

## 1.5.G.4 Parole- Community Risk Assessment and Supervision of Offenders

### I Policy Index:



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**Office of Primary Responsibility:** Executive Director of Parole

### II Policy:

An offender's supervision requirements for parole, suspended sentence and/or interstate compact cases under the jurisdiction of Parole Services will be based on the Community Risk Assessment/Re-Assessment. A Community Risk Assessment/Re-Assessment will be completed on each offender that is eligible to be placed on supervised release.

Nothing in this policy or its applications may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any offender.

### III Definitions:

#### Offender:

For the purposes of this policy, an offender is an inmate (in the custody of the Department of Corrections institutional system) or a parolee (under parole or suspended sentence supervision by South Dakota Parole Services).

#### Parolee:

An inmate who is conditionally released from the physical custody of a Department of Corrections (DOC) facility before the expiration of the inmate's term of imprisonment. The term "parolee" also applies to an inmate who is released from the physical custody of a DOC facility on a suspended (split) sentence or an offender transferred to parole supervision in the state of South Dakota from another state under interstate compact. A parolee remains under the legal custody of the Department of Corrections until the expiration of the term of imprisonment (See SDCL § 24-15-1.1, 24-15-13 and 24-15A-15).

#### Parole Agent:

For the purposes of this policy, a parole agent is an employee of the Department of Corrections responsible for the direct supervision of parolees (See SDCL § 24-15-14).

#### Personal Contact:

Parole agent initiated contact with an offender to deal with issues directly affecting the offender's success on supervised release; i.e. housing, employment, treatment, etc. Personal contact may be made by a designee of the parole agent, such as local law enforcement, a pastor or another community resource person.

**Collateral Contact:**

Parole agent initiated contact with an offender's employer, family members, treatment providers, etc. to deal with issues directly affecting the offender's success on supervision; i.e. housing, employment, treatment, etc.

**Administrative Contact:**

Parole agent initiated contact with or about an offender and/or others that deal with administrative duties. Examples include contacts with offenders regarding travel permits, chance meetings, drug tests/PBT's (Portable Breath Tester) and receiving a monthly report, where no further discussion takes place to deal with issues directly affecting the parolee's success on supervised release.

**Random Contact:**

Unannounced face-to-face contact or attempted contact with an offender that is initiated by a parole agent.

**Sex Offender:**

For the purposes of this policy, a sex offender is an offender convicted/adjudicated of a sex offense, or an unconvicted sex offender pursuant to DOC policy 1.4.B.9 [Unconvicted Sex Offender Review](#).

**Static Factors/Needs:**

Those risk factors and variables which are either unchanging (e.g. gender) or not subject to change as a result of treatment interventions (e.g. age).

**Dynamic Factors/Needs:**

Those risk factors which are subject to change as a result of treatment interventions; i.e. substance abuse.

**Criminogenic Risks/Needs:**

Offender need areas, which are related to criminal conduct and which, when addressed in correctional treatment, can be impacted to reduce the overall or specific risk for recidivism. Substance abuse is an example of a criminogenic need; low self-esteem is not.

**Assessed Risk/Supervision Level:**

The supervision level established prior to the application of any mandatory administrative risk factors and discretionary risk factors.

**Final Assessed Risk/Supervision Level:**

The supervision level established after the application of all mandatory administrative risk factors, but before the application of any discretionary risk factors.

**Final Supervision Level:**

The supervision level established after all administrative risk factors, both mandatory and discretionary administrative risk factors are applied.

**IV Procedures:****Community Risk Assessment/Re-Assessment Fundamentals:**

- A. The main purpose of Community Risk Assessments/Re-Assessments is to protect the citizens of South Dakota by effectively predicting the risk an offender presents to the community and managing higher-risk offenders at an appropriately higher supervision level (See DOC policy 1.1.A.1 [Mission Statement](#)).
- B. The Community Risk Assessment/Re-Assessment combines the static factors of an offender's criminal history and behavior with his/her dynamic factors/needs.
  1. The combination of static and dynamic factors shows a strong statistical relationship to offender recidivism, and thus can be used to effectively predict success on supervision and focus supervision resources.
  2. The combination of static and dynamic factors also provides a useful means of monitoring changes in an offender's behavior, attitudes and circumstances that are clearly related to successful completion of supervision.

### Criteria for Parole Classification:

- A. Each offender's parole supervision level will be determined through:
  1. The completion of an [Initial Community Risk/Needs Assessment](#) by an admissions case manager upon the offender's admission to the DOC (See [Attachment 1](#)).
  2. Follow-up Initial Community Risk/Needs Assessments completed by an offender's unit case manager prior to the offender's release to parole or suspended sentence, or prior to any appearance by an offender at a discretionary parole hearing.
  3. This information will be used in discretionary decision making by the Parole Board and for release planning by institutional staff (See DOC policy 1.4.G.1 [Transition Programs & Services](#)).
- B. The final [Initial Community Risk/Needs Assessment](#) will be completed by the parole agent on each offender following or just prior to the offender's release to parole/suspended sentence.
  1. This will ensure that any changes to the release plan are captured and appropriately scored, placing the offender at the most appropriate supervision level.
  2. Subsequent [Community Risk/Needs Reassessments](#) will be completed by the assigned parole agent on every offender in their caseload at a minimum of every three (3) months thereafter.
    - a. Parole agents will not be required to complete [Community Risk/Needs Reassessments](#) on parolees who are on Indirect Supervision unless a Policy Driven Response (PDR) has been issued, which will result in a change in supervision level.
    - b. Parole agents will not be required to complete [Community Risk/Needs Reassessments](#) on parolees who have absconded from supervision and/or a warrant has been issued for their arrest by the Executive Director.
  3. An earlier than scheduled [Community Risk/Needs Reassessments](#) may be initiated by a parole agent as a result of dramatic changes in the offender's behavior or upon the receipt of information such as:
    - a. An offender's arrest for a new offense.
    - b. A technical violation/Policy Driven Response (PDR) by the offender.

- c. The offender's loss of employment or change in employer.
  - d. A change in the offender's housing situation.
  - e. Frequent contacts by the offender with law enforcement.
- C. An offender who does not have an [Initial Community Risk/Needs Assessment](#) completed prior to being released to supervision; (e.g. a South Dakota offender housed in another state, an offender from another state paroling to South Dakota); will be maintained on a final supervision level of **Maximum** until the appropriate information is gathered and an initial Community Risk Assessment is completed.

### Scoring the Community Risk Assessment/Related Supervision Level:

- A. The [Initial Community Risk/Needs Assessment](#) scoring will be applied as follows:
1. **Intensive Supervision** 28 or more points.
  2. **Maximum Supervision** 19 to 27 points.
  3. **Medium Supervision** 8 to 18 points.
  4. **Minimum Supervision** 0 to 7 points.
- Note:** The [Initial Community Risk/Needs Assessment](#) will not allow an offender to begin supervision at a level lower than **Minimum** supervision.
- B. The [Community Risk/Needs Reassessments](#) scoring will be applied as follows:
1. **Intensive Supervision** 23 points or more.
  2. **Maximum Supervision** 14 to 22 points.
  3. **Medium Supervision** 4 to 13 points.
  4. **Minimum Supervision** -4 to 3 points.
  5. **Indirect Supervision** -5 points or below.
- C. A final supervision level will be established after a Community Risk Assessment/Re-Assessment is completed and all mandatory administrative risk factors (Sexual behavior and mitigating/exceptional behavior criteria) and discretionary administrative risk factors (additional risk and mitigating risk), along with the appropriate approvals (if required), are applied in accordance to this policy.
1. The corresponding final supervision level for each offender established by the community risk database is automatically entered in the Release Plan database for each offender.
  2. The parole agent manually enters the final supervision level in the Parolee Automated Tracking System (PATS) and updates this information anytime a new assessment results in a change.

### Administrative Risk Factors – Mandatory and Discretionary:

- A. The administrative risk factors should be considered in the order in which they appear on the instrument (See [Attachment 1](#)):
1. **Sexual Behavior** (See the section on **Sexual Behavior Administrative Risk Factors**).
  2. Mitigating
    - a. Exceptional Criteria – Mandated
    - b. Mitigating – Discretionary
  3. Additional Risk.

### **Mandatory Administrative Risk Factors:**

A. **Sexual Behavior Administrative Risk Factors:**

1. Offender assessment information is listed on the mainframe computer (query sexual behavior and STOP screens; e.g. CM/QS) as follows:
  - a. #1 = offender has no sexual behavior problem.
  - b. #2, 3 or 4 = offender has a sexual behavior problem.
  - c. The numerical field is followed by an assessment code indicating whether the offender requires STOP treatment, noted by a "Y" if treatment is needed and "N" if it is not.
2. Offenders assessed as having a sexual behavior problem, but determined as not in need of STOP treatment or those who have been determined (at any time while on supervision) by an approved sex offender treatment provider in the community as no longer needing sex offender treatment, will be supervised at a level determined by the Community Risk Needs Assessment/Re-Assessment score, and the Sexual Behavior Administrative Risk Factor will not be utilized to elevate their supervision level.
3. Offenders who have been assessed as having a sexual behavior problem and as needing sex offender treatment and who have not been excused from treatment, or have been determined by an approved sex offender community treatment provider as still being in need of services will have the Sexual Behavior Administrative Risk Factor applied as follows:
  - a. The offender will automatically be placed on a final supervision level of **Maximum** supervision for the first three (3) months on supervision, regardless of the Community Risk Assessment/Re-Assessment score, provided that the offender has completed Steps 1 through 3 or the recommended modules of the STOP program while incarcerated.

**Note:** Offenders meeting this criterion are eligible to be placed on **Medium** supervision after three (3) months on supervision, provided they have accessed appropriate sex offender treatment in the community.
  - b. If the offender has not completed Steps 1 through 3 or the recommended modules of the STOP program while incarcerated, was "waiting" for treatment at the time of release or refused STOP treatment while incarcerated, he/she will be placed on a final level of **Intensive** supervision for the first three (3) months on supervision regardless of the Community Risk Assessment/Re-Assessment score.

- 1) Offenders in this category are eligible to be placed on **Maximum** supervision after three (3) months on supervision, provided they have accessed appropriate treatment in the community.
  - 2) Offenders can then proceed to **Medium** supervision after six (6) more months on supervision, provided they have accessed and are attending appropriate sex offender treatment in the community.
4. Offenders who have sexual behavior problems and have been designated as needing treatment are required to access sex offender treatment in the community within thirty (30) days of their release to supervision.

**B. Mitigating Administrative Risk Factors – Exceptional Criteria:**

1. The application of Exceptional Mitigating Criteria will not require supervisory approval.
2. Exceptional Criteria do not apply if the parolee is under any Policy Driven Response and/or sanction(s).
3. If all established exceptional criteria are met by a parolee, the parole agent will apply Mitigating Administrative Risk Factors which will result in the establishment of a final supervision level of INDIRECT for the offender unless other discretionary administrative risk factors are present, applied, documented, and approved. Being a Mandatory Administrative Risk Factor, the parole agent will not need their Regional Supervisor or the Executive Director of Parole's approval to apply mitigating/exceptional administrative risk provided the Exceptional Mitigating Criteria are met.
4. After the application of all mandatory administrative risk factors, Additional risk information can be used to increase a parolee's Community Risk score in situations where, in the agent's discretion, additional risk information surpasses exceptional behavior in determining risk.
  - a. The parole agent will articulate on the [Initial Community Risk/Needs Assessment](#) form what the additional discretionary administrative risk factor(s) is/are, thereby increasing the parolee's supervision level from Indirect.
  - b. If the parole agent chooses to increase the Final Supervision Level one (1) level higher than the final assessed risk, they must obtain approval from their regional supervisor.
  - c. If the parole agent chooses to increase the Final Supervision Level more than one (1) level higher than the final assessed risk level, they must obtain approval from the Executive Director of Parole.

**C. Exceptional Criteria:**

1. Offenders with an assessed risk score of Maximum or Intensive are not eligible for placement on Indirect Supervision, through Mitigating Administrative Risk Factors - Exceptional Criteria.
2. Offenders who are sex offenders are not eligible for placement on Indirect Supervision, through Mitigating Administrative Risk Factors – Exceptional Criteria.
3. While on community supervision:
  - a. The parolee has successfully completed all designated programming (halfway house, 24/7, SCRAM, IMT, Chemical Dependency Treatment and Sex Offender Treatment);

- b. The parolee has received no negative Policy Driven Responses (PDR) within the past ninety (90) days and is not under any sanctioning;
- c. The parolee has displayed consistent behavior in meeting financial obligation payments;
- d. The parolee's residence has been either excellent or adequate for ninety (90) days (not including halfway house placements/residency); and
- e. The parolee has maintained compliance with employment standards for ninety (90) days as set forth in Parole Services OM 7.5.A.1 *Employment or Other Means of Support*.

### Discretionary Administrative Risk Factors:

- A. After the application of all mandatory administrative risk factors and the establishment of a final assessed risk/supervision level, parole agents may apply either of two (2) Discretionary Administrative Risk factors to lower (Mitigating) or raise (Additional Risk) an offender's supervision level.
- B. Discretionary Administrative Risk Factors should be used for risk factors not already addressed in the Community Risk Assessment/Re-Assessment.
  1. These risk factors cannot be used for the sole purpose of changing the supervision level to meet the available community resources/staff needed to supervise an offender.
  2. Parole agents completing Community Risk Assessments/Re-Assessments must obtain the approval of their regional supervisor to change the final supervision level one (1) level above or below the final assessed risk level; (e.g. raising the level from **Medium** supervision to **Maximum** supervision or lowering the level from **Medium** supervision to **Minimum** supervision).
  3. Parole agents completing Community Risk Assessments/Re-Assessments must obtain the approval of the regional supervisor and the Executive Director of Parole to change the final supervision level more than one (1) level above or below the final assessed risk level; e.g. lowering the level from **Maximum** supervision to **Minimum** supervision.

### Contact Standards Based on the Supervision Level:

- A. **Intensive Supervision:** A minimum of one (1) personal contact per week, one (1) collateral contact per week and one (1) random contact each thirty (30) day period (See ARSD § 17:61:02:18).
- B. **Maximum Supervision:** A minimum of two (2) personal contacts and one (1) collateral contact each thirty (30) day period (See ARSD § 17:61:02:08).
- C. **Medium Supervision:** A minimum of one (1) personal contact and one (1) collateral contact each thirty (30) day period (See ARSD § 17:61:02:09).
- D. **Minimum Supervision:** A minimum of one (1) personal contact and one (1) collateral contact each sixty (60) day period (See ARSD § 17:61:02:10).
- E. **Indirect Supervision:** One (1) monthly report submitted from the offender to the parole agent either in person or by mail. No personal contact or collateral contact is required with indirect supervision (See ARSD § 17:61:02:19).
- F. Contact standards are only minimum supervision standards. The number of contacts may vary from these requirements based upon individual offender circumstances.

1. Exceeding the minimal standards should be to address exceptional circumstances.
  2. The number of actual contacts should be based upon public safety, offender needs, risk factors, DOC policy and agency directives.
  3. Contacts are encouraged as the need arises.
    - a. There are times when a parole agent may need to see an offender more than the standard requires in order to complete a specific task.
    - b. The parole agent will not change the supervision level, but rather will continue to see the offender as deemed necessary.
- G. Offenders on **Intensive** supervision may be allowed to reside outside the city of their respective parole agent's office.
1. This provision is contingent on contact standards being met and the availability of necessary treatment resources.
  2. A parole agent can designate an appropriate, reliable local community person to assist in meeting the contact standards in these cases.

### **Supervision Accountability Plan (SAP):**

- A. The Supervision Accountability Plan identifies the criminogenic risks and needs of offenders in an effort to apply appropriate interventions to address these risks and needs.
1. The SAP consists of an automated report on PATS for each offender.
  2. The SAP identifies dynamic need areas; (e.g. housing, employment, treatment/programming, chemical usage, responses to supervision, etc.) and the current status of those areas for each offender, as well as targeting an early discharge date for the offender.
  3. The SAP will serve as a tool to encourage motivational interviewing with each offender.
- B. The SAP identifies and targets crucial need areas of each offender by gathering a variety of information.
1. Once the crucial needs areas are identified, the parole agents have a solid platform of information to plan appropriate treatment/program assignments, as well as employment and housing for offenders.
    - a. These addressed needs will target specific criminogenic risk factors for each offender.
    - b. The program assignments can then be tailored to an offender's static factors/needs; (e.g. gender, race, etc.) and dynamic factors/needs; (e.g. maturity, cognitive ability and relative empathy).
  2. In addition to the responsivity principle, the SAP will allow the offender to see a clear path of success while on supervision.

- a. An offender will be supplied with the information which allows him/her the ability to decrease their supervision levels by completing appropriate programming and addressing his/her own dynamic needs.
  - b. An offender will be able to see that by addressing certain criminogenic risks and needs, his/her overall assessed risk to the community will decrease.
  - c. As an offender's assessed risk to the community decreases, his/her corresponding supervision level will decrease as well.
3. The community benefits from this process because as the identified criminogenic risk/needs are targeted and successfully addressed and proven treatment programs are completed, the actual risk the offender poses to the community is decreased.
- C. A new SAP will be generated for each offender at least once per quarter (four (4) times a year), except as noted.
1. In many cases a new SAP will be created by the assigned parole agent on each offender in conjunction with the quarterly [Community Risk/Needs Reassessments](#).
  2. However, a new SAP can be generated at any time and there are no limits set on the number of plans that can be prepared.
  3. SAP forms are not required for offenders on **Indirect** supervision.
    - a. A final SAP is completed before an offender goes to **Indirect** supervision.
    - b. A parole agent can still complete a SAP and mail it to an offender on **Indirect** supervision.

### **Drug Testing Requirements:**

- A. Random and targeted drug testing/PBTs will be completed in accordance with Parole OM 7.4.F.1 [Drug Testing and Sanctions](#).
- B. Drug testing requirements are not determined by an offender's supervision level, however, parolees on Indirect Supervision will be excluded from random drug testing/PBT's.

### **Random Visits:**

- A. Random Visits conducted on offenders on **Intensive** supervision will be conducted by no less than two (2) parole agents or one (1) parole agent assisted by law enforcement whenever practical, unless public safety is at risk and the immediate intervention of a parole agent is required to maintain lawful objectives.
- B. Parole agents are encouraged to obtain assistance from another parole agent or law enforcement as the need and circumstances warrant whenever conducting an offender visit; i.e. offender behavior, situational risk, etc.

### **Curfew Requirements:**

- A. Curfew requirements will be set up for offenders at the discretion of the parole agent.

B. There are no curfew requirements specifically set forth for each supervision level.

## V Related Directives:

SDCL § 24-15-1.1, 24-15-13 and 24-15-14

ARSD § 17:61:02:08, 17:61:02:09, 17:61:02:10, 17:61:02:18 and 17:61:02:19.

DOC policy 1.1.A.1 – *Mission Statement*

DOC policy 1.4.B.9 – *Unconvicted Sex Offender Review*

DOC policy 1.4.G.1 – *Transition Programs & Services*

Parole OM 7.4.F.1 – *Drug Testing and Sanctions*

## VI Revision Log:

**March 2006:** New policy.

**November 2006:** **Revised** the wording/scoring for intensive supervision under the initial community risk assessment. **Revised** the follow-up initial assessment duties to fall on the unit case manager. **Removed** the exclusion for probation sentences from the felony history listing on the initial assessment. **Clarified** burglary 2<sup>nd</sup> is only a violent crime if committed before July 1, 2006.

**August 2008:** **Revised** formatting of policy and attachment in accordance with DOC policy 1.1.A.2. **Added** "initial" when referring to the final Community Risk Assessment in ss (B of Criteria for Parole Classification). **Added** "Parole" when referencing OM 7.4.F.1 in ss (A of Drug Testing Requirements). **Revised** titles of Attachments 1 and 3 to be consistent with policy, templates and WAN. **Revised** statement within ss (Initial Community Risk/Needs Form Instructions in Attachment 2) to state the initial risk/needs assessment will be completed on each offender, except those under life or death sentence and those with a SIS or SES and **added** LSI-R Case Manager as one of the staff responsible for completing the initial risk/needs assessment. **Deleted** statement regarding multiple reasons leading to focusing on only the primary reason within ss (Mitigating Risk Information of Attachment 2). **Added** statement regarding the immediate intervention of a parole agent in ss (A of Randoms). **Added** reference to DOC policy in section V. **Revised** minor grammatical, spelling and wording throughout policy.

**March 2009:** **Added** statement regarding interstate compact to definition of Parolee. **Added** monthly reports to definition of Administrative Contacts. **Replaced** "Transition" with "Admissions" in referencing Case Managers in ss (A1), **added** statement regarding supervision level in ss (B1) and **added** statement regarding caseload in ss (B2) within Criteria for Parole Classification. **Added** reference to "regional" supervisor in ss (C2 and C3) and **added** reference to "Parole" as it relates to ED in ss (C3) of Discretionary Administrative Risk Factors. **Deleted** statement regarding "nationally accepted "what works" in ss (A of SAP). **Revised** section title "Randoms" to "Random Visits" and **added** reference to "Random Visits" in ss (A) and **revised** wording regarding "risky situations" to "situational risk" in ss (B) of Random Visits. **Added** "Parole Agents" and **replaced** "Community Risk Director" with "Respective Supervisor" within (Approval section of Attachment 2). **Added** "Executive" to Director of Parole within (Approval section of Attachment 4).

**April 2010:** **Revised** policy significantly by adding definitions, adding new sections, revising sections and attachments to address increasing or decreasing of supervision levels.

**May 2012:** Reviewed with No Changes.

*Denny Kaemingk*

Denny Kaemingk, Secretary of Corrections

09/23/2012

Date

## Attachment 1: Initial Community Risk/Needs Assessment

The *Initial Community Risk Needs/Assessment* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

1. Click [here](#) to access the *Initial Community Risk Needs/Assessment* by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Initial Community Risk/Needs Assessment*.

The gray areas indicate the information that is to be entered.



supervising higher risk offenders, as determined by the risk/needs assessment, at an appropriately higher supervision level; and, conversely, lower risk offenders at an appropriate lower supervision level.

## INITIAL COMMUNITY RISK/NEEDS FORM INSTRUCTIONS

The initial Community Risk/Needs Assessment will be completed on each offender except those under a life or death sentence and those with a SIS or SES. The Initial Community Risk/Needs Assessment will be completed by the LSI-R Case Manager or the Transition Case Manager at the time of the offender's entry into the correctional system, normally while housed in the Admission and Orientation Unit. A follow-up Initial Assessment will be completed by a Unit Case Manager prior to each eligible offender's initial parole date, any subsequent parole dates, and/or release to suspended sentence. The follow-up assessments will allow the instrument to be responsive to changes in release plans (housing and employment) and/or any appropriate treatment completed (Corrective Thinking). A final Initial Assessment will be completed by the assigned parole agent on each offender upon release to parole/suspended sentence supervision. This will ensure that any changes to the release plan are captured and appropriately scored.

The Initial Community Risk/Needs Assessment system is automated. In most cases, the information necessary to complete the form is gathered from the appropriate source(s) listed in the next section and compiled to complete the Initial Community Risk/Needs Assessment form. The Risk Assessment portion of the initial assessment concentrates on the offender's behavior while living independently in the community. If the offender demonstrated dramatic negative behavior during periods not being counted, that information may form the basis for applying Administrative Factor C to elevate the Assessed Risk Level.

### Offender Information:

1. **Name:** Self-explanatory.
2. **ID Number:** List offender's primary South Dakota ID number. This information is automated from PE01 download JS47 tables.
3. **Current Offense:** All crimes the inmate is serving time for on their current admission, including other active federal and out of state sentences. Sentences for probation are not counted as a current admission. Only active sentences from the following sources: NCIC, sentencing documents, PSI, and criminal history database on CITRIX can be used to count prior admissions. List all current and active convictions. This information is automated from the criminal history database on CITRIX.
4. **Felony History:** Listing of all current and prior felony convictions. Sources to include: NCIC, sentencing documents, PSI, and criminal history database on CITRIX. This information is automated from the criminal history database on CITRIX.
5. **Parole Date:** First parole eligibility date for offenders sentenced under the old system or initial parole date for offenders sentenced under the new system. For offenders who are past their initial parole eligibility date or initial parole date, their next parole review date should be listed. This information is available and automated from the Query Sentence screen (QS) on mainframe.
6. **Term Expires Date:** Use the term expires date from the sentence with the longest time to serve on current admission. Use the adjusted good-time release date for offenders with a suspended sentence. This information is available and automated from the Query Sentence screen (QS) on mainframe.

## INITIAL RISK ASSESSMENT INSTRUCTIONS

The initial risk assessment is composed of six (6) different scoring categories that describe offender criminal history or behavior that demonstrate a strong statistical relationship to offender recidivism. These risk scoring categories are summed and the risk classification is assigned based on the offender's total risk score, (i.e., high risk offenders have a higher risk score than reduced risk parolees).

### Number of Adult Felony Convictions:

Multiple convictions	4 points
One conviction	2 points

Score the number of adult felony convictions. This information is available from NCIC reports, sentencing documents from South Dakota and other states, and the PSI. This information is recorded in, and automated from, the criminal history database.

### Violent Felony Convictions:

Multiple convictions	6 points
One conviction (current or prior)	0 points

- 01 Aggravated Assault
- 02 Child Abuse
- 03 Kidnapping
- 04 Manslaughter 1<sup>st</sup>
- 05 Manslaughter 2<sup>nd</sup>
- 06 Murder 1<sup>st</sup>
- 07 Murder 2<sup>nd</sup>
- 08 Rape 1<sup>st</sup>
- 09 Rape 2<sup>nd</sup>
- 10 Rape 3<sup>rd</sup>
- 11 Robbery 1<sup>st</sup>
- 12 Robbery 2<sup>nd</sup>
- 13 Sexual Contact with a Child under 16
- 17 Riot/Aggravated Riot
- 20 Stalking
- 22 Arson 1<sup>st</sup>
- 23 Arson 2<sup>nd</sup>
- 24 Arson 3<sup>rd</sup>
- 25 Burglary 1<sup>st</sup>
- 26 Burglary 2<sup>nd</sup> (if committed before July 1, 2006)
- 34 Discharging Firearm at Occupied Structure/Vehicle
- 40 Committing a Crime while armed with a firearm
- 47 Photo of a Child in an Obscene Act
- 67 Sliming
- 87 Felony Simple Assault
- 90 Criminal Pedophilia
- 93 Sexual Contact with a person incapable of consent
- 94 Incest
- 95 Discharging Firearm from a Moving Vehicle

Score if the offender has multiple violent felonies. Sources for this information are NCIC reports, sentencing documents from South Dakota and other states, and the PSI. This information is recorded in, and automated from, the criminal history database on CITRIX.

**Age at First Felony Conviction:**

23 and under	4 points
24 and over	0 points

Score based on the offender's age at the time of his/her first felony conviction. This information is automatically calculated from the offender's birthdate, obtained from the query demographics screen (MNQB) on mainframe and the date of first felony conviction obtained from the criminal history database on CITRIX; or it can be obtained by subtracting the month and year of the date of birth from the month and year of the first felony conviction.

**Age at Current Felony Conviction:**

17 and under	6 points
18 – 29	1 point
30 and over	0 points

Score the age of the offender at the time of the present felony conviction. This information is automatically calculated from the offender's birthdate, obtained from the query demographic screen (QB) on mainframe and the date of current felony conviction obtained from the criminal history database on CITRIX; or it can be obtained by subtracting the month and year of the date of birth from the month and year of the present felony conviction.

**Chemical Dependency/Gambling Diagnosis:**

CD Diagnosis:	1	2	3	4	5	6
Gambling Diagnosis:		Y	N			

Dependency (Alcohol and Other Substance)	7 points
Dependency (Other Substance)	4 points
Dependency (Alcohol)	4 points
Abuse	3 points
Gambling	1 points
No problem/Deferred	-2 points

Score the chemical dependency diagnosis created by the chemical dependency staff. This information is available and automated from the chemical dependency diagnosis created by the chemical dependency staff and listed on the query chemical dependency screen (CM/QA) on mainframe. It is also available in the institutional file, or the CD summary database on CITRIX. The alcohol and drug usage codes are as follows: 1. No Problem; 2. Deferred; 3. Abuse; 4. Dependency–Alcohol; 5. Dependency–Other Substances; and 6. Dependency–alcohol and Other Substance.

Score the gambling diagnosis created by the chemical dependency staff. This information is available and automated from the query chemical dependency screen (CM/QA) on mainframe. Information is listed as follows: "Gambling Problem: "Y" or "N".

The points for CD Diagnosis and Gambling Diagnosis are then summed to provide a total "Chemical dependency/Gambling diagnosis score". The maximum number of points for this risk factor is eight (8).

### Prior Probation/Parole Absconding:

Multiple incidents	4 points
Prior incident	2 points
Not applicable	0 points

Score the number of incidents of prior adult probation and parole absconding here. Prior probation absconding information is available in the PSI, sentencing documents, South Dakota (and other states) probation violation reports and past South Dakota (and other states) DOC reports, official statements, and jail reports contained in the inmate's file. This information is recorded on the criminal history database on CITRIX. Prior parole absconding information is available in the PSI, official statements, sentencing documents, South Dakota (and other states) parole violation reports and past South Dakota (and other states) DOC reports as documented on mainframe on the Query Parole screen (MNQP), and jail reports or other prior incarceration reports contained in the inmate's file. This information is recorded on the criminal history database on CITRIX.

This information is automated from the criminal history database on CITRIX.

### ASSESSED RISK SCORE

Total the six items scored under the previous section (**Initial Risk Assessment Instructions**).

### INITIAL NEEDS ASSESSMENT INSTRUCTIONS

The initial needs assessment is composed of three (3) different scoring categories which demonstrate a strong statistical relationship to offender recidivism. By combining a Needs Assessment to the Risk Assessment portion, there is an improved predictive value with regards to successful completion of supervision. Needs assessment also provides a useful means to monitor changes in the offender's behavior, attitude, and circumstances that are clearly related to supervision outcome. The rationale is that as need areas are addressed, the relative risk the offender represents to the community will be reduced and less supervision and contact will be required to manage that offender effectively in the community.

### Corrective Thinking Score:

High/Medium High—no treatment	4 points
High/Medium High—with treatment	2 points
Medium	1 point
Low or not applicable	0 points

Score the Corrective Thinking Assessment and any applicable treatment completion information. This information is available and automated from the Life Skills (CM/QK) screen on the mainframe.

**High/Medium High—no treatment:** An offender is diagnosed with a high/medium high need for treatment, but has not completed the program in the institution.

**High/Medium High—with treatment:** An offender has been diagnosed with a high/medium high need for treatment, and is currently involved in the program or has completed the program in the institution.

**Medium:** An offender has some need for programming, but has not been recommended to attend the program.

**Low or not applicable:** An assessment indicates the offender has no need for programming, or an assessment has not been completed.

**Release Housing Plan:**

Temporary	4 points
Adequate	2 points
Excellent	0 points

Offenders with an excellent housing plan will be returning to immediate family members (i.e. spouse, children) who are living in a positive, supportive, alcohol free environment or to a halfway house. Offenders with an adequate plan will be returning to a living situation where there is some positive support and it is alcohol free but the living situation is not a long-term placement (i.e. with parents, siblings, or acquaintances). Offenders with a temporary plan will be living in a mission, hotel, or other short-term placement until a long-term placement can be arranged. This information is available and automated from the housing screen in the release plan database on Citrix.

**Employment Plans:**

30 day job verification	5 points
Disability/SSI	2 points
Employment verified	0 points

**30 day job verification** - offender is requesting thirty (30) days (from release to supervision) to obtain employment.

**Disability/SSI** - offender will require disability/SSI as primary means of support. This poses an elevated risk as there will be a period of time once the offender is released to supervision before these services can/will be accessed.

**Employment verified** - offender has employment upon release to supervision, which is verified by the Transitional Case Manager prior to release.

This information is available and automated from the employment information screen on the release plan database on Citrix.

**ASSESSED NEEDS SCORE:**

Total the score from Corrective Thinking, Release Housing Plan and Employment Plans.

**ASSESSED RISK/NEEDS SCORE:**

Add together the total from the Assessed Risk Score and the Assessed Needs Score (calculated automatically on the system).

**ASSESSED RISK LEVEL:**

There are four (4) initial Supervision Levels available: **Intensive**, **Maximum**, **Medium** and **Minimum**. The assessed risk/needs level is determined by the assessed risk/needs score. The corresponding Risk Level is then determined and indicated on the form.

The Initial Community Risk Assessment scoring shall be applied as follows:

Intensive	28-45 Points
Maximum	19-27 Points
Medium	08-18 Points
Minimum	00-07 Points

## ADMINISTRATIVE RISK FACTORS

There are four (4) administrative factors that can be used to change the assessed risk level. These administrative factors will always be considered in the order in which they are listed on the instrument. Two (2) administrative factors are mandatory (**Sex Offender & Mitigating Risk/Exceptional criteria**) in certain cases. The application of either of these mandatory administrative risk factors, sexual behavior or Exceptional Mitigating Criteria, does not require supervisory approval.

There are two (2) factors (**Mitigating Risk** and **Additional Risk**) that may be applied at staff discretion. Staff completing assessments must obtain the approval of their supervisor before applying the administrative risk factors for **Mitigating** and **Additional Risk**.

Research indicates that offenders who are supervised more intensively than required by their Risk Assessment Level end up worse than if they were never supervised at all. Conversely, offenders who are supervised at a lower level than that dictated by their Risk Assessment have a tendency to endanger the supervising agent and the community at large.

Discretionary administrative risk factors must pertain to perceived risk not already addressed in the risk categories. These risk factors will only be used when there are resources available to supervise the offender in accordance with applicable standards and resources available through the agency or in the community to meet the needs of the offender. Administrative risk factors are used to document the rationale for supervising an offender at a level other than what is recommended by the risk assessment.

Contact standards are only minimum standards. Exceeding standards should not be typical though - it should be for addressing exceptional circumstances. The number of contacts should be based upon public safety, offender need and risk factors, DOC policy and agency directives. Contacts are encouraged as the need arises. There are times when the parole agent may need to see an offender more than the standard requires in order to complete a specific task. The parole agent does not change the supervision level, but simply sees the offender as deemed necessary.

### Administrative Risk Factors - Mandatory

#### Sexual Behavior:

If an offender has been identified by SOMP staff as having a sexual behavior problem and has been assessed as needing treatment, he/she will automatically be placed on a final supervision level of **Maximum**, regardless of the Assessed Risk level, provided that the offender has completed Steps 1 through 3 or the required modules of the STOP program in the institution. The Sexual Behavior Administrative Risk Factor will not be applied to those offenders assessed as having a sexual behavior problem where no treatment is recommended (2N). Those offenders will be assigned a supervision level reflected by the Assessed Risk/Needs Score. If the offender has been assessed as having a sexual behavior problem and as needing treatment but has not

completed Steps 1 through 3 or the required modules of the STOP program in the institution, is waiting for treatment, or has refused STOP treatment in the institution, he/she will automatically be placed on a Final Supervision level of **Intensive**, regardless of the Assessed Risk level. This information is available and is automated from the sexual behavior (CM/QS) screen on the mainframe. Offenders with a code 2, 3, or 4 have been assessed as having a sexual behavior problem.

If the Sexual Behavior Administrative Risk Factor has been applied, Administrative Risk Factor for **Mitigating Risk** cannot be used to lower the offender's supervision level.

### **Final assessed supervision level:**

Upon application of any mandatory administrative risk factors, (sexual behavior) a final assessed risk/supervision level is established.

### **Administrative Risk Factors – Discretionary:**

#### **Mitigating Risk Information (Discretionary):**

Mitigating risk information may be used by case managers/parole agents to lower an offender's final risk level below what is indicated by the assessed risk/needs score. Justification of mitigating risk information must be documented and included in the assessment packet. The placement on or the removal from mitigating risk information requires the approval of the regional supervisor. When mitigating risk is used to lower the risk level one (1) level below the final assessed risk/needs score, the case manager/parole agent must obtain the approval of their supervisor. When mitigating risk is utilized to lower the risk level more than one (1) level below the final assessed risk/supervision level, the case manager/parole agent must obtain the approval of their supervisor and the Executive Director. When using this element, list the specific circumstances in narrative form and include the narrative with the assessment packet. Please note that special conditions imposed by the court/parole board take precedence.

#### **Additional Risk Information:**

Additional risk information may be used to raise an offender's final supervision level above what is indicated by the assessed risk/needs score. Justification of additional risk must be documented and included in the assessment packet. The placement on or the removal from additional risk information requires the approval of the regional supervisor. When additional risk is used to raise the risk level one (1) supervision level above the final assessed risk/needs score, the case manager/parole agent must obtain the approval of their supervisor. When additional risk is utilized to raise the risk level more than one (1) level above the final assessed risk/supervision level, the case manager/parole agent must obtain the approval of their supervisor and Executive Director. When using this element, list the specific circumstances in narrative form and include the narrative with the assessment packet. Use of additional risk must be for reasons not addressed by this assessment form, such as severity of offense, special conditions imposed by the court/parole board, public sentiment, release from a secure/controlled/non-community environment, or other conditions which must be specified.

## **FINAL SUPERVISION LEVEL**

Final assessed risk level combined with applicable discretionary administrative risk factors that impact the final supervision level.

## **APPROVAL**

Unit case manager or parole agent

Respective supervisor

### **Attachment 3: Community Risk/Needs Reassessment**

The ***Community Risk/Needs Reassessment*** form is located on the state's WAN.

A copy may be printed using ***Microsoft Word 97*** as follows:

1. Click [here](#) to access the ***Community Risk/Needs Reassessment*** by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Risk/Needs Reassessment**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Please refer to DOC policy 1.5.G.4 Community Risk Assessment and Supervision of Offenders	
<b>COMMUNITY RISK NEEDS REASSESSMENT</b>			
<b>Inmate Name:</b>		<b>ID:</b>	<b>Date:</b>
<b>Current Offense:</b>			
<b>Felony History:</b>			
<b>Released to Supervision Date:</b>	<b>Final Discharge Date:</b>	<b>Next Assessment Date:</b>	
<b>I. Risk Assessment</b> A. Adult Felony Convictions Multiple convictions 4 One conviction 2 B. Violent Felony Convictions Multiple convictions 6 One conviction (current or prior) 0 C. Age at First Felony Conviction 23 and under 4 24 and over 0 D. Age at Current Felony Conviction 17 and under 6 18 - 20 1 30 and over 0 <b>II. Assessed Risk Score</b>		<b>E. Chemical Dependency/Gambling Diagnosis</b> CD Diagnosis: Gambling Diagnosis: Dependency (Alcohol and other substances) 7 Dependency (Other substances) 4 Dependency (Alcohol) 4 Abuse 3 Gambling 1 No Problem/Deferred -2 F. Prior Probation/Parole Revocations Multiple revocations 4 One prior revocation 2 N/A 0 G. Prior Probation/Parole Escalating Multiple incidents 4 Prior incidents 2 N/A 0	
<b>III. Actual Risk Behavior/Needs Assessment</b> A. Cognitive Thinking Diagnosis High/Medium High - No Treatment 4 High/Medium High - With Treatment 2 Medium 1 Low or not applicable 0 B. Housing Temporary 4 Adequate 2 Excellent Situation in < 3 Months 0 Excellent Situation in Last 3 Months -1 Excellent Situation in Last 6 Months -2 Excellent Situation in Last 9 Months -3 Excellent Situation in Last 12 Months -4 C. Employment Unemployed 2 Unsatisfactory Employment 1 Satisfactory Employment < 3 Months 0 Satisfactory Employment - Last 3 Months -1 Satisfactory Employment - Last 6 Months -2 Satisfactory Employment - Last 9 Months -3 Satisfactory Employment - Last 12 Months -4 <b>IV. Assessed Actual Risk Behavior/Needs Score</b>		<b>D. Alcohol/Chemical Use:</b> One Violation in <= 3 Months 4 One Violation in > 3 Months but <= 6 Months 2 One Violation in > 6 Months but <= 9 Months 1 One Violation in > 9 Months but <= 12 Months 0 No Violations in <= 3 Months -1 No Violations in > 3 Months but <= 6 Months -2 No Violations in > 6 Months but <= 9 Months -3 No Violations in > 9 Months -4 <b>E. Response to Supervision:</b> Non Compliance 3 Minimal Compliance 1 Substantive Compliance -1 Full Compliance in <= 3 Months -3 Full Compliance in > 3 Months but <= 6 Months -4 Full Compliance in > 6 Months but <= 9 Months -5 Full Compliance in > 9 Months -6	
<b>V. Assessed Risk And Actual Risk Behavior/Needs Score</b>		<b>VI. Assessed Risk Level:</b>	
<b>VII. Administrative Factors:</b> STOP Status: 1 2 3	Social Beh. Risk Applied: Social Behavior Code: STOP Treatment Required: STOP Completed in Community:	Mitigating Risk Information: Comments:	Additional Risk Information:
<b>VIII. Final Supervision Level:</b>	IX. Approval: Parole Agent: Supervisor:	Date: Date:	
Revised: 5/18/2008		Page 1 of 1	

## Attachment 4: Community Risk/Needs Reassessment Instructions

### OVERVIEW - COMMUNITY RISK/NEEDS ASSESSMENT

Community Risk/Needs Assessment combines static factors of an offender's criminal history and behavior with ratings of "needs" to determine levels of supervision while under parole supervision. All factors taken into account to determine the final risk level demonstrate a strong statistical relationship to offender recidivism, and thus can be used to predict an offender's probability of failure while under supervision. Community Risk/Needs Assessment scores can be used to effectively focus supervision resources and provide a useful means of monitoring changes in the offender's behavior, attitudes, and circumstances which are clearly related to successful completion of supervision. By combining risk (static) and needs (dynamic) factors, the Community Risk/Needs Assessment is designed to be both empirically related to successful supervision outcome and responsive to intervention. The main premise behind Community Risk/Needs Assessment is that of protecting the public. This is accomplished by effectively predicting the risk an offender has to the community and supervising higher risk offenders, as determined by the risk/needs assessment, at an appropriately higher supervision level; and, conversely, lower risk offenders at an appropriate lower supervision level.

### COMMUNITY RISK/NEEDS RE-ASSESSMENT FORM INSTUCTIONS

The Community Risk/Needs Re-assessment will be completed a minimum of every three (3) months while an offender is under community supervision. Parole agents will not be required to complete Community Risk Re-assessments on offenders being supervised on an Indirect Supervision level, unless a Policy Driven Response (PDR) has been issued that would impact supervision level. Parole agents are not required to complete Community Risk Re-assessments on offenders who have absconded supervision and have an active warrant issued by the Executive Director. An earlier-than-scheduled re-assessment may be initiated by supervising staff as a result of dramatic changes in behavior or situation such as an arrest for a new offense, technical violation(s)/PDR(s), loss of employment/change in employment status, change in housing, or frequent contact with law enforcement. When an unscheduled re-assessment occurs, the next re-assessment date should be scheduled for three (3) months from that date (the database does this automatically). Staff will record the reason for any unscheduled re-assessment in the comment section on the re-classification packet and place a copy of the packet in the offender's file.

On the risk/needs re-assessment, the offender's behavior on supervision and the parole agent's assessment of it are usually given more weight in the classification process. This is true in the current South Dakota system, which weighs factors such as: housing, offender employment, substance use, and compliance with the conditions of supervision. The re-assessment classification is derived by an instrument that weighs these dynamic factors plus selected static factors (criminal history) from the initial risk assessment instrument. The result is a risk reassessment that balances recent offender behavior during supervision with the most important elements of the offender's initial risk profile. Thus, the reclassification is designed to be both empirically related to successful supervision outcome and responsive to behavior and interventions while on supervision.

#### Offender Information:

1. **Name:** Self-explanatory.
2. **ID Number(s):** Sentence ID number of the sentence the offender is currently serving - i.e. primary ID number. This information is automated from the PE01 download JS47 tables.
3. **Current Offense:** All crimes the offender is serving time for on current admission, including other active federal and out of state sentences. Sentences for probation are not counted as a current admission. Only active sentences from the following sources: NCIC, sentencing documents, PSI, and criminal history database on Citrix can be used to count prior admissions. List all current convictions. This information is automated from the criminal history database on CITRIX.

4. **Felony History:** Listing of all felony convictions by offense. Sources to include: NCIC, sentencing documents (from South Dakota and other states) and PSI. This information is recorded in, and automated from, the criminal history database on CITRIX.
5. **Released to supervision date:** Date the offender was released to supervision (either parole or suspended sentence release date). This information is available and automated from the PATS database. \*\*This information should be double-checked for accuracy, as releases from the institution after disciplinary detention in the institution or from self committing (Community Transition Program) for treatments to the institution are recorded as the latest release date.
6. **Final Discharge Date:** Date the offender will discharge the sentence. This information is available and automated from the PATS database; and is also available from query sentence screen (QS) on mainframe.
7. **Next Assessment Date:** Date of next scheduled assessment. This date is automatically calculated and recorded by the database for three (3) months from the current re-assessment date; or, three (3) months from "New Case Added" (NCA) narrative date in PATS for recently released offenders. As mentioned previously, re-assessments may be completed sooner than three (3) months in response to dramatic changes in behavior or situation, such as positive drug tests, changes in employment, changes in housing, technical violations/PDR's, or any other situation that may change an offender's supervision level. The next re-assessment following an earlier-than-scheduled re-assessment should be set for three (3) months, and the reason for the early re-assessment should be noted in the comments section on the re-assessment form.

## RISK REASSESSMENT INSTRUCTIONS

While the initial assessment considers the offender's status and history prior to admission to supervision, the re-assessment focuses on behavior during supervision. The re-assessment serves as a mechanism for observing changes in the offender's behavior over time and for adjusting the supervision plan or supervision level. Consequently, the definitions used differ somewhat from those applied at the initial assessment.

Because the Risk Assessment portion of Community Risk/Needs Re-assessment measures the criminal history of an offender and these factors are static, an offender's Risk Assessment scores will be the same scores as indicated on the Risk Assessment completed on the Initial Community Risk/Needs Assessment. However, the Re-assessment instrument includes an additional factor: Prior Probation/Parole Revocations, as this factor shows a statistically significant impact on recidivism after living on supervision for a period of time. Thus, the final Assessed Risk Score on the Re-assessment instrument may differ from the Final Assessed Risk Score on the Initial Assessment.

### Number of Prior Adult Felony Convictions:

Multiple convictions	4 points
One prior conviction	2 points

Score the number of adult felony convictions. This information is available from NCIC reports, sentencing documents from South Dakota and other states, and the PSI. This information is recorded in, and automated from, the criminal history database.

**Violent Felony Convictions:**

Multiple convictions	6 points
One conviction (current or prior)	0 points

- 01 Aggravated Assault
- 02 Child Abuse
- 03 Kidnapping
- 04 Manslaughter 1<sup>st</sup>
- 05 Manslaughter 2<sup>nd</sup>
- 06 Murder 1<sup>st</sup>
- 07 Murder 2<sup>nd</sup>
- 08 Rape 1<sup>st</sup>
- 09 Rape 2<sup>nd</sup>
- 10 Rape 3<sup>rd</sup>
- 11 Robbery 1<sup>st</sup>
- 12 Robbery 2<sup>nd</sup>
- 13 Sexual Contact with a Child under 16
- 17 Riot/Aggravated Riot
- 20 Stalking
- 22 Arson 1<sup>st</sup>
- 23 Arson 2<sup>nd</sup>
- 24 Arson 3<sup>rd</sup>
- 25 Burglary 1<sup>st</sup>
- 26 Burglary 2<sup>nd</sup> (if committed before July 1, 2006)
- 34 Discharging Firearm at Occupied Structure/Vehicle
- 40 Committing of Crime while armed with a firearm
- 47 Photo of a Child in Obscene Act
- 67 Sliming
- 87 Felony Simple Assault
- 90 Criminal Pedophilia
- 93 Sexual Contact with a person incapable of consent
- 94 Incest
- 95 Discharging Firearm from a Moving Vehicle

Score if the offender has multiple violent felonies. Sources for this information are NCIC reports, sentencing documents from South Dakota and other states, and the PSI. This information is recorded in, and automated from, the criminal history database on CITRIX.

**Age at First Felony Conviction:**

23 and under	4 points
24 and over	0 points

Score based on the offender's age at the time of his/her first felony conviction. This information is automatically calculated from the offender's birthdate, obtained from the query demographic screen (QB) on mainframe and the date of first felony conviction obtained from the criminal history database on CITRIX; or can be obtained by subtracting the month and year of the date of birth from the month and year of the first felony conviction.

**Age at Current Felony Conviction:**

17 and under	6 points
18 – 29	1 point
30 and over	0 points

Score the age of the offender at the time of the present felony conviction. This information is automatically calculated from the parolee's birthdate, obtained from the query demographic screen (QB) on mainframe and the date of current felony conviction, obtained from the criminal history database on CITRIX; or can be obtained by subtracting the month and year of the date of birth from the month and year of the present felony conviction.

**Chemical Dependency/Gambling Diagnosis:**

CD Diagnosis:	1	2	3	4	5	6
Gambling Diagnosis:		Y	N			

Dependency - (Alcohol and Other Substance)	7 points
Dependency - (Other Substance)	4 points
Dependency - Alcohol	4 points
Abuse	3 points
Gambling	1 point
No problem/Deferred	-2 points

Score the chemical dependency diagnosis created by the chemical dependency staff. This information is available and automated from the Chemical Dependency diagnosis created by the chemical dependency staff and listed on the query chemical dependency screen (CM/QA) on mainframe. It is also available in the institutional file, or the CD summary database on CITRIX. The alcohol and drug usage codes are as follows: 1. No Problem; 2. Deferred; 3. Abuse; 4. Dependency–Alcohol; 5. Dependency–Other Substances; and 6. Dependency–Alcohol and Other Substances.

Score the gambling diagnosis created by the chemical dependency staff. This information is available and automated from the query chemical dependency screen (CM/QA) on mainframe. Information is listed as follows: "Gambling Problem: "Y" or "N". \*\*Note: If no Gambling diagnosis is available, "0" should be selected in the "Gambling Diagnosis" box.

The points for CD diagnosis and Gambling Diagnosis are then summed to provide a total "Chemical dependency/Gambling diagnosis score". The maximum number of points for this risk factor is eight (8).

**Prior Adult Probation/Parole Revocations:**

Multiple revocations	4 points
One prior revocation	2 points
Not applicable	0 points

Score the number of prior adult probation and parole supervisions which resulted in revocation here. Prior probation revocation information is available in the PSI, sentencing documents, South Dakota (and other states) probation violation reports, past South Dakota (and other states) DOC reports, official statements, and jail reports contained in the offender's file. This information is recorded on the criminal history database on CITRIX. Prior parole revocation information is available in the PSI, official statements, sentencing documents, South Dakota (and other states) parole violation reports, past South Dakota (and other states) DOC reports as documented on mainframe on the query parole screen (QP), and jail reports or other prior incarceration reports contained in the offender's file. This information is recorded on the criminal history database on CITRIX.

This information is automated from the criminal history database on CITRIX.

### **Prior Probation/Parole Absconding:**

Multiple incidents	4 points
Prior incident	2 points
Not applicable	0 points

Score the number of incidents of prior adult probation and parole absconding here. Prior probation absconding information is available in the PSI, sentencing documents, South Dakota (and other states) probation violation reports, past South Dakota (and other states) DOC reports, official statements, and jail reports contained in the offender's file. This information is recorded on the Criminal History database on CITRIX. Prior parole absconding information is available in the PSI, official statements, sentencing documents, South Dakota (and other states) parole violation reports, past South Dakota (and other states) DOC reports as documented on mainframe on the query parole screen (QP), and jail reports or other prior incarceration reports contained in the offender's file. This information is recorded on the criminal history database on CITRIX.

This information is automated from the criminal history database on CITRIX.

## **ASSESSED RISK SCORE**

Total the six (6) items scored under the previous section (**Risk Reassessment Instructions**).

## **ACTUAL RISK BEHAVIOR/NEEDS ASSESSMENT INSTRUCTIONS**

The Actual Risk Behavior/Needs Assessment is composed of five (5) scoring categories which demonstrate a strong statistical relationship to offender recidivism. By combining a Needs Assessment to the Risk Assessment portion, there is improved predictive value with regards to successful completion of supervision. Reassessing an offender's behavior and needs periodically also provides a useful means to monitor changes in the offender's behavior, attitude, and circumstances which are clearly related to supervision outcome. The rationale is that as need areas are addressed, the relative risk the offender represents to the community will be reduced and less supervision and contact will be required to manage that offender effectively in the community.

### **Corrective Thinking Diagnosis:**

High/Medium High-with no treatment	4 points
High/Medium High-with treatment	2 points
Medium need	1 point
Low or not applicable	0 points

**High/Medium High -with no treatment:** An offender is diagnosed with a high/medium high need and has not completed an applicable program in the institution or in the community.

**High/Medium High-with treatment:** An offender has been diagnosed with a high/medium high need for treatment, and is currently involved in an applicable program or has completed the program in the community or institution.

**Medium need:** An offender has some need for programming, but has not been recommended to attend an applicable program.

**Low or not applicable:** An assessment indicates the offender has no need for programming, or has not had an assessment completed.

Score the corrective thinking assessment and any applicable treatment completion information. This information is available and automated from the PATS database "Life Skills" screen and the "Life Skills" screen on mainframe (CM/QK).

### Housing:

Temporary	4 points
Adequate	2 points
Excellent situation < 3 months	0 points
Excellent situation in last 3 months	-1 point
Excellent situation in last 6 months	-2 points
Excellent situation in last 9 months	-3 points
Excellent situation in last 12 months	-4 points

**Temporary housing:** An offender with a temporary housing situation is living in a mission, hotel, or other short-term placement until a long-term placement can be arranged.

**Adequate housing:** An offender with an adequate housing situation is living where there is some positive support and it is alcohol free but the living situation is not a long-term placement (i.e. with parents, siblings, acquaintances, etc.).

**Excellent housing:** An offender with an excellent housing situation is living with family members (i.e. spouse, children, etc.) in a positive, supportive, alcohol free environment or is living in a halfway house.

This information is available and automated from the PATS database "Addresses" screen. On the PATS "Addresses" screen, parole agents are required to make an assessment (Temporary, Adequate, or Excellent), based on the definitions above, of every offender's current residence. Research has shown that an offender's chances of violation are greatly increased each time they change addresses (as much as 25% for each move), most likely due to the additional financial strain, life stressors, pressures associated with moving, and possibly new (maybe negative) companions being introduced into the situation. Therefore, even offenders moving from an excellent situation to another excellent situation will be scored based on the time at the current address along with the parole agent's assessment of that residence.

### Employment:

Unemployed	2 points
Unsatisfactory employment	1 points
Satisfactory employment < 3 months	0 points
Satisfactory employment in last 3 months	-1 point
Satisfactory employment in last 6 months	-2 points

Satisfactory employment in last 9 months	-3 points
Satisfactory employment in last 12 months	-4 points

**Unemployed:** An offender who is capable of working but is unemployed.

**Unsatisfactory employment:** An offender is underemployed (i.e., working irregularly day-to-day and needs regular full-time or part-time work).

**Satisfactory employment:** An offender has held a job consistently. An offender who works through a temporary job agency and has been working consistently, an offender who is designated as a homemaker by the agent, or an offender working full-time seasonal work will be considered as having satisfactory employment.

\*\*Offenders unable to work due to disability; offenders who are retired (and have means to retire); and offenders who are full time students (as designated appropriately on the PATS database employment screen by the parole agent) will be scored 0 points in this section.

This information is available and automated from the PATS database "Jobs" screen. On the PATS "Jobs" screen, parole agents are required to make an assessment of employment type (Full Time, Full Time Seasonal, Homemaker, Part time, Disabled, Public Assistance, Retired, Student, Unemployed-Programming, Underemployed, Unemployed), based on the offender's means of support, and determine a start date, for every offender's current employment situation. There are certain stresses associated with changing employment that increase an offender's risk to reoffend: possibly new (maybe negative) companions being introduced into the situation, and other stresses associated with new responsibilities, transportation, new schedules, etc. Therefore, offenders changing employment, even if it appears to be for positive reasons, will be scored based on the time at the current employment status, along with the parole agent's assessment of that employment.

### Alcohol/Drug Review:

One violation in < 3 Months	4 points
One violation in > 3 Months but < 6 Months	2 points
One violation in > 6 Months but < 9 months	1 point
One violation in >9 Months but < 12 Months	0 points
No violations in < 3 Months	-1 point
No violations in > 3 Months but < 6 Months	-2 points
No violations in > 6 Months but < 9 Months	-3 points
No violations in > 9 Months	-4 points

Score of this item is based on the positive test results/admissions to use of alcohol and substances as documented in the "Testing" screen on the PATS database. The database takes into account the number of months indicated, even if the offender has not been on (continuous) supervision for that amount of time. Thus, if an offender has not been on supervision for a full three (3) months but has had no violations (positive test results/admissions), they will score -1.

### Response to Supervision/Parole Agreement:

Non-compliance	3 points
Moderate compliance	1 point
Substantive compliance	-1 point
Full Compliance in < 3 Months	-3 points
Full Compliance in >3 Months but < 6 Months	-4 points
Full Compliance > 6 Months but < 9 Months	-5 points
Full Compliance in > 9 Months	-6 points

This category will score an offender's technical violation record through sanctions (PDR's) received during the assessment period. If more than one (1) violation/sanction occurs as a result of the same incident, only the highest level of sanction imposed for each incident is scored.

**Non-compliance:** Offender has multiple medium level sanctions or one (1) high level sanction in the last three (3) months.

**Moderate compliance:** Offender has multiple low level sanctions or one (1) medium level sanction in the last three (3) months.

**Substantive compliance:** Offender has one (1) low level sanction in the last three (3) months.

**Full compliance:** No technical violations. Full compliance with supervision conditions & parole agreement.

### **ASSESSED ACTUAL RISK BEHAVIOR/NEEDS SCORE**

From the total actual risk behavior and needs, score the sum of the five (5) items.

### **ASSESSED RISK AND ACTUAL RISK BEHAVIOR/NEEDS SCORE**

The assessed risk and actual risk behavior/needs are added together to calculate this score.

### **ASSESSED RISK LEVEL**

There are five (5) supervision levels, (Intensive, Maximum, Medium, Minimum and Indirect). The Assessed Risk Level is determined by the Assessed Risk and Actual Risk Behavior/Needs score. The corresponding Assessed Risk Level is then determined and indicated on the form.

The Community Risk Re-Assessment scoring shall be applied as follows:

Intensive	23 and over
Maximum	14-22 Points
Medium	04-13 Points
Minimum	03-(-4) Points
Indirect	(-5) and below

### **ADMINISTRATIVE RISK FACTORS – MANDATORY AND DISCRETIONARY**

There are four (4) administrative factors that can be used to change the assessed risk level..

The risk factors should be considered in the order in which they appear on the assessment instrument:

1. Sexual Behavior
2. Mitigating
  - i. Exceptional Criteria – mandated
  - ii. Mitigating – Discretionary
3. Additional Risk

Two (2) administrative factors are mandatory (Sex Offender & Mitigating Risk/Exceptional Criteria) in certain cases. The application of either of these mandatory administrative risk factors, Sexual Behavior and Mitigating risk/exceptional criteria will not require supervisory approval.

There are two (2) factors (Mitigating Risk and Additional Risk) that may be applied at staff discretion. Parole agents completing assessments must obtain the approval of their regional supervisor before applying the Mitigating or Additional Risk Factor. Research indicates that offenders who are supervised more intensively than required by their Risk Assessment Level end up worse than if they were never supervised at all. Conversely, offenders who are supervised at a lower level than that dictated by their Risk Assessment Level have a tendency to endanger the supervising agent and the community at large.

Discretionary administrative risk factors must pertain to perceived risk not already addressed in the risk categories. These risk factors will only be used when there are resources available to supervise the offender in accordance with applicable standards and resources available through the agency or in the community to meet the needs of the offender. Administrative factors are used for documenting the rationale for supervising an offender at a level other than what is recommended by the risk assessment.

Contact standards are only minimum standards. Exceeding standards should not be typical though - it should be for addressing exceptional circumstances. The number of contacts should be based upon public safety, offender needs, risk factors, and DOC policy and agency directives. Contacts are encouraged as the need arises. There are times when an agent may need to see an offender more than the standard requires in order to complete a specific task. The parole agent does not change the supervision level, but simply sees the offender as deemed necessary.

## ADMINISTRATIVE RISK FACTORS

### Sexual Behavior:

If an offender has been identified by SOMP staff as having a sexual behavior problem and has been assessed as needing treatment, he/she will automatically be placed on a final supervision level of **Maximum** supervision for the first three (3) months on supervision, regardless of the Assessed Risk level, provided that the offender has completed Steps 1 through 3 or the required modules of the STOP program in the institution. Offenders meeting this criterion are eligible to be placed on **Medium** supervision after three (3) months on supervision, provided they have accessed appropriate treatment in the community. Sex offenders are required to access Sex Offender treatment in the community within thirty (30) days of release.

The Sexual Behavior Administrative Risk Factor will not be applied to those offenders assessed as having a sexual behavior problem where no treatment is recommended (2N). Those offenders will be assigned a supervision level reflected by the Assessed Risk/Needs Score.

If the offender has been assessed as having a sexual behavior problem and as needing treatment, but has not completed Steps 1 through 3 or the required modules of the STOP program in the institution, was "waiting" for treatment at the time of release, or refused STOP treatment in the institution, he/she will automatically be placed on a final supervision level of **Intensive** supervision for the first three (3) months on supervision, regardless of the Assessed Risk level. Offenders in this category are eligible to be placed on **Maximum** supervision after three (3) months on supervision, provided they have accessed appropriate treatment in the community. These offenders can then proceed to **Medium** supervision after six (6) months on supervision, provided they have accessed and are attending appropriate treatment in the community.

Any offender who is determined by an approved Sex Offender Treatment provider in the community to no longer be in need of services (designated as "Completed" on the sex offender treatment screen in PATS), at any time on supervision will no longer have the Sexual Behavior Administrative Risk Factor applied and will be

supervised at the level determined by the Assessed Risk/Needs Score, unless Administrative Risk Factor C (Additional Risk) is warranted and applied.

This information is available and automated from the sexual behavior screen (CM/QS) on mainframe in conjunction with the Treatment Tab on PATS. Offenders with a code 2, 3, or 4 have been assessed as having a sexual behavior problem.

If the offender has a sexual behavior problem, the parole agent may not consider administrative factor Mitigating Risk to lower the parolee's supervision level.

### **Mitigating Administrative Risk Factors – Exceptional Criteria:**

Exceptional Criteria do not apply if the parolee is under any Policy Driven Response and/or sanction(s). If the parolee meets exceptional criteria, Mitigating Risk Factors will be 'selected' on the form and a final assessed risk/supervision level of INDIRECT will be established. The following are the criteria to be used to become eligible for Exceptional Criteria:

Offenders with an assessed risk score of Maximum or Intensive are not eligible for placement on Indirect Supervision, through Mitigating Administrative Risk Factors - Exceptional Criteria

Offenders who are sex offenders are not eligible for placement on Indirect Supervision, through Mitigating Administrative Risk Factors – Exceptional Criteria.

1. The parolee has successfully completed all designated programming (halfway house, 24/7, Scram, IMT, Chemical Dependency Treatment and Sex Offender Treatment) and
2. The parolee has received no Policy Driven Responses (PDR) within the past 90 days and is not currently under any sanctions, and;
3. The parolee has displayed consistent behavior in meeting financial obligation payments, and;
4. The parolee's residence has been either excellent or adequate for 90 days (this does not include halfway house placement/residency) and;
5. The parolee has maintained compliance with employment standards in Parole Services OM 7.5.A.1 *Employment or Other Means of Support* for 90 days.

### **Final Assessed Supervision Level:**

Upon application of any mandatory administrative risk factors (sexual behavior and mitigating/exceptional criteria), a final assessed risk/supervision level is established.

### **Discretionary Administrative Risk Factors:**

Parole agents may apply Discretionary Administrative Risk Factors to lower (Mitigating) or raise (Additional Risk) a parolee's supervision level.

Additional risk factors may be either Dynamic or Criminogenic in nature and should be used to increase a parolee's supervision level in situations where additional risk information surpasses exceptional behavior in determining risk. The parole agent must articulate on the Community Risk Assessment Form what the additional, discretionary risk factor(s) is/are, thereby increasing the parolee's supervision level. These risk

factors cannot be used for the sole purpose of changing the supervision level to meet the available community resources/staff needed to supervise an offender.

### **Mitigating Risk Information (Discretionary):**

Mitigating risk information may be used to lower an offender's final risk/supervision level below the final assessed risk/supervision level. Justification of mitigating risk information must be documented and included in the assessment packet in the comments section. The application or the removal of mitigating risk information requires the approval of the parole agent's regional supervisor if the final supervision level is being lowered one (1) level below the final assessed risk/needs score; and the approval of the regional supervisor and Executive Director if lowering the final supervision level more than one (1) level below the final assessed risk/needs score. When using this element, list the specific circumstances in narrative form and include the narrative with the assessment packet. If more than one (1) reason is compelling the agent to use mitigating risk, the agent should only give the primary reason. Please note that special conditions imposed by the court/parole board take precedence.

### **Additional Risk Information (Discretionary):**

Additional risk information may be used to raise an offender's final supervision level above the final assessed risk/actual risk behavior needs score. Justification of additional risk must be documented and included in the assessment packet in the comments section. The application or the removal of additional risk information requires the approval of the regional supervisor if the final risk level is being raised one (1) level higher than the final assessed risk/needs score/level; and the approval of the regional supervisor and Executive Director if raising more than one (1) level above the final assessed risk/needs score/level. When using this element, list the specific circumstances in narrative form and include the narrative with the assessment packet. Use of additional risk may be used for reasons not addressed by this assessment form such as severity of offense, special conditions imposed by the court/parole board, public sentiment, release from a secure/controlled/non-community environment, or other conditions which must be specified.

## **FINAL SUPERVISION LEVEL**

Final Assessed risk level combined with applicable discretionary administrative risk factors, which impact the final supervision level.

## **APPROVAL**

Parole Agent –

Regional Supervisor – Regional Supervisor **must** approve lowering or raising the Final Supervision Level one (1) level above or below the final assessed risk/supervision level.

Executive Director of Parole – Regional Supervisor **and** Executive Director of Parole **must** approve lowering or raising the Final Supervision Level more than one (1) level above or below the final assessed risk/supervision level; (e.g. lowering from **Maximum** supervision to Minimum supervision. Supervisory approval is not required if Mitigating Exceptional criteria are being applied and the final supervision level is being moved to Indirect.

