
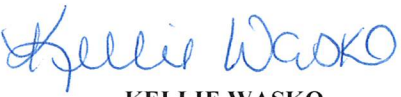


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 400-11	PAGE NUMBER 1 OF 6
		DISTRIBUTION: Public	
		SUBJECT: Offender Classification	
RELATED STANDARDS:	ACA-5-ACI: 5B-04, 5B-05, 5B-09	EFFECTIVE DATE: January 15, 2024	
		SUPERSESSION: 10/01/2023	
DESCRIPTION: Offender Services	REVIEW MONTH: September	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to exercise response to risk considering an assessment of risk and efficient management of offender population.

II. PURPOSE

The purpose of this policy is to provide:

1. Objective risk assessment/guidelines for offender custody level assignments.
2. Standards for monitoring and tracking of each offender's custody and program accomplishments during confinement.
3. Criteria for staff and assigned case managers for objective risk management assessment, and
4. Direction to ensure offender programming needs and completion options are reviewed and taken into consideration as a major component of the offender (re)classification process.

III. DEFINITIONS

Close Custody:

Offenders who have a high risk of escape, misbehavior, or danger to the public and staff. They are housed in Level IV and V facilities with controlled movement.

Custody Level:

Level of restriction of offender movement within a DOC institution. This is divided into Close, Medium, Minimum-R, and Minimum. Each offender housed in a DOC institution is assigned a custody level.

Level I Facility:

Level I facilities have designated boundaries but need not have perimeter fencing. Offenders classified as minimum may be incarcerated in level I facilities, but generally offenders of higher classifications should not be incarcerated in level I facilities.

Level II Facility:

Level II facilities have designated boundaries with a single or double perimeter fencing. The perimeter of level II facilities should be patrolled periodically. Offenders classified as minimum restrictive and minimum may be incarcerated in level II facilities, but generally offenders of higher classifications shall not be incarcerated in level II facilities. Work release programs may only be established in level II facilities.

Level III Facility:

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Level III facilities generally have a wall or double perimeter fencing with razor wire, and detection devices. These facilities use controlled sally ports. The perimeter of level III facilities should be continuously patrolled. Appropriately designated close classified offenders, medium classified offenders, and offenders of lower classification levels may be incarcerated in level III facilities, but generally offenders of higher classifications should not be incarcerated in level III facilities.

Level IV Facility:

Level IV facilities generally have a wall or double perimeter fencing with razor wire and detection devices. These facilities generally use controlled sally ports. The perimeter of level IV facilities should be continuously patrolled. Close classified offenders and offenders of lower classification levels may be incarcerated in level IV facilities, but generally offenders of higher classifications should not be incarcerated in level IV facilities on a long-term basis.

Level V Facility:

Level V facilities comprise the highest security level and are capable of incarcerating all classification levels. The facilities have double perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities generally should use controlled sally ports. The perimeter of level V facilities should be continuously patrolled.

Medium Custody:

Offenders who represent a moderate risk to public and staff. They shall not work outside the secure perimeter of a facility and require limited controlled movement within a facility.

Minimum Custody (Gate Pass Eligible):

Offenders who represent a low risk to the public and staff. These offenders may work outside the secure perimeter of a facility to include work crews, work release, and do not require controlled movement within the facility.

Minimum-R Custody:

A custody level for offenders who are suitable for minimum custody supervision within secure confinement. They can be housed at a Level II minimum custody facility but not allowed outside the secure perimeter of the facility.

Security Perimeter:

Fences and/or walls (including the exterior wall of a building) that provide for the confinement of offenders within a secure facility. All entrances and exits of a security perimeter are under the control of facility staff, thereby preventing an offender from leaving the facility unsupervised or without permission.

Violent Offender:

An offender serving a current sentence for a conviction of certain identified crimes of violence, as specified and determined by the Department of Corrections. Attempt, conspiracy, aiding, and abetting are counted the same as the principal felony.

IV. PROCEDURES

1. Authority:

- A. The South Dakota DOC Offender Classification policy is solely a guide for staff.
- B. No offender has an implied right or expectation to be housed in any particular facility, to participate in any specific program or to receive any specific service. Offenders are subject to transfer from any one facility, program, or service at the discretion of or the secretary of corrections (SOC) or designee .
- C. Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property, or due process interest.

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2. Classification Staff:

- A. Case managers and senior case managers.

3. Classification:

- A. Each offender in the custody of the DOC shall be assigned/classified to a custody level. The DOC uses a system of custodial control composed of four (4) separate custody levels. Offenders will be assigned to a custody level that is the least restrictive necessary to keep the offender detained in DOC custody. An offender's assigned custody level determines the level of staff supervision that must be applied by staff supervising the offender.
 - 1. Offenders are assigned medical, dental, and behavioral health codes at intake.
 - 2. Codes are updated with health status changes by a healthcare practitioner.
- B. An offender's custody level/classification may affect his/her housing, employment, transport, programming, etc.
- C. Offenders housed in contract facilities or out of state through the Interstate Compact program are classified by SD DOC staff. Each offender shall be assigned to a staff member who is responsible for gathering and reviewing information related to the offender, including assigning a classification level to the offender. This information is documented in the comprehensive offender management system (COMS).
- D. Classification decisions placing an offender on minimum custody require a complete audit/review by designated classification staff.

4. Information:

- A. Applicable information/documentation, including history and needs, medical, behavioral health, chemical dependency, education, LSI-R score, Risk Reduction programming, Sex Offender Management Programming (SOMP) needs, and criminal history will be gathered, reviewed, and documented by classification staff.
 - 1. Program staff and clinical services staff are responsible for documenting related information, which may be considered by classification staff during the classification process. Clinical services staff will document an offender's health record and related information within the electronic health record.
 - 2. Information that may exist within other criminal justice systems or agencies pertaining to the offender and/or the offender's contact with the system or agency, may be solicited and considered by classification staff. *The institution solicits and uses pre-institutional assessment information regarding the offender's progress and adjustment [ACA 5-ACI-5B-04].*
- B. Any staff member may submit information to classification staff to assist in determining an offender's classification.
- C. Classification staff may consider reliable confidential information only. Confidential information considered may be made available to the offender; however, the source of the confidential information will not be disclosed if disclosure may subject the informant/witness to risk or harm. A record will be generated for all confidential information considered during the classification process. The record must include the following:
 - 1. The details of the information considered.
 - 2. The identity of the confidential informant (CI).
 - 3. Staff's familiarity with the informant's reliability.
 - a. Reliability includes verifying the accuracy of information shared by the CI in the past.

5. DOC Juvenile System Information:

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- A. Admissions and orientation (A&O) unit staff will complete a name search in the Juvenile COMS system for each new admission offender received.
 - 1. If staff verify the offender has a record in the Juvenile COMS system, Section 1 in the initial classification manuals will be completed and forwarded to the director of Juvenile Services.
 - 2. Any juvenile record that affects the offender's classification will be included in the offender's classification information.

6. Pending Felony Charges/Holds and Active Felony Warrants:

- A. Central Records staff will conduct a warrant check through NCIC III during the initial classification of an offender. Staff will review the results to determine if an offender has any active felony warrants, official felony holds or detainers applicable to South Dakota. All pending felony charges, pending sentencing documents for additional felony convictions or Immigration and Naturalization Service (INS) holds must be documented and considered during the classification process.
 - 1. An active felony warrant is defined as a felony charge for which an offender has not been sentenced and the jurisdiction issuing the warrant intends on taking custody of the offender upon release/discharge from DOC custody.
- B. Case management staff will ensure a NCIC III is completed when an offender is identified for classification to minimum custody status.

7. Classification Review/Meeting:

- A. *At initial classification, each offender is assigned to a staff member to ensure supervision and personal contact; a unit management team may perform this function [ACA 5-ACI-5B-05].* The case manager shall be responsible for ensuring the offender remains properly classified and will regularly update the offender's classification based on changes in the offender's status that affect classification.
- B. All offenders, with the exception of those housed at contract facilities, out-of-state correctional facilities, and those precluded because of security risks, shall have an opportunity to attend the classification review and to be advised by the case manager of their classification.
- C. Offenders housed in contract facilities or outside of the state will generally not attend the classification review and shall have their classification determined by classification staff in absentia. The offender will be provided written notice of the determination.
- D. Offenders who cannot or choose not to attend their classification review will be notified in writing of their classification by staff within five (5) business days of their classification being determined.
- E. Changes in placement factors, separate from risk, typically do not require a review with the offender.

8. Classification Actions:

- A. Classification staff will recommend housing placement based on an offender's classification. Staff will set the date for the offender's next classification review, as applicable.
- B. An earlier than scheduled classification review may be completed by classification staff if changes occur with any of the criteria considered during the offender's classification, including the following:
 - 1. Commission of a major/high level offense in custody.
 - 2. Actions on holds/detainers, felony warrants, or new hold/detainer, warrant; and
 - 3. New sentencing by the court.

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- C. Each offender will have a classification review at least annually.
- D. Increases to an offender's custody level require action from classification staff, i.e., review of the offender's current level. Example: Offenders will not automatically be placed in a higher level after committing a major offense in custody.

9. Classification Approval:

- A. Classification staff have authority to assign close, medium, or minimum restricted custody status to an offender.
- B. Any classification decision that classifies an offender as minimum custody, must be approved by the associate director of offender services or designee.
- C. Classification decisions that include separation requirements, consistent with the offender's risk; or decisions that place an offender on monitoring status, must be approved by the warden, associate warden, and associate director of offender services or designees.
- D. Classification decisions using additional risk information, mitigating risk information, separation requirements for placement at a facility inconsistent with the offender's risk, placement on the basis of administrative decision, or placement inconsistent with this policy, must be approved by an associate warden, warden, and associate director of offender services or designees.

10. Classification Decisions and Appeals:

- A. Classification action requiring additional review does not become effective until the classification action has been reviewed and approved by the designated staff with authority to approve the classification. The offender's approved classification shall be documented in COMS.
- B. *Written policy, procedure, and practice specify the conditions under which an offender can initiate a review of progress and program status [ACA 5-ACI-5B-09].* Offenders may appeal classification actions or decisions that affect the offender which are a result of the offender's classification through the grievance process.

V. RESPONSIBILITY

The director of Prisons is responsible for the annual review and revision of this policy.

VI. AUTHORITY

SDCL § 24-2-27

VII. HISTORY

December 2023
September 2023 (Combined 1.4.B.2 & 1.4.B.14 into this policy)
July 2020
August 2019
September 2018
September 2017
July 2016
May 2016
August 2015
January 2015
March 2013
October 2012
October 2011

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ATTACHMENTS (**Indicates document opens externally*)

1. DOC Policy Implementation / Adjustments