

## 1.4.G.6 System Risk Level

### I Policy Index:



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**Office of Primary Responsibility:** Risk Reduction Manager  
and DOC Administration

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### II Policy:

System risk classification is based upon violence risk assessments and history of committing violent offences, restrictive housing placement, sex offender risk and institutional disciplinary. An inmate's system risk may limit employment opportunities while incarcerated, limit eligibility for earning discharge credits and effect notifications to the public/law enforcement upon release.

### III Definitions:

#### High Risk of Violence Inmate:

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

#### LSI-R:

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

#### MnSOST:

Minnesota Sex Offender Screening Tool – Instrument is an actuarial risk assessment designed to predict the likelihood of sexual recidivism in convicted sex offenders leaving prison.

#### Inmate:

An inmate is an offender in the custody of the DOC institutional system.

#### Parolee:

A parolee is an offender under parole or suspended sentence supervision by SD Parole Services.

#### PCL:SV:

The Psychopathy Checklist –Screening Version is an instrument used to screen inmates for the presence of psychopathic traits and characteristics.

### **Personality Assessment Inventory (PAI):**

A self-report, 344 item objective personality measure used to assess an inmate's personality and psychopathology that may be utilized in violence risk evaluations. The completed test is then submitted to interpretive software specifically normed for correctional settings to identify an inmate's risk of institutional misconduct during incarceration.

### **Psychosexual Assessment:**

A psychosexual assessment that evaluates an inmate's sexual development, sexual history, paraphilic interests, offense behaviors, sexual interest areas, risk level, victim preference, treatment needs and supervision concerns.

### **Risk Reduction Program:**

The Risk Reduction Program is operated by the DOC. The goal of the Risk Reduction Program is to identify inmates 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 felony 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; offenders identified as having a Sexual Behavior Issue (SBI) by SOMP staff (designated by sexual behavior code of 2), or an offender convicted of any offense requiring sex offender registration.

### **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:**

Sex offender treatment is offered to inmates 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 inmate with the attitudes and behaviors necessary to return to the community and to prevent the inmate from committing further sex offending behaviors.

### **SOMP Screening Instrument:**

A screening tool that reviews a sex offender's risk using several predictive factors for sexual recidivism. Outcome of the instrument may be used to support referring the sex offender to the Parole Board to consider withholding the offender's parole.

### **Violence Risk Evaluation:**

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

### **VRAG:**

Violence Risk Appraisal Guide – is an actuarial measure designed to predict likelihood of violent recidivism.

### **VRAG-R:**

Violence Risk Appraisal Guide- Revised is an actuarial measure designed to predict the likelihood of violent recidivism.

## **IV Procedures:**

### **1. Authority:**

- A. The System Risk process sets forth objective criteria used to identify inmates that may represent a high risk of violence towards others.
- B. Any institutional response affecting the custody classification of an inmate that is 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 (See Section 5), the Risk Reduction Manager and case manager will determine an inmate's system risk level. The case manager will notify designated institutional staff of any changes to the inmate's system risk level status.
- D. Inmates sentenced in South Dakota that are housed in secure custody outside of South Dakota will be assigned a system risk level based upon information available to staff, i.e. the unit file, COMS and other records.

### **2. System Risk Information:**

- A. Applicable assessment information from an inmate's Restrictive Housing hearings, offenses in custody (disciplinary history), LSI-R, VRAG, VRAG-R, PCL:SV, MnSOST-R, and the violence risk evaluation will be reviewed prior to assigning system risk to an inmate.
  - 1. Restrictive Housing hearing information, offenses in custody committed, LSI-R, VRAG, VRAG-R, PCL: SV, MnSOST-R are documented and available in the adult Comprehensive Offender Management System (COMS).
  - 2. Violence risk evaluations and psychosexual are available for review on the M-drive in the Risk Reduction Folder.
    - a. Violence risk evaluations are reports completed by risk reduction staff and may include video evaluations of the inmate.
  - 3. Any staff member may submit relevant information to the Risk Reduction Manager for review and consideration during assignment or review of an inmate's system risk level.

### **3. System Risk Level Actions:**

- A. Inmates will be assigned to one of the following three case management levels based on the system risk assessment.
  - 1. Level 3 system risk.
  - 2. Level 2 system risk.
  - 3. Level 1 or 0 system risk.
- B. An inmate's system risk level will be reviewed and updated as deemed necessary, and when changes occur to factors used to assign risk. Changes that prompt review of the inmate's system risk level include, but are not limited to the following:

1. Changes in disciplinary history, including commission of specified High “H” level violent offenses in custody. This is monitored on a regular basis reports by the System Risk Manager.
  2. Results of violence risk evaluations and results of any additional assessments such as the VRAG, VRAG-R or PCL:SV.
  3. Placement into or transfer from restricted housing (See DOC policy 1.3.D.4 [Restrictive Housing](#)). RH staff will email the Risk Reduction Manager.
    - a. Transfer to or from Restrictive Housing must be reviewed within five (5) business days of the transfer occurring.
  4. Assignment of a sex offender risk level or change in sex offender risk level and programming status (MnSOST) (See DOC Policy 1.4.A.3 [Sex Offender Management Program](#)). SOMP staff will email the Risk Reduction Manager.
  5. Behavioral Health staff will notify the Risk Reduction Manager by email when an inmate is assigned a behavioral health code of SMI 3 or SMI 4. Notification is also required when an inmate’s SMI 3 or SMI 4 behavioral health code is reduced.
- C. Confidential information may be used when assigning system risk.

#### **4. Administrative Remedy:**

- A. Inmates may appeal assigned system risk through the Administrative Remedy process (See DOC policy 1.3.E.3 [Administrative Remedy for Inmates](#)).
1. The Risk Reduction Manager will be consulted during review of an inmate’s system risk.

#### **5. System Risk Factors:**

A. Restrictive Housing:

1. This category scores the inmate’s restrictive housing status (as applicable) at the time of the assessment. Inmates placed in restrictive housing have not responded to counseling or conventional sanctions or may be flagrantly or chronically disruptive to the good order of the institution or pose a threat to staff. The Alerts Report and Alerts Screen in COMS are used by risk reduction staff to identify inmates placed in restrictive housing and the inmate’s current level within the program.
  - a. Inmates assigned to level 1-4 - Score 20 points.
  - b. Inmate is not placed in Restrictive Housing – Score 0 points.

B. Violence Risk Assessments:

1. The process for this section involves the completion of the LSI-R assessment. Inmates identified as high risk on this assessment (males with an LSI-R score of 37 and above or females with an LSI-R score of 40 and above), will have their file and assessment results reviewed by a qualified psychologist. Inmates that do not meet the assessment criteria who are referred by staff due to concerns not reflected in the assessment results, will have their case file reviewed by a qualified psychologist. If the case file review shows evidence of significant violence risk factors, a PCL: SV and/or VRAG-R assessment may be ordered. Positive indicators

include violence within adult or juvenile criminal history, institutional violence, gratuitous violence, animal cruelty, use of weapons, diagnosis of anti-social personality disorder and/or narcissism personality disorder.

- a. LSI-R 37+ = Staff will discuss with the psychologist to determine if a full file review is warranted.
  - b. LSI-R < 37 Staff will refer to the Risk Reduction Manager if they believe an inmate's assessment scores do not capture the inmate's risk.
2. The PCL:SV will not be completed if the inmate's file contains insufficient historical evidence of violence. This historical evidence must include details of the violence warranting an evaluation. Police reports, disciplinary/incident reports, sentencing documents, victim statements, parole or jail reports, PSI, and inmate self-report all may be reviewed and considered when determining violence. If the inmate's file was reviewed by the psychologist but the assessments were not completed due to lack of necessary historical evidence of violence, the inmate will score "0" points on this section. The inmate's PCL: SV and VRAG or VRAG-R scores supersede the LSI-R score when calculating system risk. Sources: Adult System – COMS (Assessment screen).
- a. Inmates scoring an 18 or higher on the PCL: SV, and 14 or higher on the VRAG, or 19 or higher on the VRAG-R - score 30 points.
  - b. Inmates scoring less than 18 on the PCL: SV, but 14 or higher on the VRAG, or 19 or higher on the VRAG-R – score 20 points.
  - c. Inmates scoring 18 or higher on the PCL: SV, but less than 14 on the VRAG, or less than 19 on the VRAG-R – score 15 points.
  - d. Inmates scoring less than 18 on the PCL: SV and less than 14 on the VRAG, or less than 19 on the VRAG-R – score 0 points.
  - e. Male inmates with an LSI-R score of 37+ and female inmates with an LSI-R of 40+with file review but further evaluation not completed due to lack of historical violence- score 0 points.
  - f. Inmates with an LSI-R score of less than 37 – score 0 points.
3. Inmates referred by staff to the Risk Reduction Manager with file review but further evaluation not completed due to lack of historical violence – score 0 points.
4. Inmates refusing to participate in the risk assessments, including, but not limited to, the LSI-R and Violence Risk Evaluation – score 30 points.
- C. Sex Offender Management Program:
1. The process for this section involves a review of SOMP's assessment of sex offender risk (See DOC policy 1.4.A.3 [Sex Offender Management Program](#) and DOC policy 1.4.B.9 [Sexual Behavior Issue Review](#)). In some cases, assessments and evaluations may not be available if the inmate refused to participate. In these circumstances, this section will be scored based upon available facts, information, reports and evidence. Select the item that scores the most points. In cases where the inmate meets multiple criteria, select the item that scores the most points. Sources: Adult System – COMS, SOMP program staff, Assessments screen.
    - a. Sex offenders with a MnSOST rating of "R" – score 30 points.

- b. Sex offenders with a MnSOST rating of “3”- score 20- points.
  - c. Sex offenders meeting criteria for referral for withholding of parole eligibility on the SOMP Screening Instrument\*) – score 30 points.
  - d. Sex offenders that have refused to participate in SOMP or been terminated from SOMP (Program Refusal form on file and/or are non-compliant with element 4 of their IPD) and assessed as Level 3 or Level R on the MnSOST – – score 30 points.
  - e. Sex offenders that have refused to participate in SOMP or been terminated from SOMP (Program Refusal form on file and/or are non-compliant with element 4 of their IPD), and assessed as Level 2 or Level 1 on the MnSOST or are unable to assess on MnSOST due to a hands off offense – score 11 points.
  - f. MnSOST Level 1 and Level 2 (compliant with programming) – score 5 points.
  - g. Sex offenders without a MnSOST – score 5 points.
  - h. Not a sex offender – score 0 points.
- D. Violent Criminal History:
- 1. This section reviews the criminal history of inmates with a Class 1, Class C, Class B, or Class A violent felony conviction accompanied by a mental health code of MH-S3 or MH-S4. Sources: Adult System – COMS, Criminal History.
    - a. Current conviction for a specified violent felony  $\geq$  V1 (MH-S3 or MH S4) – scores 30 points.
    - b. Prior conviction for specified violent felony  $\geq$  V1, offense date less than 10 years (with MH-S3 or MH S-4) – scores 20 points.
    - c. Prior conviction for specified violent felony  $\geq$  V1, offense date more than 10 years (with MH-S3 or MH S-4) – scores 0 points.
    - d. Felony criminal history is non-violent or violent and not  $\geq$  V1 (no MH-S3 or MH S-4) – scores 0 points.
- E. Institutional Violence:
- 1. This section requires a review of assaultive/aggressive/violent institutional disciplinary behavior that has occurred during the inmate’s current booking. Sources: Adult System – COMS, Disciplinary History Report.
    - a. Guilty of H-2 or H-10 – scores 30 points.
    - b. Guilty of H-3, H-6, H-7, or H-9 within last year – scores 30 points.
    - c. Guilty of H-3, H-6, H-7, or H-9 greater than 1 year, but less than 3 years – scores 15 points.
    - d. No H-3, H-6, H-7, or H-9 within last 5 years – scores 0 points.
    - e. Guilty of H-1- Will be scored the same as the primary rule infraction.

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

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|------|---|
| H-1  | Any act or acts defined as felonies or misdemeanors by South Dakota Law or Federal Law. Inmates charged with a violation of this rule will be given a copy of the applicable law. |
| 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 immediate 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: 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.                         |
| 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 create additional risk not captured in the assessed level risk.
  - a. Refused Violence Risk Evaluation.
    - 1) This administrative factor will be used to raise the system risk level of inmates who refuse the violence risk evaluation to a system risk level 3.
    - 2) Inmates refusing to participate in the violence risk evaluation will sign a refusal form. Staff present will also sign the refusal form and denote if the inmate also refuses to sign the refusal form.
    - 3) The Parole Board will be notified of inmates refusing to participate in the violence risk evaluation.
2. Referral Review.

- a. Staff may refer inmates to the Risk Reduction Manager for possible inclusion on the high risk inmate list. The Risk Reduction Manager will review the information to determine if the inmate presents an elevated risk. Elevated risk is risk that incorporates one of the key factors in system risk (restrictive housing, disciplinary, violent crime code/MH code, etc.). The Risk Reduction Manager will complete a new system risk assessment on inmates determined to represent an elevated risk to the system.
  - b. All staff referred inmates who are determined to represent an elevated system risk will have their System Risk set at Level 2 or Level 3, as determined by the system risk assessment (See Section 6 A).
  - c. All system risk 2 or system risk 3 inmates approaching a mandatory release date, such as a suspended sentence release or term expires date (TED), will be reviewed for potential public notification.
3. Previous media advisory issued.
- a. Any inmate who had a media advisory issued for their previous 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 assessed system risk level of an inmate has decreased since the media advisory was issued; the Risk Reduction Manager will contact the Director of Classification and Executive Director of the Parole Board to review the case. If the Director of Classification and Executive Director of Parole Board concur a decreased risk is present, the file will be forwarded to the Secretary of Corrections and Deputy Secretary of Corrections for review. The Secretary or designee must approve any decision to reduce the inmate's system risk level.
    - 2) If approved, a new system risk classification would be completed.
    - 3) The Secretary or designee may direct a specific system risk level be assigned to an inmate.

## 6. Staff Referral Process:

- A. Staff may refer inmates to the Risk Reduction Manager for system risk review. Staff referrals will be reviewed by the Risk Reduction Manager. The Risk Reduction Manager will consult with staff as necessary.
- B. The Risk Reduction Manager 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:
  1. The condition prompting the staff referral is not captured by the assessment (violent disciplinary act, restricted housing placement, sex offender issues, etc.)
    - a. One of the following conditions exist:
      - 1) A documented incident by the inmate conveying a clear and present danger to staff or the public.
      - 2) The inmate's crime is so heinous or high profile, that the release or discharge of the inmate warrants specific communication to the public to proactively address concerns or questions that may be raised about the inmate's release or discharge.
    - b. If risk reduction staff determines no elevated risk is present, the inmate will maintain their system risk level and a case note will be generated noting the same.



- C. If it is determined an inmate represents an elevated system risk, (documented information involving a history of violence which is not scored on the assessment, or the inmate presents a clear and present danger to staff or the public), the inmate will have their system risk level set at Level 2 or Level 3, as determined appropriate by the Risk Reduction Manager.
1. The Risk Reduction Manager will determine the inmate's next system risk review date, if appropriate.
    - a. This review date can be set after the inmate's TED if no additional review is necessary.
    - b. The Risk Reduction Manager will document the next review date on the system risk assessment in COMS.
  2. The Risk Reduction Manager's decision will be documented in the "Comments" section of the system risk assessment, as well as in the Case Note section.
- D. If the Risk Reduction Manager **does not** conclude elevated system risk is present:
1. The decision will be documented on the system risk assessment in COMS in the "Comments" section, as well as a Case Note in the inmate's record.
  2. Once reviewed, the decision is final and no further review is necessary, unless new information is discovered that prompts another review or referral of the inmate.

## 7. Community Review Administrative Factors:

- A. Following release to community supervision, the system risk level for all parolees will be monitored. A parolee's established system risk level may be adjusted due to the following community administrative risk factors.
1. GPS alert active (See DOC policy 1.5.G.10 *Parole Services GPS and Electronic Monitoring*). The System Risk Manager is notified if a parolee is releasing to parole with GPS monitoring.
    - a. Parolees on community supervision with a system risk of Level 1 or Level 0 that are placed on GPS will have their system risk set to Level 2. The Risk Reduction Manager will place the parolee on the absconder direct notification List.
      - 1) Parolees that have met the criteria for removal from GPS monitoring will be removed from the high risk release list by the Risk Reduction Manager and assigned to Level 1 or Level 0. Parole staff will notify the System Risk Manger when the GPS monitoring is removed.
      - 2) The System Risk Manager also monitors the GPS alert in COMS to identify any changes in GPS status amongst parolees in the community.
  2. Continue current system risk.
    - a. Level 2 and Level 3 parolees that have served 12 consecutive months of community supervision, and based on review, continue to represent a risk to the community (See [Attachment 2](#)), shall remain on the absconder direct notification list and assigned to 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 the review team.
  3. Reduce system risk.

- a. Level 2 and Level 3 parolees that have served 12 consecutive months of community supervision and based on review, have mitigated their risk to the community, shall have their system risk set to Level 1 and will 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.

## 8. DOC Response to System Risk Levels:

### A. High Risk Release List:

1. The Risk Reduction Manager will maintain a current list of inmates identified as Level 3 or Level 2. 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 designated DOC staff for possible media notification.
  - a. The packet will be completed a minimum of 45 days prior to the inmate's scheduled release or discharge date.
  - b. If the inmate's system risk level elevates to a Level 3 with less than 45 days remaining prior to release, the packet will be completed as soon as possible.
  - c. If staff are notified of a Level 3 inmate's release, and less than 45 days remain prior to the inmate's set release or discharge date, staff will complete and submit the high risk release packet for review by designated DOC 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 (discharge, release to CTP, 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) Psychosexual report from SOMP.
    - 3) Violence risk assessment from risk reduction office.
    - 4) Summary of current restrictive housing level.
    - 5) Behavioral Health summary.
  - f. All Level 3 inmates will have a law enforcement notification completed.
  - g. Level 3 inmates released to parole or suspended sentence will be placed on the Absconder Direct Notification list by the Risk Reduction Manager (See [Attachment 1](#)).
  - h. Level 3 inmates are not eligible for an award of inmate Earned Discharge Credits (EDC) for employment, but are eligible for programming EDC, as outlined in DOC policy 1.4.B.17 [Inmate Earned Discharge Credits](#).

### C. Level 2 System Risk:

1. All 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 inmates. However, the Secretary of Corrections and Deputy Secretary of Corrections will be included on the law enforcement notification.

2. Sex offenders releasing on GPS and level 2 inmates due to violence risk evaluation scores, who are released to parole or suspended sentence, will be placed on the absconder direct notification list by the Risk Reduction Manager (See [Attachment 1](#)).

D. Level 1 and Level 0 system risk:

1. Level 1 and Level 0 inmates will be released in accordance with DOC policy 1.4.G.2 [Inmate Release 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 3 inmate releasing from a SD DOC facility. If the Risk Reduction Manager is notified of a Level 2 or 3 inmate's release date with less than five (5) days prior to the release, the Risk Reduction manager or designee will complete the law enforcement notification within three (3) business days of becoming aware of the release.

1. Local law enforcement in the city or county at the location of the inmate's release.
  - a. Notification is modified if the inmate is releasing directly into the custody of another jurisdiction to a verified 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) (If known).
4. The Fusion Center, which is managed by the SD Department of Public Safety.

B. Notification to law enforcement will consist of a telephone call and/or email to the 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. Type of release – discharge, discretionary parole, presumptive parole or suspended sentence release; and

- g. 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 if the inmate is releasing 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 inmate's release or discharge. The DOC Communications and Information Manager or designee will prepare a media advisory in accordance with DOC policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#).

## 11. Absconder Direct Notification List:

- A. All parolees meeting the following criteria will be placed on the absconder direct notification list by the Risk Reduction Manager:
  1. Level 3 system risk inmate.
  2. Level 2 system risk inmates, based on violence risk evaluation scores or sex offenders on GPS
- B. Parolees may only be removed from the absconder direct notification list only after review by the Risk Reduction Manager.
  1. Parolees with an elevated system risk level as a result of being on GPS will be removed from the absconder direct notification list as soon as the alert is made inactive.
  2. Level 2 and 3 inmates on the absconder direct notify list because of their violence risk evaluation scores, may be reviewed for removal from the list after serving at least 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](#) apply to all system risk inmate releases. Victim notification shall be completed in accordance with DOC policy 1.1.E.4 [Victim Notification](#).
- B. Level 2 and 3 inmates must abide by the pre-approved transportation arrangements when releasing to parole supervision.
  1. This includes unit staff confirming the inmate:
    - a. Picked up by the facility by pre-approved transporters (family, friends);

- b. Boards the bus (commercial bus line or Pennington County transport shuttle);
  - c. Picked up by the parole agent for transport; or
  - d. Utilizes other transportation as approved.
2. Confirmation of transportation and departure information (time of departure) may be required and should be documented in COMS as a case note.
- 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 2 and 3 inmate releases and the type of notification completed on the inmate (Law enforcement and/or media).
  4. The absconder direct notification list and case notes documenting the decision to remove inmates from the absconder direct notification list.

### **13. Classification Response:**

- A. Level 3 inmates that have a PCL:SV score of 18 or higher and VRAG score of 14 or higher or a VRAG-R score of 19 or higher will maintain at least a HM custody level.
- B. Level 2 and 3 inmates are not eligible for MN custody.
- C. Offenders on parole status may be housed in a MN custody facility, i.e. released to Community Transition Program (CTP).

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

- A. Each facility (excluding Community Work Centers), will utilize the *Inmate Work Assignment Risk Assessment* institutional policy to assess the level of risk associated with each inmate work assignment at the facility. Inmates identified as “High Risk” by the institutional policy may not be assigned to a work assignment assessed as “High Risk” per the institution. High Risk inmates may be assigned to “Medium Risk” or “Low Risk” work assignments (See DOC Policy [Inmate Work Assignment Risk](#)).
- B. Inmates pending Violence Risk Assessment are not eligible to work institutional high risk jobs until they can be assessed and are not considered high risk.

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

- A. Sex Offenders scoring a System Risk Level meeting the criteria set forth in DOC policy 1.4.B.11 [Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1](#), and who are identified within the risk criteria on the SOMP Screening Instrument, may have their parole eligibility withheld.

1. Once risk has been confirmed by the withholding parole screening instrument, SOMP staff will notify the Risk Reduction Manager and Executive Director of Parole Board the process to Withhold Parole has been initiated.
  - a. The outcome of any hearing scheduled to consider the withholding of the inmate's parole eligibility will be noted on the high risk release packet.
  - b. If the inmate meets withholding criteria, the inmate will be assigned to Level 3 inmates.

## 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 – [Victim Notification](#)  
 DOC policy 1.1.E.6 – [Case Management](#)  
 DOC policy 1.3.D.1 – [Disciplinary Housing](#)  
 DOC policy 1.3.D.4 – [Restrictive Housing](#)  
 DOC policy 1.3.E.3 – [Administrative Remedy for Inmates](#)  
 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.9 – [Sexual Behavior Issue Review](#)  
 DOC policy 1.4.B.11 – [Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1](#)  
 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](#)  
 DOC policy 1.5.G.10 – [Parole Services GPS and Electronic Monitoring](#)  
[Inmate Living Guide](#)

## VI Revision Log:

**October 2014:** New policy.

**October 2016:** Deleted definition of “Inmate” and Added definition of “Offender” Deleted term “administrative restricted housing” and Replaced with “restricted housing” throughout the policy. Deleted “90 days” and Replaced with “60 days” in Section 5 J.

**October 2017:** Revised definition of “ABEL” and “MnSOST” and “Psychosexual Assessment”. Deleted definition of “Violence”. Added definition of “VRAG-R” and “PAI”. Added “VRAG-R to Section 2 A. Added “Inmates that do not meet the assessment criteria but are referred by staff due to concerns not reflected in the assessments will have their file reviewed by a qualified psychologist. If the case file review shows evidence of significant violence risk factors” and Deleted “It is during this file review that” and Added “a clinical interview and PCL:SV” and Deleted “if the psychologist determines enough indicators of violence risk are present” in Section 5 B. 1. Added “The inmate’s PCL: SV and VRAG or VRAG-R scores supersede the LSI-R and PSCAN scores when calculating system risk” in Section 5 B. 2. Added “or 19 or higher on the VRAG-R” in Section 5 B. 2. a. Added “in the last 10 years” to Section 5 D. 1. e. Deleted 60 days and Replaced with 15 days in Section 5 J. 1. Added H-7 to graph on Section 5 E. Added a.-e. in Section 8 B. 1. Deleted C-G in Section 8. Revised Attachment 2.

**May 2018:** Added a. to Section 3 B. 3. Deleted “Inmates assigned a System Risk Level are reviewed on a regular basis by Risk Reduction staff to identify qualifying events which may impact the inmate’s assessed system risk level” in Section 3 C. Deleted b. “Inmate is on level 5 restrictive housing status (housed on Unit D) – scores 20 points” in Section 5. 1. Deleted “15 consecutive days” in Section 5 J. 1. Added 2) to Section 7 A. 1. a. Added h. to Section 8 B. 1.

**June 2020:** Revised policy statement. Deleted definition of “ABEL”, “Offender”, “PSCAN” and “Static 99R”. Added “with assistance from the case managers in Section 1 C. Added “based on the System Risk Assessment” in Section 3 A. Added 5 to Section 3 B. Deleted “30” and Replaced with “20

points” in Section 5 A. 1. a. Deleted “p-scan” and Replaced with “score of 37 and above and females with an LSI-R score of 40 or above” in Section 5 B. 1. Deleted “the V-Rage will be scored, if possible, based upon available information by the psychologist” in Section 5 B. 2. Deleted g. “Male inmates with an LSI-R score greater than 37, but PSCAN <30 and female inmates with an LSI-R score greater than 40 but a PSCAN score of <30 score 0 points” in Section 5 B. 2. Added 4. to Section 5 B. Added b. to Section 5 C. 1. Added “and assessed as level 3 or level R on the MnSOT” in Section 5 C. 1. d. Deleted e. and f. in Section 5 D. 1. Deleted 2 year and replaced with 1 year in Section 5 E. 1. b. and deleted 2 years and Replaced with 1 year and deleted 5 years and replaced with 2 years in Section 5 E. 1. c. Added f. to Section 5 E. Added new G. to Section 5. Deleted “electronic monitoring” in Section 7 A. 1. a. Deleted “will be set for 12 months form the most recent review” and Replaced with “will be set by the review team” in Section 7 A. 2. Deleted 6. Risk Assessment outcomes” in Section 8 B. 1.e. Added “however, the Secretary and Deputy Secretary will be included on the Law Enforcement notification” in Section 8 C. Added 2. to Section 8 C. Added “If the Risk Reduction manger is notified of a Level 2 or 3 inmate release date with less than 5 days prior to the release, the Risk Reduction Manager or designee will complete the law enforcement notification within 3 business days of becoming aware of the release” in Section 9 A. Deleted Section 15 “Suspended Sentence Revocation”

*Mike Leidholt (original signature on file)*

*06/25/2020*

Mike Leidholt, Secretary of Corrections

Date

## Attachment 1: Management of Absconder Direct Notification List

- I. Process to add inmates to the absconder direct notification list:
  1. Parolees 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 parolees based on Violence Risk Evaluation Scores
    - c. System Risk Level 2 parolees on GPS
  2. The Risk Reduction Manager will identify inmates meeting the above criteria. The Risk Reduction Manager will verify the inmate 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 inmate was placed on the absconder direct notification list and the date the inmate was released to the community on parole supervision or to suspended sentence.
  4. The absconder direct notification list will be updated and distributed whenever an inmate 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 inmates from the absconder direct notification list.
  1. Inmates 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 inmate still represents a high risk to community safety and should remain on the absconder direct notification list.
    - a. Inmates 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 inmates 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 inmate will be removed from the list.
  3. 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 inmate must meet the following criteria for the review team to remove an inmate from the absconder direct notification list:
  - a. No High Level Response within 12 months
  - b. No Moderate Level Response within 6 months
  - c. Inmate is compliant with treatment plan (SOMP)
5. If the review team recommends removal from the list, the risk reduction manager will enter a case note into COMS, which shall include the following:
  - a. Names of review team members
  - b. Reason inmate 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 inmates placed on the list due to a High Risk Release media notification for removal.
7. Once the 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 inmate Level 2 System Risk)
  - b. GPS inactive (This will make inmate 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 inmate on Absconder Direct Notification List. Review will be default 12 months from date of review.)
    - 1)Risk Reduction Manager will set next review date on the absconder direct notify list.
    - 2)Risk Reduction Manager will make a case note detailing review process and reason for leaving inmate 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 inmate 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**

| 1. Restrictive Housing                                  |    |
|---|----|
| Released to general population, or has never been in RH | 0  |
| Stepped down in RH Level 5                              | 20 |
| Housed in RH Levels 0-4                                 | 30 |

| 2. Violence Risk Assessments                               |    |
|--|----|
| LSI-R < 37   | 0  |
| LSI-R ≥ 37 PSCAN < 30                                      | 0  |
| LSI-R ≥ 37 PSCAN ≥ 30                                      | 0  |
| File review, no evaluation required/not enough information |    |
| PCL-R:SV < 18 & VRAG < 14/VRAG-R < 19                      | 0  |
| PCL-R:SV ≥ 18 & VRAG < 14/VRAG-R < 19                      | 15 |
| PCL-R:SV < 18 & VRAG ≥ 14/VRAG-R ≥ 19                      | 20 |
| PCL-R:SV ≥ 18 & VRAG ≥ 14/VRAG-R ≥ 19                      | 30 |
| Refused Violence Risk Assessment                           | 30 |
| Referred to RR with file review but no evaluation required | 0  |

| 3. SOMP  |                 |
|--|-----------------|
| Not a Sex Offender                             | 0               |
| SO without MnSOST                              | 5               |
| MnSOST Level 1 or 2 compliant with programming | 5               |
| MnSOST Level 1 or 2 refusing treatment         | 11              |
| SO refused assessments                         | 30              |
| SO meet withholding criteria                   | 30              |
| MnSOST Level "R"                               | 30              |
| MnSOST Level 3                                 | Must be Level 2 |

| 4. Violent Felony<br>(with an SMI code- Class 1V or higher)      |    |
|--|----|
| Felony criminal history is exclusively non-violent (No SMI code) | 0  |
| Current or past violent felony conviction (No SMI code)          | 5  |
| Non-Violent and SMI  | 0  |
| Prior conviction for a violent felony over 10 years ago          | 0  |
| Prior conviction for a violent felony less than 10 years ago     | 20 |
| Current conviction for a violent felony                          | 30 |

| 5. Institutional Violence   |    |
|---|----|
| NONE/ H-2, H-3, H-6, H-7, H-9 or H-10 greater than 5 years              | 0  |
| H-2, H-3, H-6, H-7, H-9 or H-10 greater than 2 years, less than 5 years | 15 |
| H-3, H-6, H-7, H-9 within 2 years                                       | 30 |
| H-2 or H-10 current booking   | 30 |

| Assessed System Risk Level |       |
|----------------------------|-------|
| Level 3 Risk:              | 30+   |
| Level 2 Risk:              | 20-29 |
| Level 1 Risk:              | 11-19 |
| Level 0 Risk:              | 0-10  |

System Risk Level: \_\_\_\_\_

**Admin Factors**

Revised System Risk Level: \_\_\_\_\_

| Institutional Admin Factors     |                     |
|---------------------------------|---------------------|
| MnSOST Level 3                  | Must be Level 2     |
| Administrative Decision         | Review team outcome |
| Discharge from Disciplinary Seg | Must be Level 2     |
| Previous Media Advisory         | Must be Level 3     |

| Community Review Admin Factors |                       |
|--------------------------------|-----------------------|
| GPS Active Alert               | Risk at least Level 2 |
| Continue Current System Risk   | No Change to Risk     |
| Reduce System Risk             | Risk set to Level 1   |

## Attachment 3: SOMP Screening Instrument

### SOMP Screening Instrument

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

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

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If 5 more of the following are checked SOMP will forward for review for possible 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