

## 1.4.G.5 High Risk Release

### I Policy Index:



**Date Signed:** 07/13/2014  
**Distribution:** Public  
**Replaces Policy:** N/A  
**Supersedes Policy Dated:** 06/06/2013  
**Affected Units:** Adult Institutions  
**Effective Date:** 07/14/2014  
**Scheduled Revision Date:** May 2015  
**Revision Number:** 2  
**Office of Primary Responsibility:** DOC Administration

---

### II Policy:

Department of Corrections (DOC) staff will provide specific notification when an offender identified as “high-risk” for violence is scheduled to release from prison or from the Community Transition Program (CTP) to the community.

### III Definitions:

#### **P-SCAN:**

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

#### **LSI-R:**

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

#### **Offender:**

For the purposes of this policy, an offender is an inmate in custody of the DOC institutional system.

#### **Sex Offender:**

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a 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 who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis exists that a crime for which they were charged or convicted/adjudicated of involves sexual violence or sexual abuse and who have been assigned a sexual behavior code of 2.

#### **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, STOP programming, 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.

### **Special Treatment of Perpetrators (STOP):**

Special Treatment of Perpetrators (STOP) is a DOC sex offender treatment program operated through the DOC. The STOP program consists of therapy, educational treatment and relapse prevention.

### **Community Transition Program (CTP) Offender:**

For the purposes of this policy, a CTP offender is an adult offender under the supervision of SD Parole Services who is in the CTP and is housed at Sioux Falls Unit C, Yankton Minimum Unit, Rapid City Minimum Unit, South Dakota Women's Prison or Minnehaha County Community Corrections Center (MCC) (female offenders only) (See DOC policy 1.5.G.2 [Community Transition Program](#)).

## **IV Procedures:**

### **1. Pre-Release and High Risk lists:**

- A. The Risk Reduction Manager will maintain a list of current offenders who have been identified as high risk. The high risk list is available on a central computer drive accessible to case managers and Transition Case Managers (TCM).
- B. Case managers will monitor the high risk list in conjunction with the pre-release list. When an offender on the high risk list is within 45-days of possible release from prison or Community Transition Program (CTP) (See DOC policy 1.5.G.2 [Community Transition Program](#)), the case manager or TCM (for CTP offenders) will initiate notification procedures for the high risk release.
- C. Case managers/TCMs are responsible for identifying offenders on their caseloads who are on the high risk and/or pre-release list who will be releasing directly from segregation housing.
  1. Case managers/TCMs will review the pre-release list to identify all offenders scheduled to discharge or release to parole (initial and discretionary) that month. Offenders currently on community supervision who are discharging their sentences from the community will not be added to the high risk list.
    - a. Offenders with an initial parole release date who are on the pre-release list will be included in the review regardless of their compliance status at the time of the review.
- D. Staff will notify the Risk Reduction Manager of any offender identified who meets the high risk release criteria who is not already on the high risk list.

### **2. High Risk Criteria:**

- A. Offenders meeting the following criteria will be placed on the high risk list by the Risk Reduction Manager as soon as it is determined the offender meets the criteria:
  1. Offenders with a P-SCAN = or >30 who, after having their history reviewed by a psychologist have been determined to meet the criteria for psychopathy (See DOC policies 1.4.A.3 [Sex Offender Management Program](#) and 1.4.B.13 [LSI-R Assessment and Case Planning](#)).
    - a. The psychological review for inmates meeting the criteria of psychopathy will occur

proximate to their admission to the DOC consistent with the procedures in DOC policy 1.4.B.13 *LSI-R Assessment and Case Planning* (Section 4) and must be completed prior to the Compliance Report due date, or their release/discharge, whichever is first.

2. Offenders who are a Level R sex offender.
  3. Offenders with a history of prolonged or chronic segregation placement who will be released directly from administrative segregation (See DOC policy 1.3.D.4 *Administrative Segregation*), disciplinary segregation (See DOC policy 1.3.D.1 *Disciplinary Segregation Housing*) or a mental health placement in lieu of administrative or disciplinary segregation and who have a history of failed attempts at transitioning back into general population.
    - a. Offenders with a history of prolonged or chronic segregation placement should be identified no later than 45-days prior to release from custody.
    - b. Offenders placed in segregation proximate to their release who were not previously on the high risk list may be recommended to the Risk Reduction Manager by the case manager for inclusion on the high risk list.
  4. Offenders who have had their parole eligibility withheld by the Board of Pardons and Parole pursuant to SDCL § 24-15A-32.1 (See DOC policy 1.4.B.11 *Withholding of Parole Eligibility*).
- B. Offenders meeting the following criteria will be reviewed for possible placement on the high risk list:
1. Offenders releasing from segregation who are not currently on the high risk list.
  2. Any offender/sex offender (assigned a sexual behavior code of 2Y) and assessed as needing Special Treatment of Perpetrators (STOP) programming who is non-compliant with Element 4 of their Individual Program Directive (See DOC policy 1.4.A.3 *Sex Offender Management Program*).
  3. Offenders with an assessed risk and/or history of violence, or who have made statements and/or actions while incarcerated that suggest the offender intends to commit violent acts upon release from custody may be recommended for inclusion on the high risk list by staff.
  4. Offenders who have committed any of the following Offenses in Custody: #H-2, #H-3, #H-6, #H-7, #H-9, #H-10, #M-3 or #M-4 (See *Inmate Living Guide*) in the past twelve (12) months.

### **3. Offenders Releasing from Segregation Housing:**

- A. Offenders placed in segregation meeting the following criteria may be considered for placement on the high risk list:
1. Offenders who have spent a significant portion of their sentence in Special Housing Unit (SHU) or other segregation unit.
  2. Offenders who have a history of unsuccessful transition attempts from the SHU or segregation to general due to continued non-compliance.

- B. Offenders recently placed in the SHU or segregation after spending a prolonged period of time in general population who will release from custody from the SHU or segregation may be excluded from the high risk list after review the by Risk Reduction Manager.
- C. The Risk Reduction Manager and Deputy Warden will determine if an offender releasing from segregation not currently on the high risk list should be added to the high risk list. The decision will be documented in a brief report which will include the following information:
  - 1. The total number of months the offender spent in the SHU or segregation in comparison to the total time of incarceration.
  - 2. The offender's LSI-R score.
  - 3. Any history of violence while incarcerated or in the community.
  - 4. The total number of attempts by staff to transition the inmate to general population within the past year and an explanation describing why the offender should or should not be on the high risk list.

#### **4. Sex offenders without STOP:**

- A. The Risk Reduction Manager will contact Sex Offender Management Program (SOMP) staff to request a review of the offender and a brief report verifying the offender is currently non-compliant with STOP programming and the circumstances regarding their non-compliance (See DOC policy 1.4.A.3 [Sex Offender Management Program](#)).
- B. The report shall include the offender's MnSost-R and/or RRASOR/STATIC 99 score, if available.
- C. The Risk Reduction Manager and Deputy Warden will determine if an offender who is non-compliant with Element 4 of their IPD should be placed on the high risk list. This decision will be documented in a brief report which will include at a minimum the following information:
  - 1. The circumstances regarding the offender's non-compliance with the SOMP, i.e. program refusal, program removal due to disciplinary.
  - 2. The offender's MnSost-R and/or RRASOR/Static 99 scores if available.
  - 3. The offender's history of violence, including sex offenses, while incarcerated and in the community.
  - 4. The offender's LSI-R score.
  - 5. An explanation describing why placement on the high risk list should or should not be considered.

#### **5. Offenses in Custody:**

- A. The Risk Reduction Manager and Associate/Deputy Warden will determine if an offender who is found to have committed any of the following Offenses in Custody (#H-2, #H-3, #H-6, #H-7, #H-9, #H-10, #M-3 or #M-4) in the past twelve (12) months should be placed on the high risk list. The decision will be documented in a brief report to include the following information:

1. Circumstances surrounding the commission of the Offense in Custody.
2. A complete description of the offender's disciplinary history.
3. LSI-R assessment.
4. Any history of violence while incarcerated or in the community.
5. An explanation why placement on the high risk list should or should not be considered.

## **6. High Risk Referral by Staff:**

- A. Staff may refer an offender to the Risk Reduction Manager for possible inclusion on the high risk list if there is evidence to support either of the following:
  1. The offender is known to have attempted or conspired to commit acts of violence or aided and/or abetted another inmate to commit acts of violence or have been an accessory in acts of violence committed others. Or, the offender has stated they will reoffend upon release or discharge to the community by committing acts of violence. Or the offender has threatened actions or behaviors that are considered violent in nature.
  2. The existence of other factors supporting the offender may commit violent acts that will cause them to recidivate or violate the conditions of their parole.
- B. Staff will provide written documentation to the Risk Reduction Manager supporting the recommendation an offender to be placed on the high risk list.
- C. The Risk Reduction Manager and the Deputy Warden will determine if the offender identified by staff should be considered for inclusion on the high risk list. This decision will be documented in a brief report which will include the following information:
  1. The referring staff member's written documentation of the risk.
  2. LSI-R assessment.
  3. Any history of violence while incarcerated or in the community.
  4. An explanation describing why placement on the high risk list should or should not be Considered.

## **7. LSI-R Assessment:**

- A. All offenders who do not have a LSI-R assessment will have an assessment completed prior to release and prior to their Individual Program Directive (IPD) compliance report date (See DOC policy 1.4.B.14 [LSI-R Assessment and Case Planning](#) and 1.4.B.1 [Individual Program Directives \(IPD\)](#)).
- B. If staff believes an inmate's LSI-R score is inaccurate, staff will contact the Risk Reduction Manager who will determine whether to schedule the offender for another LSI-R assessment.
- C. All offenders identified a high risk notification, regardless of the reason they are designated

high risk, will have their LSI-R score reviewed by the Risk Reduction Manager.

1. The Risk Reduction Manager will review the offender's LSI-R score for validity and compare the current score with any previous score(s).
- D. The offender's LSI-R assessment, P-SCAN, and psychological review will be reviewed as applicable prior to the offender's IPD Compliance Report due date and prior to his/her release/discharge.

## **8. High Risk Release Packet:**

- A. Offenders on the high risk list will have a high risk release packet prepared by his/her case manager or TCM (CTP offenders). The case manager or TCM will forward the packet to the Risk Reduction Manager, Deputy Warden and Director of Parole (if offender is a releasing from CTP).
1. The packet will be completed a minimum of thirty (30) days prior to the offender's scheduled release date.
  2. If the offender is placed on the high risk list with less than thirty (30) days remaining prior to his/her release, the packet will be completed as soon as possible following placement on the high risk list.
- B. In the event an offender who is eligible to have his/her suspended sentence revoked or parole eligibility withheld (See SDCL § [24-15A-32.1](#)) is placed on the high risk list, the Risk Reduction Manager will include an explanation in the packet explaining why the suspended sentence was or was not revoked/or parole eligibility was or was not withheld.
- C. The packet will include a report describing the basis for designating the offender a high risk and the type of release (to supervision, discharge, suspended sentence, presumptive or discretionary parole).
- D. The following information will be included in the packet (if available):
1. Parole investigative summary (releasing to parole or on parole previously).
  2. Psychosexual evaluation (if a sex offender).
  3. Documentation, information and/or reports from mental health staff (including a current summary of mental health status).
  4. LSI-R and PSCAN testing results and scores.
  5. Reports (ABEL) and recommendation from SOMP staff (if a sex offender).
  6. Release plans and any special conditions of parole.
  7. Transportation arrangements.
  8. If releasing directly from the SHU or segregation, the results of staff's attempt to transition the offender into general population.

9. Reports supporting placement on the high risk list (segregation proximate to release, non-compliant sex offender, disciplinary history, referral by staff).
  10. Other pertinent information deemed necessary.
- E. The Risk Reduction Manager, Deputy Warden and Director of Parole (if the offender is releasing from CTP) will review the packet and information for completeness.
  - F. The Risk Reduction Manager, Deputy Warden and Director of Parole (if the offender is releasing from CTP) may contact the case manager or TCM (CTP offender) any time during the process to request additional information.
  - G. Upon determination an offender is a high risk release (high risk is determined when the offender meets the criteria outlined within this policy), the Risk Reduction Manager will email the high risk release packet to the following staff:
    1. Secretary of Corrections.
    2. Deputy Secretary of Corrections.
    3. Director of Prison Operations.
    4. Warden of the facility where the inmate will release from.
    5. Director of Parole Services (if a CTP offender).
    6. Director of Correctional Behavioral Health.
    7. DOC Corrections Specialist.
  - H. If the information is emailed less than thirty (30) days prior to the high risk offender's release, the packet will include and explanation as to why notice was not provided within thirty (30) days.
  - I. Staff will immediately respond to any request for additional information regarding the offender or the high risk release.

## **9. Notification to Law Enforcement:**

- A. The following law enforcement agencies will be notified by the Risk Reduction Manager a minimum of five (5) working days prior to a high risk offender releasing from prison or releasing from CTP to a residence in the community:
  1. Local law enforcement at the release/discharge location.
    - a. This requirement is waived if the offender will be placed directly on the Pennington County shuttle or picked up by law enforcement or other law enforcement agency, i.e. for an existing hold, INS hold.
  2. Local law enforcement in the city and/or county where the offender committed his/her crime(s).
  3. Local law enforcement at the offender's known destination. This is not necessary if the offender is releasing/discharging to another jurisdiction, i.e. county jail.

4. The SD Division of Criminal Investigation (DCI).
5. The Fusion Center (SD Department of Public Safety).
- B. The Risk Reduction Manager will initiate the law enforcement notification process within five (5) working days of notification or determination an offender on the high risk list is scheduled to release/discharge
- C. The Risk Reduction Manager will immediately initiate the law enforcement notification process whenever directed to do so by the Secretary or Deputy Secretary of Corrections.
- D. Notification to law enforcement will consist of a telephone call and/or email to the agency's contact person. A list of the preferred notification process for each law enforcement agency will be maintained by the Risk Reduction Manager.
  1. The notice will include the following information:
    - a. The offender's name;
    - b. Current crime(s);
    - c. A brief summary describing why the notification is being sent. (Explain why the releasing offender is considered a high risk release);
    - d. If known, the offenders address upon release/discharge (destination upon release);
    - e. Scheduled release date;
    - f. Status at the time of release (flat time or community supervision);
    - g. Type of release- flat time/discharge, discretionary parole, presumptive parole or suspended sentence release; and
- E. 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 offender's release plans or changes in the release date.
- F. The Secretary or Deputy Secretary of Corrections may direct the Risk Reduction Manager to contact law enforcement in the "receiving" jurisdiction to request confirmation of the offender's arrival within that jurisdiction.
  1. The Risk Reduction Manager may contact the offender's parole agent to confirm arrival of the offender upon the release to parole supervision.

## **10. Media Advisory:**

- A. The Secretary or Deputy Secretary of Corrections will determine if a media advisory will be issued to notify the media/public of the release/discharge of an offender on the high risk list (See DOC policy 1.1.A.4 *Relationship with News Media, Public and Other Agencies*) and any pertinent information to be included in the advisory.

## 11. Pre-Release/Discharge Procedures:

- A. Release procedures contained within DOC policy 1.4.G.2 *Inmate Release Procedure* and DOC policy 1.1.E.4 *Release Notification Requests* apply to the release/discharge of all offenders on the high risk list.
- B. Offenders must adhere to pre-approved transportation arrangements.
  - 1. Transportation options include the following and will be confirmed by unit staff:
    - a. Pick-up at the facility by pre-approved transporters (family, friends);
    - b. Public transportation (commercial bus or Pennington County transport shuttle);
    - c. Transport by parole staff; or
    - d. Other transportation as approved.
- C. The Risk Reduction Manager will e-mail the Secretary and Deputy Secretary of Corrections to confirm the high risk offender's release.
  - 1. A description of any responses or communication received from law enforcement concerning the offender and/or any changes made to the offender's release/discharge plans since initial notification was sent will be documented.
- D. The DOC Corrections Specialist will retain all high risk packets submitted to the Secretary, including revisions, additions and clarifications received following the initial submission of the Packet, including any media advisory.
  - 1. The Risk Reduction Manager will forward a completed copy of the law enforcement notice to the DOC Corrections Specialist.

## 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 1.1.E.4 -- *Release Notification Requests*

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

DOC policy 1.3.D.4 -- *Administrative Segregation*

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

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*

*Inmate Living Guide*

## VI Revision Log:

**October 2012:** New policy.

**January 2013:** **Added** "as soon as it is determined they meet the criteria" in Section 2 A.

**Added** a. to Section 2 A. 1. **Moved** 3. "Offenders who have committed prohibited acts #5-2, #5-3, #5-4, #5-9, #5-12, #5-18 in the previous twelve months" in Section 2 A to Section 2 B. 5. **Added** new Section 6 and renumbered previous sections that follow. **Added** "and prior to their IPD compliance report date" in Section 8. **Added** D. to Section 8. **Added** "select category 5 disciplinary

reports” to Section 9 D. 9. **Added** “(high risk is determined when the offender meets the criteria outlined within this policy” in Section 9 G. **Added** 5. to Section 10 A.

**May 2013: Removed** term “Associate Warden” from throughout the policy. **Added** 4. to Section 2 A. **Deleted** “prohibited act” and **Replaced** with “Offense in Custody and converted major infractions to major offenses in custody and corresponding code in Section 2 B. 5 and Section 6 A.

**May 2014: Deleted** Section 5 “MAPS score of > or Equal to 20” and other reference to MAPS.

*Denny Kaemingk* (original signature on file)

Denny Kaemingk, Secretary of Corrections

07/13/2014

Date

## Attachment 1: Law Enforcement Notification

(To be completed at least five (5) days prior to date of release or discharge)

The following information shall be provided to law enforcement:

Inmate Name \_\_\_\_\_ Inmate ID # \_\_\_\_\_

Releasing to: Parole \_\_\_\_\_

Discharge \_\_\_\_\_

From CTP to the Community \_\_\_\_\_

Suspended Sentence \_\_\_\_\_

Scheduled Release Date: \_\_\_\_\_

Transportation method: \_\_\_\_\_

Address of Releasing/Discharging Inmate:

Place of Residence: \_\_\_\_\_

Street: \_\_\_\_\_

State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name of Individual(s) the Inmate/Offender will be Residing with and Relationship:

1. \_\_\_\_\_

2. \_\_\_\_\_

Include a brief e-mail summary sent to law enforcement explaining why the inmate is considered a high risk for violence release.

**Law Enforcement Agencies:**

**Institution Area Local Law Enforcement:** (Does not apply to inmates who will be transported on the Pennington County shuttle or picked up/transported by law enforcement agency)

Sheriff (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Chief of Police (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Law Enforcement where inmate committed crime:**

Sheriff (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Chief of Police (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Law Enforcement where inmate is releasing to (destination):**

Sheriff (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Chief of Police (or designee): \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Division of Criminal Investigation:**

Special Agent: \_\_\_\_\_

Telephone and/or Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Describe any additional information requested by law enforcement and the date this information was sent:**

---

---

---

**Date the Law Enforcement Notification was Sent:** \_\_\_\_\_

**Date of Second notice to law enforcement:** \_\_\_\_\_ (if applicable)

**Confirmation required of inmate/offender's arrival in the receiving jurisdiction:**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**Name of Staff Completing the Notification:**

\_\_\_\_\_  
(Print) (Date)

\_\_\_\_\_  
(Signature)

**Name of Staff Completing the Second Notice to Law Enforcement:**

\_\_\_\_\_  
(Print) (Date)

\_\_\_\_\_  
(Signature)