

## 1.4.G.6 System Risk Classification

### I Policy Index:



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### II Policy:

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

### III Definitions:

#### **Inmate:**

For the purposes of this policy, is an adult offender under supervision of the Department of Corrections.

#### **Risk Reduction Program:**

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

#### **Sex Offender:**

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a 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/or identified as having a sexual behavior issue.

#### **Sex Offender Management Program (SOMP):**

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

#### **Sex Offender Treatment:**

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

#### **OIC:**

Offense in custody - Term used to describe institutional rule infractions.

**LSI-R:**

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

**PCAN:**

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

**PCL-R: SV:**

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

**VRAG:**

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

**MnSOST:**

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

**Static 99:**

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

**Violence Risk Evaluation:**

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

**ABEL:**

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

**Psychosexual Assessment:**

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

**SOMP Screening Instrument:**

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

**High Risk of Violence Inmate:**

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

**IV Procedures:**

**1. Authority:**

- A. The System Risk Classification process is designed to set forth objective criteria used to identify inmates that may represent a high risk of violence towards staff, other inmates and the public.
- B. Any institutional response affecting custody classification as a direct result of system risk designation is considered an administrative risk factor (See DOC policies 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.14 [Female Inmate Classification](#)).
- C. After review of the system risk factors, the Risk Reduction Manager will determine an inmate's system

risk level and notify staff of any changes to the inmate's system risk level status.

- D. Inmates sentenced in South Dakota who are housed in secure custody outside of South Dakota will have their system risk level assigned based upon information available in the inmate's unit file and COMS records.

## 2. System Risk Information:

- A. Applicable assessment information from an inmate's Administrative Restrictive Housing Hearings, Offenses in Custody (OIC) committed by the inmate, LSI-R, VRAG, PCL-R, PSCAN, MnSOST-R, Static 99, Violence Risk Evaluation, Psychosexual evaluation, and the ABEL will be reviewed prior to system risk classification.
1. Administrative segregation hearings, OIC's, LSI-R, VRAG, PCL-R, PSCAN, MnSOST-R, Static 99 assessments are available on the adult Comprehensive Offender Management System (COMS).
  2. Violence Risk evaluations, Psychosexual evaluation, and the ABEL are available for review on a centralized network drive.
  3. Any staff member may submit the above designated information to the Risk Reduction Manager for review during the inmate's system risk classification.

## 3. System Risk Classification Actions:

- A. The Risk Reduction Manager will determine an inmate's system risk level and ensure all institutional and community response requirements are monitored by staff.
- B. System risk levels are reviewed based on changes to factors which affect the inmate's final system risk level, including, but not limited to:
1. Specified High "H" level violent rule infractions (See [Inmate Living Guide](#)).
  2. Violence risk assessments.
  3. Placement into or transfer from administrative restricted housing status.
  4. Sex offender risk level and programming status.
- C. Inmates will be scheduled for review at the earliest date the inmate is eligible for a reduction in their system risk level or annually.
- D. Confidential information may be used in part to help determine an offender's system risk level.

## 4. System Risk Decisions and Appeals:

- A. The inmate may appeal the System Risk classification decision in accordance with DOC policy 1.3.E.3 [Administrative Remedy for Inmates](#).
1. The Risk Reduction Manager will be involved in the review of all formal administrative remedy complaints involving System Risk classification decisions approved by the Risk Reduction Manager.

2. System Risk Classification actions approved by the Risk Reduction Manager that are appealed through the Administrative Remedy process may be modified by the Secretary of Corrections.

## 5. System Risk Factors:

### A. Administrative Restrictive Housing:

1. This category scores the inmate's administrative restrictive housing status at the time of the assessment. The Care in Placement screen on COMS will be used to determine inmate status. Sources: Adult system – COMS (Care in placement screen, ARH staff).
  - a. Inmate is housed in levels 1-4 administrative restrictive housing in accordance with DOC policy 1.3.D.4 [Administrative Restrictive Housing](#) – scores 30 points
  - b. Inmate is on level 5 administrative restrictive housing status (male inmates-may be housed on Unit D) – scores 20 points
  - c. Inmate is not on administrative restrictive housing status – scores 0 points

### B. Violence Risk Assessments:

1. The process for this section involves the completion of the LSI-R and PSCAN assessments. Inmates identified as high risk on these assessments will have their file reviewed by a psychologist. It is during this file review that the VRAG and PCL-R may be completed, if the psychologist determines enough indicators of violence risk are present. Indicators include violence in adult criminal history, juvenile violence, instrumental violence, gratuitous violence, animal cruelty, use of weapons, and diagnosis of anti-social personality disorder and/or narcissism personality disorder.
2. The PCL-R will not be completed if the inmate's file contains insufficient historical evidence of violence committed by the offender. This historical evidence must include details of the offense in the form of a police reports, victim statements, and/or offender self report to warrant the evaluation. The VRAG will be scored, if possible, based upon available information from the psychologist. If the inmate's file was reviewed by the psychologist but the assessments were not completed due to lack of historical violence warranting further evaluation, the inmate will score "0" points on this section. Sources: Adult System – COMS (Assessment screen)
  - a. Inmates scoring an 18 or higher on the PCL-R and 14 or higher on the VRAG - scores 30 points.
  - b. Inmates scoring less than 18 on the PCL-R, but score 14 or higher on the VRAG – scores 20 points.
  - c. Inmates scoring 18 or higher on the PCL-R, but less than 14 on the VRAG – scores 15 points.
  - d. Inmates scoring less than 18 on the PCL-R and less than 14 on the VRAG – scores 0 points.
  - e. Male inmates with an LSI-R score of 37+ and female inmates with an LSI-R of 40+ and a PSCAN scores of 30+, with file review but further evaluation not completed due to lack of historical violence - scores 0 points.
  - f. Male inmates with an LSI-R score of greater than 37, but PSCAN <30 and female inmates

with an LSI-R score greater than 40 but a PSCAN score of <30 – scores 0 points.

g. Inmates with an LSI-R score of less than 37 – scores 0 points.

3. Inmates referred by staff to Risk Reduction Program with file review but further evaluation was not completed due to lack of historical violence – scores 0 points

C. Sex Offender Management Program:

1. The process for this section involves a review of SOMP's assessment of sex offender risk. In some cases, assessments and evaluations may not be available due to offender refusal. In these circumstances this section will be scored based upon available assessment and evaluation information. Select item that scores the most points. In cases where offender meets multiple criteria, select any item that scores the most points. Sources: Adult System – COMS, SOMP program staff, Assessments screen.

a. Sex offenders with a MnSOST rating of "R" – scores 30 points

b. Sex offenders meeting criteria for referral for withholding of parole eligibility on the SOMP Screening Instrument\* – scores 30 points

c. Sex offenders that have refused to participate in the assessment process – scores 30 points

c. Sex offenders that have refused sex offender treatment, but assessed as Level 2 or Level 1 on the MnSOST – scores 11 points

e. MnSOST Level 1 and Level 2 (Compliant with Programming) – scores 5 points

f. Sex offenders without a MnSOST – scores 5 points

g. Not a sex offender – scores 0 points

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

D. Violent Criminal History:

1. This section reviews the criminal history of any offender with a Class 1, Class C, Class B, or Class A violent felony conviction accompanied by a Severe Mental Illness (SMI) mental health code. Sources: Adult System – COMS, Criminal History

a. Current conviction for a specified violent felony  $\geq$  V1 (with SMI code) – scores 30 points

c. Prior conviction for specified violent felony  $\geq$  V1, offense date less than 10 years (with SMI code) – scores 20 points

d. Prior conviction for specified violent felony  $\geq$  V1, offense date more than 10 years (with SMI code) – scores 0 points

e. Felony criminal history is exclusively non-violent or non-violent and not  $\geq$  V1 (with SMI code) – scores 0 point.

f. Current or past conviction for specified violent felony (no SMI code) – scores 5 points

g. Criminal history exclusively non-specified violent (no SMI code) – scores 0 points

**E. Institutional Violence:**

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

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

H-2	Killing any non-inmate
H-3	Assaulting any non-inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
H-6	Assaulting another inmate resulting in serious injury requiring medical attention, emergency treatment or hospitalization.
H-7	Engaging in or encouraging a riot, work stoppage, group demonstration, group food, or group hunger strike.
H-9	Inmate sexual abuse: Any of the following acts, if the victim does not consent, is coerced in such an act by overt or implied threats of violence, or is unable to consent or refuse (See Inmate Living Guide for list of acts).
H-10	Killing another inmate.

**F. Assessed System Risk Level:**

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

**G. Administrative Factors:**

1. In some cases the System Risk of an inmate is not adequately captured in the assessed risk score. The administrative factors listed below are intended to ensure inmates are placed into the proper System Risk level based upon overall risk not captured in the assessment.
  - a. MnSOST "3"

- b. Administrative decision
- d. Discharge from disciplinary segregation
- d. Previous media advisory

**H. MnSOST 3:**

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

**I. Administrative Decision:**

1. Staff may refer inmates to the Risk Reduction office for possible inclusion on the High Risk list. The Risk Reduction Office will review the inmate referred to determine if the inmate presents an elevated risk. That process is detailed in the Staff Referral section of this policy. The Risk Reduction Office will complete a new System Risk Assessment on inmates determined to represent an elevated risk to the system.
2. All staff referred inmates who are determined to represent an elevated risk will have their System Risk set at Level 2 or Level 3, as determined by the review team (See Section 6 A).

**J. Discharge from Disciplinary Segregation:**

1. Inmates that do not meet any established criteria for System Risk Level 2 or 3 will have their system risk level set to Level 2 if the inmate will have served 90 consecutive days in disciplinary segregation on the day of their discharge.

**K. Previous Media Advisory:**

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

## 6. Staff Referral Process:

- A. Staff may refer inmates to the Risk Reduction Office they feel should have an elevated System Risk. Staff referrals will be reviewed by the Risk Reduction Manager, SOMP Manager (as applicable), Director of Classification and Transfer, Director of Field Services (for referrals from Parole), and Associate Warden (for referrals from institutions).
- B. This process will determine if the inmate's risk level should be raised to a Level 2 or Level 3. The inmate must meet the following criteria after review for the System Risk level to be raised:
  1. The reasoning for the staff referral cannot be already captured by the assessment. (Violent disciplinary, prior administrative segregation status, sex offender issues, etc...)
  2. The review team must conclude that one of the following conditions exist to elevate their System Risk:
    - a. A documented incident and/or statement conveying a clear and present danger to institutional staff and/or the public.
    - b. The inmate's crime is so heinous and high profile that the release/discharge of the inmate warrants specific communication to proactively address community concerns.
- C. If it is determined that an inmate represents an elevated system risk, the inmate will have their System Risk level set to System Risk Level 2 or Level 3 as determined appropriate by the review team.
  1. The review team will determine the next date for a review of the established System Risk for the inmate, if appropriate.
    - a. This next review date can be set after the inmate's Term Expires date if the Review Team determines that the case will not need further review.
    - b. The Risk Reduction Manager will document the next review date on the System Risk Assessment on COMS.
  2. The review team's decision will be documented in the comments section of the System Risk Assessment as well as a Case Note on the inmate's record.
- D. If the review team **does not** conclude an elevated risk is present:
  1. The review team's decision will be documented on the System Risk assessment in the comments sections as well as a Case Note on the inmate's record.
  2. Once reviewed the decision of the review team is final and no further review of that case is necessary, unless new information is provided to the review team for review.

## 7. Community Review Administrative Factors:

- A. Following release to community supervision, the system risk level for all offenders will be monitored and the established system risk level may be adjusted due to the following community administrative risk factors.
  1. GPS alert active.

- a. Offenders on community supervision with a system risk level of Level 1 or Level 0 placed on GPS will have their system risk level set to Level 2. The Risk Reduction Manager will place the offender on the Absconder Direct Notification List.
  - 1) Inmates who have met the criteria for removal from GPS monitoring will be removed from the High Risk Release List by the Risk Reduction Manager.
2. Continue current system risk.
  - a. Level 2 & 3 offenders that have served 12 consecutive months of community supervision that, based upon review, still represent a risk to the community, shall remain on the Absconder Direct Notification List and maintain their current system risk level.
    - 1) A case note summarizing the decision shall be made on COMS by the Risk Reduction Manager.
    - 2) Next review date shall be set by review team and updated on COMS by the Risk Reduction Manager.
3. Reduce system risk
  - a. Level 2 & 3 offenders that have served 12 consecutive months of community supervision that, based upon review, have mitigated their risk to the community, shall have their system risk level set to Level 1 and be removed from the Absconder Direct Notification List.
    - 1) A case note summarizing the decision shall be made on COMS by the Risk Reduction Manager.
    - 2) Next review date shall be set by review team and updated on COMS by the Risk Reduction Manager.

## **8. DOC Response to System Risk Levels:**

### **A. High Risk Release List:**

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

### **B. Level 3 System Risk.**

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

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

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

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

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

1. Investigative summary report from COMS.
  2. Updated psychosexual report from SOMP.
  3. Violence risk assessment from Risk Reduction Office.
  4. Summary of current administrative restrictive housing level status.
  5. Mental health summary.
  6. Risk assessment outcomes (Classification, LSI-R, PSCAN, MnSOST, Static 99, VRAG, PCL- R).
- F. All Level 3 System Risk inmates will have a law enforcement notification completed.
- G. Level 3 System Risk inmates released to parole or suspended sentence will be placed on the Absconder Direct Notification list by the Risk Reduction Manager (See Attachment 2).
- H. Level 2 System Risk:
1. Level 2 System Risk inmates will have a Law Enforcement Notification completed by the Risk Reduction Manager. A High Risk Packet is not required for Level 2 System Risk inmates. The Risk Reduction Manager will complete a Law Enforcement Notification on all Level 2 System Risk inmates.
- I. Level 2 System Risk inmates released to parole or suspended sentence will be placed on the absconder direct notification list by the Risk Reduction Manager.
- J. Level 1 and Level 0 System Risk:
1. Level 1 and Level 0 System Risk inmates will be released in accordance with DOC policy 1.4.G.2 Inmate Releases Procedure.

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

- A. The following law enforcement agencies will be notified by the Risk Reduction Manager a minimum of five (5) days prior to a Level 2 or Level 3 System Risk inmate releasing from a SD DOC facility.
1. Local law enforcement in the city and/or county at the location of the inmate's release.
    - a. This is waived if the inmate will be placed directly on the Pennington County shuttle or picked up by law enforcement/other agency, such as in the case of an existing hold.
  2. Local law enforcement in the city and/or county where the inmate committed his/her crime.
  3. Local law enforcement in the city and/or county where the inmate will be residing following release/discharge (receiving jurisdiction). This is not necessary if releasing to another law enforcement agency, i.e. county jail.
  4. The SD Division of Criminal Investigation (DCI).
  5. The Fusion Center, (managed by the SD Department of Public Safety).
- B. 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.

- C. Notification to law enforcement will consist of a telephone call and/or email to the agency's contact person. Preference of the notification method/process for each law enforcement department/office/agency will be maintained by the Risk Reduction Manager.
1. The notification shall include the following information:
    - a. The inmate's name;
    - b. Crime of conviction;
    - c. A brief summary describing why the notification is being sent (Explain why the inmate is considered a high risk release);
    - d. If known, the inmate's address upon release/discharge (location/destination of inmate upon release);
    - e. Scheduled release date;
    - f. Status at the time of release (discharge or release to community supervision);
    - g. Type of release – discharge, discretionary parole, presumptive parole or suspended sentence release; and
    - h. Other information provided upon request by law enforcement.
  2. The Risk Reduction Manager will provide a second notification to all law enforcement agencies previously notified of the high risk release if there are substantial changes to the inmate's release plans or changes in the release date.
  3. When directed by the Secretary or Deputy Secretary, the Risk Reduction Manager will contact law enforcement of the "receiving" jurisdiction and request confirmation of the inmate's arrival within that jurisdiction.
    - a. The inmate's parole agent may be contacted to confirm the arrival of a high risk inmate at the receiving jurisdiction upon their release to parole supervision.

## 10. Media Advisory:

- A. The Secretary or Deputy Secretary of Corrections will determine if a media advisory will be issued notifying the media/public of the high risk release (See DOC policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#)).
1. The Secretary or Deputy Secretary will determine when the media advisory will be issued and the information to be included in the release.

## 11. Absconder Direct Notification List:

- A. Inmates meeting the following criteria will be placed on the Absconder Direct Notification list by the Risk Reduction Manager.
1. Level 3 System Risk.

2. Level 2 System Risk.

B. Inmates may only be removed from the Absconder Direct Notification List after being reviewed by a review team.

1. Inmates with an elevated System Risk level as a result of being on GPS may be removed from Absconder direct notification list as soon as the GPS alert is made inactive.
2. System Risk Level 3 and Level 2 Inmates may be reviewed for removal from Absconder Direct Notification List after serving 12 months in the community.
3. See [Attachment 1](#), management of the Absconder Direct Notification List.

**12. Pre-Release/Discharge Procedures:**

A. Release procedures contained within DOC policy 1.4.G.2 [Inmate Release Procedure](#) and DOC policy 1.1.E.4 [Release and Status Change Notification Requests](#) apply to all Level 3 and Level 2 system risk releases.

B. Level 3 and Level 2 system risk must abide by the pre-approved transportation arrangements when releasing to parole supervision.

1. This includes unit staff confirming the inmate:
  - a. Is picked up by the facility by pre-approved transporters (family, friends);
  - b. Boards the bus (commercial bus line or Pennington County transport shuttle);
  - c. Is picked up by the parole agent for transport; or
  - d. Other transportation as approved.
2. Confirmation of transportation will be documented on COMS by the staff witness using a case note on COMS.

C. The Risk Reduction Manager will retain the following records:

1. High Risk Packets submitted to the Secretary, including revisions, additions, and clarifications received following initial packet submission.
2. Law enforcement notification documentation, including revisions, additions, and clarifications received following initial law enforcement notification.
3. A master list of all Level 3 and Level 2 system risk releases and the type of notification completed on the inmate (Law enforcement and/or media).
4. Absconder direct notification list and reports documenting the decision to remove inmates from the absconder direct notification list.

**13. Classification Response:**

A. Level 3 System Risk inmates that have a PCL-R score of 18 or higher and VRAG score of 14 or higher will maintain at least a HM custody level.

- B. Level 3 and Level 2 System Risk inmates are not eligible for MN custody.  
Refer to DOC policy 1.4.B.2 Male Inmate Classification or 1.4.B.14 Female Inmate Classification.

#### **14. Institutional Work Assignments:**

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

#### **15. Suspended Sentence Revocation:**

- A. All offenders, regardless of System Risk Level, serving a suspended sentence will be issued a suspended sentence supervision agreement.
1. Offenders must be compliant with DOC rules.
  2. Offenders must be compliant with all recommended programming.
- B. Board Office Manager or designee will complete a suspended sentence status report for offenders 6 months prior to their suspended sentence release date. Compliance ratings for an offender's suspended sentence are determined by the Board Office Manager or designee using objective criteria and documented in a Suspended Sentence Status Report. Offenders found to be non-compliant with their suspended sentence supervision agreement will have a warrant issued and will be scheduled to be seen by the Parole Board for the suspended sentence revocation hearing.
1. All offenders will have a report presented to the parole board at every hearing that gives a record of the offender's ongoing compliance with DOC rule and institutional programming.
  2. This report will be completed by the case manager and be available for the parole board to review during a hearing.
- C. The outcome of any Suspended Sentence revocation action taken by the Board will be documented by the Risk Reduction Manager on High Risk Packets for System Risk Level 3 offenders. Refer to DOC policy 1.4.B.1 *Individual Program Directives (IPD)*.

#### **16. Withholding of Parole Eligibility:**

- A. Level 3 System Risk Offenders that meet established risk criteria on the SOMP Screening Instrument will have Withholding Parole process initiated when the inmate is within 2 years of a parole date.
1. Inmates meeting risk criteria will have all relevant risk assessments and evaluations reviewed to confirm the inmate meets risk criteria on the Withholding Parole Screening Instrument.
  2. Once risk has been confirmed on the Withholding Parole Screening Instrument, SOMP will notify the Risk Reduction Manager, Executive Director of Parole Board, Director of Prison Operations, and Director of Classification that the process to Withhold Parole has been initiated.
  3. The outcome of the Withholding Parole process will be noted on High Risk Release packets.

#### **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 and Status Change Notification Requests](#)

DOC policy 1.3.D.4 -- [Administrative Restrictive Housing](#)

DOC policy 1.4.A.3 -- [Sex Offender Management Program](#)

DOC policy 1.4.B.1 -- [Individual Program Directives \(IPD\)](#)

DOC policy 1.4.B.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 2014:** New policy.

<i>Denny Kaemingk</i> (original signature on file)	<i>01/07/2015</i>
Denny Kaemingk, Secretary of Corrections	Date

## Attachment 1

### Management of Absconder Direct Notification List

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

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

## Attachment 2

System Risk Classification (Form)

### I. Inmate Information

Name: \_\_\_\_\_ ID# \_\_\_\_\_

### II. Risk

#### 1. Administrative Restrictive Housing

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

#### 2. Violence Risk Assessments

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

#### 3. Sex Offender Management Program

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

#### 4. Violent Felony

(Offenders with an SMI code – Class 1V or higher)

- A. Current conviction for a violent felony 30
- B. Prior conviction for a violent felony 15
- C. Felony criminal history is exclusively non-violent 0
- D. Current violent felony - no SMI code 0

#### 5. Institutional Violence

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

**Assessed System Risk Level:** \_\_\_\_\_

Level 3 Risk: 30+ points

Level 2 Risk: 20-29 points

Level 1 Risk: 11-19 points

Level 0 Risk: 0-10 points

#### **Institutional Administrative Factors:**

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

#### **Community Review Administrative Factors:**

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

**Final System Risk Level:** \_\_\_\_\_

Attachment #3  
SOMP Screening Instrument

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

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

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

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