to a Level 2 or Level 3 System Risk inmate releasing from a SD DOC facility.

1. Local law enforcement in the city and/or county at the location of the inmate's release.
 - a. Notification is waived if the inmate will be placed directly on the Pennington County shuttle or picked up by law enforcement, such as in the case of an existing hold.
2. Local law enforcement in the city and/or county where the inmate committed his/her crime.
3. Local law enforcement in the city and/or county where the inmate will be residing following release/discharge (receiving jurisdiction) (If known).
4. The SD Division of Criminal Investigation (DCI).
5. The Fusion Center, which is managed by the SD Department of Public Safety.

B. Notification to law enforcement will consist of a telephone call and/or email to the contact person. Preference of the notification method/process for each law enforcement department/office/agency will be maintained by the Risk Reduction Manager.

1. The notification shall include the following information:
 - a. The inmate's name;
 - b. Crime of conviction;
 - c. A brief summary describing why the notification is being sent (Explain why the inmate is considered a high risk release);
 - d. If known, the inmate's address upon release/discharge (location/destination of inmate upon release);
 - e. Scheduled release date;
 - f. Type of release – discharge, discretionary parole, presumptive parole or suspended sentence release; and

- g. Other information provided upon request by law enforcement.
2. The Risk Reduction Manager will provide a second notification to all law enforcement agencies previously notified of the high risk release if there are substantial changes to the inmate's release plans or changes in the release date.
3. When directed by the Secretary or Deputy Secretary, the Risk Reduction Manager will contact law enforcement of the "receiving" jurisdiction and request confirmation of the inmate's arrival within that jurisdiction.
 - a. The inmate's parole agent may be contacted to confirm the arrival of a high risk inmate at the receiving jurisdiction if the inmate is releasing to parole supervision.

10. Media Advisory:

- A. The Secretary or Deputy Secretary of Corrections will determine if a media advisory will be issued notifying the media/public of the inmate's release or discharge. The DOC Communications and Information Manager or designee will prepare a media advisory in accordance with DOC policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#).
 1. The Secretary or Deputy Secretary will determine when the media advisory will be issued and the information included in the release.

11. Absconder Direct Notification List:

- A. Inmates meeting the following criteria will be placed on the Absconder Direct Notification list by the Risk Reduction Manager.
 1. Level 3 System Risk.
 2. Level 2 System Risk.
- B. Inmates may only be removed from the Absconder Direct Notification List after being reviewed by a review team.
 1. Inmates with an elevated System Risk level as a result of being on GPS or electronic monitoring may be removed from Absconder direct notification list as soon as the alert is made inactive.
 2. System Risk Level 3 and Level 2 Inmates may be reviewed for removal from Absconder Direct Notification List after serving 12 months in the community.
 3. See [Attachment 1](#), management of the Absconder Direct Notification List.

12. Pre-Release/Discharge Procedures:

- A. Release procedures contained within DOC policy 1.4.G.2 [Inmate Release Procedure](#) apply to all System Risk inmate releases. Victim notification shall be completed in accordance with DOC policy 1.1.E.4 [Release and Status Change Notification Requests](#).
- B. Level 3 and Level 2 system risk must abide by the pre-approved transportation arrangements when releasing to parole supervision.
 1. This includes unit staff confirming the inmate:

- a. Is picked up by the facility by pre-approved transporters (family, friends);
 - b. Boards the bus (commercial bus line or Pennington County transport shuttle);
 - c. Is picked up by the parole agent for transport; or
 - d. Other transportation as approved.
2. Confirmation of transportation and departure information (time of departure) may be required and should be documented in COMS as a case note.
- C. The Risk Reduction Manager will retain the following records:
1. High Risk Packets submitted to the Secretary, including revisions, additions, and clarifications received following initial packet submission.
 2. Law enforcement notification documentation, including revisions, additions, and clarifications received following initial law enforcement notification.
 3. A master list of all Level 3 and Level 2 system risk releases and the type of notification completed on the inmate (Law enforcement and/or media).
 4. Absconder direct notification list and reports documenting the decision to remove inmates from the absconder direct notification list.

13. Classification Response:

- A. Level 3 System Risk inmates that have a PCL-R score of 18 or higher and VRAG score of 14 or higher will maintain at least a HM custody level.
- B. Level 3 and Level 2 System Risk inmates are not eligible for MN custody.
- C. Offenders on parole status may be housed in a MN custody facility, i.e. placement in the Community Transition Program (CTP).

14. Institutional Work Assignments:

- A. Level 3 and Level 2 System Risk inmates should have their cases thoroughly reviewed prior to placement in an institutional work assignment. Each facility is responsible to ensure that inmate job placement is appropriate based upon the inmate's assigned System Risk Level.

15. Suspended Sentence Revocation:

- A. All inmates, regardless of System Risk Level, serving a suspended sentence will be issued a suspended sentence supervision agreement.
 1. Inmates must be compliant with DOC rules.
 2. Inmates must be compliant with all recommended programming.
- B. Board Office Manager or designee will complete a suspended sentence status report for inmates 6 months prior to their suspended sentence release date. Compliance ratings for an inmate's

suspended sentence are determined by the Board Office Manager or designee using objective criteria and is documented in a Suspended Sentence Status Report. Inmates found to be non-compliant with their suspended sentence supervision agreement may have a warrant issued and will be scheduled to be seen by the Parole Board for the suspended sentence revocation hearing.

1. All inmates will have a report presented to the parole board at every hearing that gives a record of the inmate's ongoing compliance with DOC rule and institutional programming.
 2. This report will be completed by the case manager and be available for the parole board to review during a hearing.
- C. The outcome of any Suspended Sentence revocation action taken by the Board will be documented by the Risk Reduction Manager on High Risk Packets for System Risk Level 3 inmates. Refer to DOC policy 1.4.B.1 *Individual Program Directives (IPD)*.

16. Withholding of Parole Eligibility:

- A. Sex Offenders assigned a System Risk Level who meet the criteria set forth in DOC policy 1.4.B.11 *Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1*, and who are identified within the risk criteria on the SOMP Screening Instrument, may have their parole eligibility withheld.
1. Once risk has been confirmed on the Withholding Parole Screening Instrument, SOMP staff will notify the Risk Reduction Manager, Executive Director of Parole Board that the process to Withhold Parole has been initiated.
 - a. The outcome of any hearing scheduled to consider the withholding of the inmate's parole eligibility will be noted on the High Risk Release packet.
 - b. If the inmate's parole is withheld, the inmate will be assigned to Level 3 System Risk.

V Related Directives:

SDCL §§ [22-24B-1](#) and [24-15A-32.1](#).

DOC policy 1.1.A.4 -- *Relationship with News Media, Public and Other Agencies*

DOC policy 1.3.E.3 -- *Administrative Remedy for Inmates*

DOC policy 1.1.E.4 -- *Release and Status Change Notification Requests*

DOC policy 1.1.E.6 -- *Case Management*

DOC policy 1.3.D.1 -- *Disciplinary Housing*

DOC policy 1.3.D.4 -- *Restrictive Housing*

DOC policy 1.4.A.3 -- *Sex Offender Management Program*

DOC policy 1.4.B.1 -- *Individual Program Directives (IPD)*

DOC policy 1.4.B.9 -- *Sexual Behavior Issue Review*

DOC policy 1.4.B.11-- *Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1*

DOC policy 1.4.B.13-- *LSI-R Assessment and Case Planning*

DOC policy 1.4.G.2 -- *Inmate Release Procedure*

DOC policy 1.5.G.2 -- *Community Transition Program*

DOC policy 1.5.G.10 -- *Parole Services GPS and Electronic Monitoring*

Inmate Living Guide

VI Revision Log:

October 2014: New policy.

October 2016: **Deleted** definition of "Inmate" and **Added** definition of "Offender" **Deleted** term "administrative restricted housing" and **Replaced** with "restricted housing" throughout the policy.

Deleted "90 days" and **Replaced** with "60 days" in Section 5 J.

<i>Denny Kaemingk (original signature on file)</i>	<i>05/05/2017</i>
Denny Kaemingk, Secretary of Corrections	Date

Attachment 1

Management of Absconder Direct Notification List

- I. Process to add inmates to the absconder direct notification list.
 1. Inmates meeting any of the following criteria will be placed on the absconder direct notification list by the Risk Reduction Manager:
 - a. System Risk Level 3
 - b. System Risk Level 2
 2. The Risk Reduction Manager will identify inmates meeting the above criteria. The Risk Reduction Manager will verify the inmate has been released to the community and will add them to the absconder direct notification list.
 3. The Risk Reduction Manager will note the reason the inmate was placed on the absconder direct notification list and the date the inmate was released to the community on parole supervision or to suspended sentence. .
 4. The absconder direct notification list will be updated and distributed whenever an inmate is placed on or removed from the list. The list shall be distributed at least weekly by the Risk Reduction Manager regardless of any changes made to the list.
- II. Process to remove inmates from the absconder direct notification list.
 1. Inmates will have their status on the absconder direct notification list reviewed after 12 months in the community.
 2. A review team will determine if the inmate still represents a high risk to community safety and should remain on the absconder direct notification list.
 - a. Inmates placed on the absconder direct notification list due to a High Risk Release media notification can only be removed with approval of the Secretary of Corrections or Deputy Secretary of Corrections.
 - b. A review team is not necessary to remove inmates from the list if the only reason they are on the list is for an active GPS alert. In these cases, once the GPS alert expires the inmate will be removed from the list.
 3. The review team will meet regularly to review the absconder direct notification list. The review team may include the following staff or his/her designee:
 - a. Executive Director of Board of Pardons and Parole
 - b. Director of Classification and Transfer
 - c. Director of Field Services
 - d. Risk Reduction Manager
 - e. SOMP Program Manager

- f. Regional Supervisor
 - g. Parole Agent
4. The inmate must meet the following criteria for the review team to remove an inmate from the absconder direct notification list:
 - a. No High Level Response within 12 months
 - b. No Moderate Level Response within 6 months
 - c. Inmate is compliant with treatment plan (SOMP)
5. If the review team recommends removal from the list, the risk reduction manager will create a report which shall include the following:
 - a. Names of review team members
 - b. Reason inmate was placed on the absconder direct notification list
 - c. PDR responses since release
 - d. SOMP compliance (Sex offenders only)
 - e. Recommendation from review team
6. The review team report will be forwarded to Secretary and Deputy Secretary for cases requiring their approval for removal.
7. Once the decision is finalized for removal from or continuation on the absconder direct notification list, the Risk Reduction Manager will apply one of the administrative factors to the existing System Risk Assessment.
 - a. GPS active (This will make inmate Level 2 System Risk)
 - b. GPS inactive (This will make inmate revert back to previous system risk prior to GPS alert, either Level 1 or Level 0)
 - c. Continue current System Risk Level (This will leave inmate on Absconder Direct Notification List. Review will be default 12 months from date of review.)
 - 1)Risk Reduction Manager will set next review date in COMS.
 - 2)Risk Reduction Manager will make a case note detailing review process and reason for leaving inmate on Current System Risk Level.
 - d. Reduce System Risk Level (This will leave assessed risk intact on the COMS assessment screen, but final system risk will be set to Level 1 by the Risk Reduction Manager. This will remove the inmate from the Absconder Direct Notification List)
 - 1)Risk Reduction Manager will make a case note detailing the review process and reason for removal from Absconder Direct Notification List on COMS.

Attachment 2

System Risk Classification Form (MALES)

I. Offender Information

Name: _____ ID# _____

II. Risk

1. Restrictive Housing

- A. Inmate is housed in segregation 30
B. Inmate has been stepped down to a population unit while on restrictive housing status 20
C. Inmate has been released from restrictive housing general population or has never been placed into restrictive housing. 0

2. Violence Risk Assessments

- A. Inmate scores ≥ 18 on PCL-R: SV and ≥ 14 on the VRAG 30
B. Inmate scores < 18 on the PCL-R: SV, but ≥ 14 On the VRAG 20
C. Inmate scores ≥ 18 on the PCL-R: SV, but < 14 on the VRAG 15
D. Inmate scores < 18 on the PCL-R: SV and < 14 on the VRAG 0
E. Inmates with LSI-R score of ≥ 37 and a PSCAN score of ≥ 30 with file review, but no evaluation required 0
F. Inmates with an LSI-R score of ≥ 37 , but PSCAN score of < 30 0
G. Inmates with an LSI-R score of < 37 0
H. Inmates referred to Risk Reduction Program with file review, but no evaluation required 0

3. Sex Offender Management Program

- A. MnSOST Level "R" 30
B. Sex offenders meeting criteria on Withholding Parole Screening Instrument 30
C. Sex offenders that have refused to participate in the assessment process 30
D. Sex offenders that have refused treatment, but Are assessed as Level 2 or Level 1 on the MnSOST 11
E. MnSOST Level 2 or Level 1 (Compliant with Programming) 5
F. Sex offenders without a MnSOST 5
G. Not a sex offender 0

4. Violent Felony

- (Inmates with an SMI code – Class 1V or higher)
A. Current conviction for a violent felony 30
B. Prior conviction for a violent felony 15
C. Felony criminal history is exclusively non-violent 0
D. Current violent felony - no SMI code 0

5. Institutional Violence

- A. H-2 or H-10 current booking 30
B. H-3, H-6, H-7, or H-9 within 2 years 30
C. H-2, H-3, H-6, H-7, H-9, or H-10 greater than 2 years, but less than 5 years 15
D. H-2, H-3, H-6, H-7, H-9, or H-10 greater than 5 years 0

Assessed System Risk Level: _____

- Level 3 Risk: 30+ points
Level 2 Risk: 20-29 points
Level 1 Risk: 11-19 points
Level 0 Risk: 0-10 points

Institutional Administrative Factors:

- MnSOST Level 3 (Must be set to Level 2)
 Administrative Decision (Review team outcome)
 Discharge from Disciplinary Seg (Must be Level 2)
 Previous Media Advisory (Must be set to Level 3)

Community Review Administrative Factors:

- GPS Alert Active (System Risk at least Level 2)
 Continue current System Risk (No Change to Risk)
 Reduce System Risk (System Risk set to Level 1)

Final System Risk Level: _____

Attachment #3
SOMP Screening Instrument

If either of below 2 criteria is checked SOMP will forward for Withholding Parole Eligibility.

- 18 or higher PCL-R: SV
 - MnSOST-R
-

If 5 more of the following are checked SOMP will forward for Withholding Parole Eligibility.

- MnSOST 3
- Static 99 – Mod High or High
- 5 or more paraphilias
- Pedophilia diagnosis
- Cluster B diagnosis
- Mental health – SMI
- Rape 1st or Rape 2nd conviction