

## 1.4.G.5 High Risk Release

### I Policy Index:



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### II Policy:

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

### III Definitions:

#### **Master/Modeling Assessment Priority System (MAPS):**

An internal SD DOC system used to combine assessments into one overall risk score.

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

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

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

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

#### **Offender:**

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

#### **Sex Offender:**

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a sex crime as listed in SDCL [22-24B-1](#) regardless of the offense date or date of conviction, an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime and an unconvicted sex offender.

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

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

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

STOP is the DOC sex offender 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 STOP programming is to provide the offender with the attitudes and behaviors necessary to return to the community and prevent further sex offending behaviors.

### **CTP Offender:**

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

## **IV Procedures:**

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

- A. The Risk Reduction Manager will maintain a list of current offenders who have been identified as high risk. This high risk list will be available on a central computer drive accessible to case managers and transition case managers.
- B. Case managers will monitor the high risk list in conjunction with the pre-release list. When an offender on the high risk list is within 45-days of a possible release from prison or release from CTP to the community, the case manager or transition case manager (TCM) (if the high risk release is a CTP offender) will initiate the procedures for notification of a high risk release.
- C. Case managers/TCMs are responsible for identifying releasing offenders on their caseloads who are on the high risk list and offenders on their caseloads who are on the pre-release list and will be releasing directly from segregation.
  1. The review of the pre-release list shall include all discharges scheduled for the month and parole releases (initial and discretionary) but will not include those offenders currently on community supervision who are discharging their sentences from the community.
    - a. Inmates with an initial parole release date will be included in the review regardless of their compliance status at the time of the review.
- D. Staff will notify the Risk Reduction Manager of any offender they believe meets the high risk release criteria not already identified on the list(s).

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

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

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

2. Level R sex offenders.
3. Offenders with prolonged or chronic segregation placements who will release from prison directly from administrative segregation (See DOC policy 1.3.D.4 – *Administrative Segregation*), disciplinary segregation (See DOC policy 1.3.D.1 – *Disciplinary Segregation Housing*) or a mental health placement in lieu of administrative or disciplinary segregation who have not or will not be able to transition to general population prior to release.
  - a. Offenders with prolonged or chronic segregation placements should be identified no later than 45-days in advance of their release and placed on the high risk list.
  - b. Offenders who are placed in segregation proximate to their release who have not been identified by the Risk Reduction Manager as high risk will be identified by case managers via their review of the release list.
- B. Offenders meeting the following criteria will be reviewed for possible placement on the high risk list:
  1. Inmates releasing from segregation who have not previously been placed on the high risk list.
  2. Sex offenders assessed as needing STOP who refused STOP programming or failed to successfully participate in STOP programming (See DOC policy 1.4.A.3 -- *Sex Offender Management Program*).
  3. Offenders with a MAPS score of  $\geq 20$ .
  4. Based on staff referral. Offenders whose assessed risk and/or history of violence, conduct or statements/actions indicate and support an offender's intent to commit violence upon release.
  5. Offenders who have committed Prohibited Acts #5-2, #5-3, #5-4, #5-9, #5-12, #5-18 (See *Inmate Living Guide*) in the past twelve (12) months.

**3. Criteria for determining if an inmate releasing from prison directly from segregation should be placed on the high risk list:**

- A. The following criteria support a high risk release designation:
  1. The inmate has spent a significant portion of their incarceration time in the Special Housing unit (SHU) or segregation.
  2. Recent attempts by staff to transition the inmate from the SHU or segregation to general population were unsuccessful due to the inmate's continued non-compliance.
- B. If the offender was recently placed in the SHU or segregation after spending a prolonged period of time in general population, they may be excluded from high risk designation.

- C. The Risk Reduction Manager and the Associate/Deputy Warden will determine if an offender releasing from segregation, who is not currently on the high risk list, should be added to the list. This decision will be documented in a brief report to include the following information:
1. The total number of months the offender has spent in the SHU or segregation in comparison to the total time they have been incarcerated.
  2. The offender's LSI-R and MAPS score.
  3. The offender's history of violence while incarcerated and in the community.
  4. The total number of attempts by staff to transition the inmate to general population during the last year and an explanation describing why placement on the high risk list should or should not be completed for the offender.

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

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

#### **5. MAPS score of $\geq 20$ :**

- A. The Risk Reduction Manager and the Associate/Deputy Warden will determine if an offender who has a MAPS score of  $\geq 20$  should be placed on the high risk list. This decision will be documented in a brief report to include the following information:
1. The factors resulting in an elevated MAPS score.
  2. The offender's LSI-R and MAPS scores.
  3. The offenders history of violence while incarcerated and in the community.

4. An explanation describing why placement on the high risk list should or should not be completed on the offender.

## **6. Prohibited Acts:**

- A. The Risk Reduction Manager and Associate/Deputy Warden will determine if an offender who is found to have committed a Prohibited Act #5-2, #5-3, #5-4, #5-9, #5-12, #5-18 in the past twelve (12) months should be placed on the high risk list. This decision will be documented in a brief report to include the following information:
  1. Circumstances surrounding the offender's commission of the Prohibited Act.
  2. The offender's disciplinary history.
  3. LSI-R assessment and MAPS score.
  4. The offender's history of violence while incarcerated and in the community.
  5. An explanation why the offender should or should not be on the high risk list.

## **7. Staff Discretion:**

- A. Staff may refer an offender to the Risk Reduction Manager for possible inclusion on the High Risk List based on the following criteria:
  1. Offenders known to have attempted, conspired to commit, aided and/or abetted another inmate to commit or been an accessory to commit acts of violence against others (staff or offenders) or offenders who have stated he/she will reoffend upon release or discharge to the community by committing acts of violence or offenders who have threatened actions or behaviors that are considered violent in nature may be identified as a possible high risk release.
  2. Other factors pointing to a high risk of violent recidivism.
- B. Staff must provide written documentation of risk to support the recommendation for a high risk notice.
- C. The Risk Reduction Manager and the Associate/Deputy Warden will determine if an offender referred based on staff discretion should be considered a high risk release. This decision will be documented in a brief report to include the following information:
  1. The referring staff members written documentation of risk.
  2. The offender's LSI-R and MAPS scores.
  3. The offender's history of violence while incarcerated and in the community.
  4. An explanation describing why a high risk list placement should or should not be completed on the offender.

## 8. LSI-R Assessment:

- A. All offenders who do not have a LSI-R assessment will have an assessment completed prior to their release and prior to their Individual Program Directive (IPD) compliance report date (See DOC policy 1.4.B.14 *LSI-R Assessment and Case Planning* and 1.4.B.1 *Individual Program Directives (IPD)*).
- B. If staff believe an inmate's LSI-R score is inaccurate, the Risk Reduction Manager shall be contacted to determine if the offender will be scheduled for another LSI-R assessment.
- C. All offenders identified for high risk notification, regardless of the reason they are designated high risk will have their LSI-R score reviewed by the Risk Reduction Manager.
  - 1. The Risk Reduction Manager will review the offender's LSI-R score for validity and compare the current score with any previous score(s).
- D. The offender's LSI-R assessment, P-SCAN, and psychological review will be reviewed as applicable prior to the offender's IPD Compliance Report due date and prior to his/her release/discharge.

## 9. High Risk Release Packet:

- A. Offenders on the high risk list will have a high risk release packet prepared by his/her case manager or TCM (if the high risk release is a CTP offender). The case manager or TCM will forward the packet to the Risk Reduction Manager and Associate/Deputy Warden and Director of Parole (if offender is a releasing from CTP).
  - 1. The packet will be completed a minimum of thirty (30) days prior to the offender's scheduled release date.
  - 2. If the offender is placed on the high risk list less than thirty (30) days prior to release, the packet will be completed as soon as possible following placement on the high risk list.
- B. In the event an offender who is eligible to have their suspended sentence revoked or parole eligibility withheld but did not is on the high risk list, the Risk Reduction Manager will include an explanation in the packet explaining why the suspended sentence was not revoked/or parole eligibility withheld.
- C. The packet will include a report of the basis for designating the offender a high risk and the type of release (from prison or CTP, discharge, suspended sentence, presumptive or discretionary parole).
- D. The following information will be included in the packet (if available):
  - 1. Parole investigative summary (releasing to parole or on parole previously).
  - 2. Psychosexual evaluation (if a sex offender).
  - 3. Documentation, information and/or reports from the mental health staff (including a current summary of their current mental health status).
  - 4. MAPS, LSI-R and PSCAN testing results and scores.
  - 5. Reports (ABEL) and recommendation from SOMP staff (if a sex offender).

6. Release plans and any special conditions of parole (GPS), if applicable.
  7. Transportation arrangements.
  8. If releasing from the SHU or segregation, the results of staff's attempt to transition the inmate into general population shall be included.
  9. Reports supporting placement on the high risk list (segregation proximate to release, non compliant sex offender, elevated MAPS score, select category 5 disciplinary reports and/or staff discretion).
  10. Other pertinent information as deemed necessary by DOC staff.
- E. The Risk Reduction Manager, Associate/ Deputy Warden, Director of Parole (if the offender is releasing from CTP) will review the packet and information for completeness.
- F. The Risk Reduction Manager, Associate/Deputy Warden and Director of Parole (if the offender is releasing from CTP) may contact the case manager or TCM (CTP offenders) any time during the process to request additional information regarding the offender.
- G. Upon determination an offender is a high risk release (high risk is determined when the offender meets the criteria outlined within this policy), the Risk Reduction Manager will email the high risk release packet to the following staff:
1. Secretary of Corrections.
  2. Deputy Secretary of Corrections.
  3. Director of Prison Operations.
  4. Warden of the facility where the inmate will release from.
  5. Director of Parole Services (if a CTP offender).
  6. Director of Correctional Behavioral Health.
  7. DOC Corrections Specialist.
- H. If the information is emailed less than thirty (30)-days prior to the high risk offender's release, the packet will include the reason for the less than thirty (30) day notification.
- I. Staff will immediately respond to any request by the Secretary or Deputy Secretary for additional information regarding the offender or the high risk release.

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

- A. The following law enforcement agencies will be notified by the Risk Reduction Manager a minimum five (5) days prior to a high risk offender releasing from prison or releasing from CTP to a residence in the community:
1. Local law enforcement in the city and/or county where the offender will release from.
    - a. This requirement is waived if the offender will be placed directly on the Pennington County shuttle or picked up by law enforcement or other agency, i.e. for an existing hold.

2. Local law enforcement in the city and/or county where the offender committed his/her crime(s).
  3. Local law enforcement in the city and/or county where the offender will be residing following their release (receiving jurisdiction). This is not necessary if releasing to another jurisdiction i.e. county jail.
  4. The SD Division of Criminal Investigation (DCI).
  5. The Fusion Center (SD Department of Public Safety)
- B. The Risk Reduction Manager will immediately initiate the law enforcement notification process upon being informed or determining an offender on the high risk list is scheduled to release in less than five (5) days.
- C. The Risk Reduction Manager will immediately initiate the law enforcement notification process whenever directed to do so by the Secretary or Deputy Secretary of Corrections.
- D. Notification to law enforcement will consist of a telephone call and/or email to the agency's contact person. Preference of the notification method/process for each law enforcement department/office/agency shall be maintained by the Risk Reduction Manager.
1. The notification shall include the following information:
    - a. The inmate's name.
    - b. Crimes of conviction.
    - c. A brief summary describing why the notification is being sent. (Explain why the releasing offender is considered a high risk release).
    - d. If known, the offenders address upon release/discharge (location/destination of offender 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.
    - h. Other information provided upon request by law enforcement.
- E. The Risk Reduction Manager will provide a second notification to all law enforcement agencies previously notified of the high risk release if there are substantial changes to the offender's release plans or changes in the release date.
- F. When directed by the Secretary or Deputy Secretary of Corrections, the Risk Reduction Manager will contact law enforcement in the "receiving" jurisdiction and request confirmation of the offender's arrival within that jurisdiction.
1. The offender's parole agent may also be contacted to confirm the arrival of a high risk offender at the receiving jurisdiction upon their release to parole supervision.

## 11. 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.

## 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 Notification Requests](#) apply to all high risk releases.
- B. High risk offenders must abide by the pre-approved transportation arrangements.
  - 1. This includes unit staff confirming the inmate/offender:
    - a. Is picked up from 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.
    - d. Other transportation as approved.
- C. The Risk Reduction Manager will e-mail the Secretary/Deputy Secretary of Corrections to confirm the high risk offender's release.
  - 1. A description of any responses or communication received from law enforcement concerning the high risk release and any changes made to the release/discharge plans since the initial notification was sent to the Secretary/Deputy Secretary of Corrections shall be noted on the record of law enforcement notice.
- D. The DOC Corrections Specialist will retain the high risk packets submitted to the Secretary, including revisions, additions and clarifications received following initial packet submission and a notation of the determination regarding media notice.
  - 1. The Risk Reduction Manager will forward a completed copy of the law enforcement notice to the DOC Corrections Specialist.

## V Related Directives:

DOC policy 1.1.A.4 -- [Relationship with News Media, Public and Other Agencies](#)  
DOC policy 1.1.E.4 -- [Release Notification Requests](#)  
DOC policy 1.3.D.1 -- [Disciplinary Segregation Housing](#)  
DOC policy 1.3.D.4 -- [Administrative Segregation](#)  
DOC policy 1.4.A.3 -- [Sex Offender Management Program](#)  
DOC policy 1.4.B.13-- [LSI-R Assessment and Case Planning](#)  
DOC policy 1.4.G.2 -- [Inmate Release Procedure](#)  
DOC policy 1.5.G.2 -- [Community Transition Program](#)  
[Inmate Living Guide](#)

**VI Revision Log:**

**October 2012:** New policy.

**January 2013:** **Added** "as soon as it is determined they meet the criteria" in Section 2 A.  
**Added** a. to Section 2 A. 1. **Moved** 3. "Offenders who have committed prohibited acts #5-2, #5-3, #5-4, #5-9, #5-12, #5-18 in the previous twelve months" in Section 2 A to Section 2 B. 5.  
**Added** new Section 6 and renumbered previous sections that follow. **Added** "and prior to their IPD compliance report date" in Section 8. **Added** D. to Section 8. **Added** "select category 5 disciplinary reports" to Section 9 D. 9. **Added** "(high risk is determined when the offender meets the criteria outlined within this policy" in Section 9 G. **Added** 5. to Section 10 A.

*Denny Kaemingk*

Denny Kaemingk, Secretary of Corrections

*02/05/2013*

Date

## Attachment 1: Law Enforcement Notification

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

The following information shall be provided to law enforcement:

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

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

Discharge \_\_\_\_\_

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

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

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

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

Address of Releasing/Discharging Inmate:

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

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

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

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

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

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

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

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

**Law Enforcement Agencies:**

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

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

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

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

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

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

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

**Law Enforcement where inmate committed crime:**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Division of Criminal Investigation:**

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

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

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

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

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

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

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

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**Name of Staff Completing the Notification:**

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

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

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

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

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