

# **SD Department of Corrections**

## **After Incident Report James McVay's Parole and Parole Absconding**

**August 12, 2011**

On July 1, 2011 parolee James McVay left the Community Transition Program located at Unit C of the Jameson Prison Annex in Sioux Falls without authorization. On July 2, 2011 the body of 75 year old Maybelle Schein was found in her Sioux Falls home. She had been murdered and her car was missing. McVay was located in Madison Wisconsin in Schein's car through a GPS system in the vehicle. McVay has been charged with Murder 1<sup>st</sup> degree and Burglary 1<sup>st</sup> degree.

This report provides information on McVay's parole, his sentences, a chronology of events, communications with the Nebraska Department of Correctional Services (DOCS), McVay's records and information from NE, communications regarding the Secret Service, McVay's mental health and substance abuse status, and McVay's criminal record and risk assessments. Also included is information on the Community Transition Program (CTP); attempt to locate (ATL), parole absconder and escape procedures; offender numbers; and out of state inmate caseloads. This report concludes with a series of after incident actions identified as a result of a review of McVay's absconding from the CTP and the murder of Maybelle Schein.

### **1. McVay's parole and the Adult Prison Parole System:**

McVay was released on parole and was placed in the Community Transition Program (CTP) on June 30, 2011. As provided in the "Adult Prison Parole System" chapter of South Dakota Codified Law (SDCL 24-15A), an inmate is released at the time of their initial parole date if the inmate is compliant with the provisions of their Individual Program Directive (IPD), has an approved release plan and agrees to conditions of supervision (SDCL 24-15A-38).

McVay was compliant with his IPD and his release plan was to CTP where he was to complete chemical dependency treatment. He was released 45 days after his initial parole date of May 16, 2011. This delay occurred due to disciplinary segregation time he was required to do as a result of his 2009 walk away from Unit C.

The IPD is a case plan notifying the inmate that they must abide by the rules, participate in programming, work as directed and refrain from conduct evincing intent to reoffend. All inmates are responsible for rule and work compliance and refraining from conduct evincing an intent to reoffend. The remaining elements of an IPD are assessment based. Typically an inmate will sign their IPD at the beginning of their incarceration, providing notice of what they need to do to be compliant.

IPD compliance is measured from the date of sentence. An offender's compliance status cannot be dependent on conduct which occurred prior to their crime. The system is designed to have conduct occurring prior to the immediate offense reflected in the sentence and in the percentage of time (based on felony class and number of prior convictions) to parole.

Once an inmate is close to their initial parole date, the institution issues a report of compliance or non compliance to the Parole Board office. If the inmate is compliant, they also submit a release plan. This release plan is reviewed and approved by a parole agent and conditions of supervision are developed. If the inmate is compliant with their IPD, has an approved release plan and agrees to the supervision conditions, they are released without a hearing (SDCL 24-15A-38).

If an inmate is reported by the prison as being non compliant, the Board of Pardons and Paroles holds a compliance hearing where they can agree with the non compliance, deny the parole release and set a

subsequent discretionary parole date (SDCL 24-15A-39). Conversely, the Board can determine that the inmate is compliant and release the inmate to parole. An inmate can also appeal a parole condition or release plan requirement to the Board (SDCL 24-15A-40).

Some inmates are unable to develop an acceptable release plan for a variety of reasons. They may have no family, may be from out of the area, may have “burned their bridges” with their community support or are intellectually, mentally or physically unable to arrange housing, work and community treatment provisions while in prison. Unit case managers work with all inmates in release plan development. Those inmates who are unable to develop an acceptable release plan through this process are referred to a transition case manager for additional assistance with release planning. The Community Transition Program and programs and services under the Federal Second Chance Act Grant the state secured a few years ago are key resources used by the state and local communities for offenders who have problems independently developing a viable release plan.

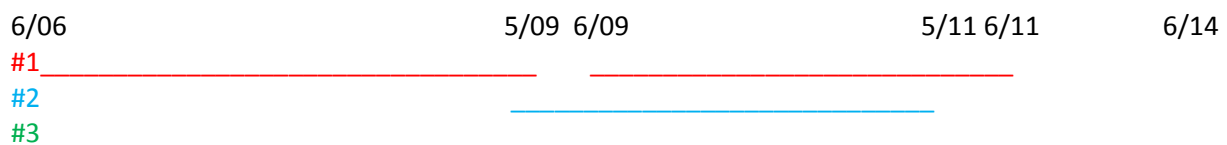
Offenders doing time for non violent offenses, those with lower class felony convictions and those with fewer convictions serve a smaller percentage of their time to their initial parole date. Those with violent convictions, more severe (higher class) felony convictions and multiple convictions serve a higher percentage of their sentence to initial parole. The percentage of the sentence to be served prior to the initial parole date, excluding life sentences, ranges from 25% to 75% of the sentence term (SDCL 24-15A-32). McVay’s SD sentences required that he serve 40% prior to his initial parole date.

McVay had an IPD issued in 2006. There is nothing in his file regarding an IPD from 2010 when his escape sentence was received. McVay’s file documents an effort to contact the NE Department of Correctional Services in March 2011 regarding an IPD/progress report but records are incomplete. Compliance was determined based on known conduct in during the term of his escape sentence.

## 2. McVay’s sentences:

The combination of McVay’s sentences is complex. He had three sentences, two from SD and one from NE all running concurrently (at the same time) but without the same commence date. His first SD sentence (#47324 - #1 below) was partially suspended (termed a split sentence) and he had waived parole release on this sentence. McVay discharged his NE sentence (#2) after serving approximately one half of the 4 year term. McVay’s final sentence was as a result of a 2<sup>nd</sup> degree escape (#54494) (#3) which, though a SD sentence, was served in NE, concurrent with the NE sentence until May 11, 2011.

This line illustration provides a rudimentary visual of the year and month of each sentence start and end date.



#47324 Grand Theft – 5 years with 2 years suspended – Pennington County, South Dakota #1

Sentence Start Date: 6/30/2006  
Sentence Date: 8/24/2006 (with 54 days jail time credit)  
Date Received in Prison: 8/29/2006  
Initial Parole Date: 9/12/2007  
Suspended Sentence Release Date: 6/30/2009  
Term Expires Date: 6/30/2011

#70461 Theft by Receiving Stolen Property – 4 years – Dakota County, Nebraska #2

Date of Offense: 5/16/2009  
Date of Sentence: 10/6/2009 (with 4 months and 24 days Jail Time Credit)  
Date Received in Prison: 10/8/2009  
Date Discharged: 5/11/2011

#54494 Escape – 5 years concurrent – Minnehaha County, South Dakota #3

Sentence Start Date: 5/16/2009  
Date of Sentence: 4/12/2010  
Initial Parole Date: 5/16/2011  
Term Expires Date: 5/16/2014

*SD #47324 Grand Theft*

McVay was first admitted to the SD DOC August 29, 2006 serving a split sentence of 5 years with 2 years suspended for Grand Theft from Pennington County. He was convicted of stealing a motorcycle. Grand Theft is a Class 4 non violent offense. McVay had six total felony convictions at the time of this 2006 conviction. A split sentence involves a period of prison time (in McVay's case 3 years) and a period of court ordered supervision under the DOC (parole services) – (in McVay's case 2 years). Parole eligibility is calculated on the incarceration term (3 years). With three or more felony convictions, serving time for a Class 4 non violent offense, McVay had to serve 40% of the 3 years prior to his initial parole date on this Grand Theft sentence. Forty percent of 3 years is 1 year, 2 months and 12 days. McVay was given 54 days jail time credit for time already served. Adding the 1 year, 2 months and 12 days to his commence date resulted in an initial parole date of September 12, 2007 on this sentence.

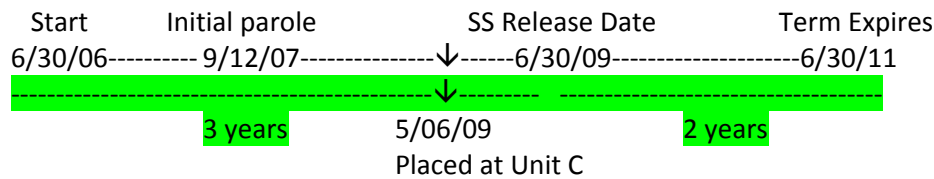
On September 20, 2007 the Board of Pardons and Paroles determined McVay was non compliant with his IPD due to disciplinary action (24-15A-34 and 24-15A-39) and set his next discretionary parole date for May 2008. In April 2008 McVay waived his parole hearing and asked not to be seen by the Board again.

McVay spent most of his time on this Grand Theft in the State Penitentiary in Sioux Falls in West Hall. He was identified as having mental health issues and received mental health services. He was placed at Unit C on May 6, 2009, less than 2 months from his suspended sentence release date of June 30, 2009.

A suspended sentence release date is a mandatory release date unless the inmate violates the conditions of his suspended sentence and the Board of Pardons and Paroles imposes the suspended time. The conditions of McVay's suspended sentence were ordered applicable upon McVay's release

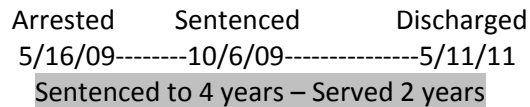
from incarceration; hence at the time he was placed at Unit C in May of 2009, he had a mandatory release date of June 30, 2009. His placement at Unit C reflected an effort to reintegrate him into the community rather than release him from secure custody directly to the community.

McVay walked away from Unit C on May 16, 2009. He was arrested in South Sioux City NE later the same day and was ultimately convicted of Possession of Stolen Property in NE and 2<sup>nd</sup> degree Escape in SD. McVay did not return to the SD DOC again until May 11, 2011. Since the conditions of McVay's suspended sentence were ordered applicable upon McVay's release from incarceration, his 2 year suspended sentence on his initial Grand Theft charge was not revoked. As a result, he was serving the suspended sentence portion of this Grand Theft sentence until the sentence discharge date (Term Expires) of June 30, 2011.



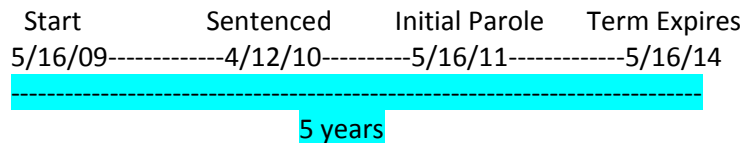
*NE #70461 Receiving Stolen Property*

McVay was held in county custody in NE until his admission to the NE Department of Correctional Services (DOCS) diagnostic center on October 8, 2009. He was held as a county prisoner at the Lincoln Correctional Center from May 20, 2009 through October 5, 2009. He was sentenced to 4 years in the NE DOCS on October 6, 2009 for a conviction of Receiving Stolen Property. McVay was discharged from his NE sentence on May 11, 2011. This is a complete discharge; he is not under community supervision from NE.



*SD #54494 Escape*

On April 12, 2010 McVay was transported from NE to Minnehaha County, SD and was sentenced to 5 years on a 2<sup>nd</sup> degree Escape – Fail to Return to Custody conviction as a result of his walk away from Unit C on May 16, 2009. The SD DOC was not involved with this transport. The escape sentence was ordered to run concurrent with the NE sentence and deemed to have commenced May 16, 2009.



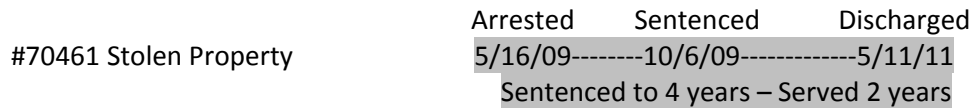
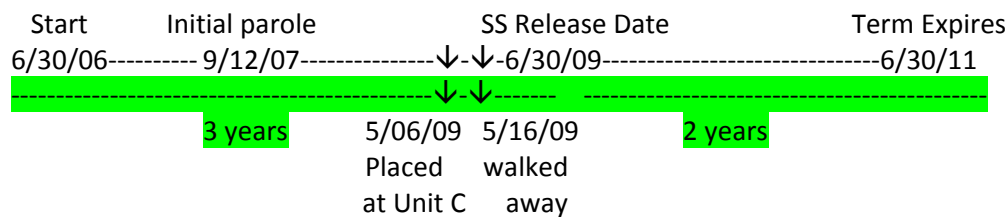
SDCL 24-15A-20 governs the relationship between sentences for crimes committed as an inmate. **24-15A-20. Consecutive sentencing--Parole eligibility.** *If a person is convicted of a felony while an inmate under the custody of the warden of the penitentiary, the sentence shall run consecutively and the person is not eligible for consideration for parole until serving the last of all such consecutive sentences, unless the sentencing court specifically orders otherwise. The parole date shall be established subject to*

the provisions of § 24-15A-32. This section does not apply to a person who commits a felony while on parole as defined in § 24-15A-15.

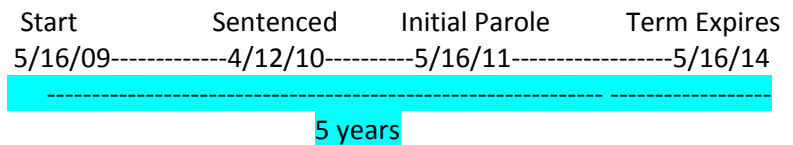
With a commence date of May 16, 2009, McVay actually started serving his escape sentence the day he walked away from Unit C. Second degree Escape- Fail to Return to Custody is a Class 5 non violent felony. With 3 or more felony convictions (McVay now had 8 convictions) he had to serve 40% of the 5 year sentence prior to his initial parole date. Forty percent of 5 years is 2 years. When McVay was returned to SD upon completion of his NE sentence on May 11, 2011, he was 5 days away from his initial parole date of May 16, 2011.

**Detailed timeline of McVay’s sentences:**

#47324 Grand Theft



#54494 Escape



**3. Chronology of events/dates:**

- 8/29/2006 Admitted to SD State Pen serving Grand Theft Sentence
- 9/20/2007 Parole Board determined non-compliant with IPD and set discretionary hearing for May 2008
- 4/2/2008 McVay waived parole consideration
- 5/6/2009 Placed at Unit C on minimum custody status
- 5/16/2009 Walked away from Unit C; stole a vehicle and was arrested in S Sioux City NE
- 5/20/2009 – 10/5/2009 Held as a county prisoner at Lincoln Correctional Center
- 10/6/2009 Sentenced to 4 years in NE for Receiving Stolen Property
- 10/8/2009 Arrived at NE DOCS diagnostic center (admission unit)
- 4/12/2010 Sentenced on SD Escape Minnehaha County – 5 years concurrent
- 5/11/2011 Released from NE DOCS and received at SD DOC
- 5/11/2011 – 6/30/2011 Disciplinary segregation due to walk away in 2009
- 6/30/2011 Released to CTP at Unit C
- 7/1/2011 McVay left Unit C without authorization
- 7/2/2011 Information from SF PD regarding McVay suspect in homicide

#### **4. NE records and McVay's compliance:**

When McVay returned from NE, a two-page discharge summary was provided by the NE DOCS. Non compliance is based on disciplinary, failure/refusal to participate in required programming, conduct evincing an intent to reoffend and failure to work as directed. This detail was not provided in the discharge summary. His SD case manager faxed a letter to the NE DOCS on May 12, 2011 requesting disciplinary, work and programming information. No response was received. McVay's transition case manager called the NE DOCS requesting information. She was told twice that the requested information was confidential. The transition case manager left a message on an answering machine in NE that reached the NE DOCS headquarters and McVay's classification summary, inmate banking discharge statement, discharge certificate and the classification and psychological summary from his intake in NE (in Oct 2009) were provided. This material indicated "no information found" with regard to disciplinary and no indication of program or work non compliance. There was no information regarding his conduct during the term of McVay's escape sentence that would support a finding of non compliance.

On July 8, 2011 SD DOC officials received a phone call from senior staff of the NE DOCS regarding the records of McVay's stay in NE. In this conversation NE reported it was an error when they publically indicated SD DOC had not contacted them for records prior to McVay's release. During the July 8, 2011 conversation, NE DOCS officials indicated the "no information found" with regard to disciplinary was also inaccurate. Based on the information verbally relayed July 8, 2011 and received July 11, 2011, McVay did have two minor rule violations while in NE DOC custody. These were category 3 write-ups. The NE DOCS has three categories of write-ups with 1 being the highest and 3 being the lowest. The two disciplinary reports from NE were not major reports and would not have resulted in a non compliance finding in South Dakota.

On July 8, 2011, NE DOCS personnel indicated that there wasn't anything in the NE DOCS file that would have made McVay non compliant. This verbal information was substantiated by the SD DOC based on records received from NE on July 11, 2011.

McVay wrote letters while in county custody in NE. In the letters he claimed he told SDDOC staff and mental health staff in 2009 that he couldn't go to Unit C as he was too unstable. Staff have been interviewed regarding these claims. McVay's allegations were not collaborated by staff reports or records. It appears McVay wrote the letters in an attempt to mitigate his situation after his arrest and pending criminal action for his escape.

#### **5. Contact with the Secret Service:**

During the July 8, 2011 phone conversation, NE DOCS reported that McVay was interviewed by the Secret Service prior to the NE DOCS assuming custody of McVay and there was nothing in the NE DOCS file regarding an interview with the Secret Service. NE DOCS reported that this information would be in the county file not the NE DOCS file. NE DOCS reported they contacted the Secret Service to inform them that McVay was going to be transferred to SD DOC. The response was the case was closed, and they would let the Secret Service office in Sioux Falls know about McVay and his transfer. No interviews were conducted by the Secret Service while McVay was in SD DOC custody and the Secret Service did not contact the SD DOC regarding McVay.

The SD DOC has since contacted the Secret Service. The Secret Service confirmed two interviews with McVay. McVay was interviewed when he was first arrested in May of 2009 because of statements he made. In the first interview, McVay was reported to have still been under the influence of an unknown substance and was not making a lot of sense. In a second interview, McVay recanted all of his previous statements.

**6. McVay’s mental health status:**

McVay did receive mental health services while housed in the NE DOCS system. His mental health records were sent from NE on July 8, 2011. There is nothing in these mental health records that would have changed McVay’s compliance status. McVay was seen by a mental health clinician on May 13, 2011 and by a psychiatrist on May 23, 2011 following his transfer to the SD DOC. McVay also had access to mental health staff during daily rounds from May 11, 2011 through June 30, 2011. During the two months he was back in SD, six mental health professionals, a mental health transition coordinator and a psychiatrist had contact with McVay. McVay presented as organized, coherent and stable. At the time of his visit with the psychiatrist he is reported to have been motivated to engage in services and make positive life changes. He did not present as delusional, aggressive or psychotic during his stay in segregation or the day residing at Unit C prior to his absconding. While McVay was in custody in SD he did not present with the extreme behaviors reported and witnessed in Wisconsin following his arrest.

**7. McVay’s criminal record:**

McVay has 8 felony convictions:

Grand Theft	TX	May, 1987
Poss. Controlled Substance	TX	December, 1987
Grand Theft	TX	April, 1990
Grand Theft	TX	August, 2002
Burglary 3 <sup>rd</sup>	TX	September, 2002
Grand Theft	SD	July, 2006
Receiving Stolen Property	NE	May, 2009
Escape 2 <sup>nd</sup>	SD	May, 2009

He has had DUI convictions and a misdemeanor assault in TX in 1991 for which he received a fine. His record shows two arrests for violent crimes without convictions. In 1991 he had a Robbery arrest without a disposition and in 2000 he was arrested for “Assault, injury family member” where the disposition is listed as “rejected charge.”

**8. McVay’s risk assessments:**

Upon admission to the SD State Penitentiary in August, 2006, McVay received a battery of assessments including a Level of Service Inventory, education, chemical dependency, mental health, adult internal management, Prison Rape Elimination Act (PREA) assessment and custody classification. His LSI-R score is 27 which placed him at a moderate risk of recidivism. There are 5 levels in the LSI-R scores:

High:	41 and above
High Moderate:	33-40



Moderate:	24-33
Low Moderate:	14-23
Low	13 and below

Mental health staff listed him needing periodic mental health access.

His initial custody classification in 2006 found him to be minimum risk however the use of additional risk was used to raise his custody to low medium. In May, 2009 he was cleared for minimum placement.

McVay was not given an updated LSI-R nor was his custody classification redone following his return to SD. His initial community risk score was assessed as maximum on a five level scale of intensive, maximum, medium, minimum and indirect. At the end of FY 2011, 20.9% of the parole population had a community risk assessment of maximum (approximately 518 cases in state).

SD uses a Master Assessment Priority System (MAPS) to merge assessment data into an overall score. Offenders with a MAPS score of 20 and above are typically identified for specific law enforcement release alerts (see recommendation #10). McVay scored 11 on MAPS.

**9. Community Transition Program (CTP):**

The Community Transition Program (CTP) is a program operated by the SD DOC to provide a transitional placement between prison and community for parolees. The CTP originated in October 2004 and had its impetus in the 2003 Adult Corrections Workgroup. The CTP program allows offenders who have been paroled to live at a minimum custody DOC facility for a period of time as a parolee as opposed to moving directly from prison to independent living. CTP is designed to allow offenders to complete programming they were unable to complete as an inmate and access the community to secure work and community housing while having a place to live.

The CTP program is also used for parolees who have trouble maintaining their parole in the community. If a parolee is violating the terms of their parole, depending on the violation and their community risk level, the parolee may be allowed to recommit back to a DOC minimum unit and participate in the CTP program in lieu of facing a parole violation with the Board of Pardons and Paroles. Typically, offenders who enter CTP from the community have had a substance abuse relapse and will participate in substance abuse treatment during their stay at CTP prior to their move back to the community. Offenders are frequently restricted to grounds their first couple of days in CTP or may be restricted to grounds pending program completion.

From October 13, 2004 through June 30, 2011, 4,006 offenders have participated in the CTP. Of these, 3,912 have been released from the program – 2,917 successfully (75%) and 995 unsuccessfully (25%). Many of the parolees participating in the CTP would have been unsuccessful without the program due to an inability to secure an acceptable release plan or they would have returned to prison for a parole violation.

Of the 2,917 offenders who successfully completed the CTP program and released back to independent living in the community, 1,907 (65%) are succeeding on parole or have successfully completed their supervision. Without the CTP program, over the last 7 years there could have been up to 1,907 more inmates in prison than current numbers.

## **10. Adult offender numbers and releases:**

As of the end of June 2011 there were 3,455 state inmates incarcerated within the SD DOC adult institutional system, 3,039 male inmates and 416 female inmates. Also at the end of June, there were 2,477 state parolees being supervised in SD and another 407 SD parolees supervised in other states for a total of 2,884 parolees. In FY 2011, there were 2,861 releases from prison, including 2,490 releases to parole or suspended sentence supervision.

## **11. Parole attempt to locate, absconder and inmate escape procedures:**

There are two groups of offenders housed at SD DOC minimum units, inmates and parolees. Inmates at minimum units typically work community service, institutional support or work release jobs. They are still under the incarceration portion of their prison sentence and are subject to escape prosecution if they walk away from the unit or their community job assignment.

When an inmate escapes or walks away from a prison unit or prison assignment, escape procedures are implemented including notice to local law enforcement; notice to local media and the establishment of a state case and arrest warrant for the escape/walk away.

When a parolee misses an appointment, can't be located, or is reported to have left a program or placement the parole agent has discretion in issuing an informal "attempt to locate" (ATL) with local law enforcement and some discretion on when to request a parole violation warrant from the Executive Director of the Board of Pardons and Paroles for parole absconding. This discretion is designed to accommodate varying levels of parolee supervision and unique case specific circumstances.

## **12. Out of state caseloads:**

There are currently 53 inmates serving SD prison sentences in other jurisdictions. Some of these inmates are serving their SD sentence in another state as part of an interstate compact prisoner agreement. Under these agreements, states can "swap" inmates on a day for day basis. These inmate interstate compacts are designed to allow offenders who are convicted and sentenced in a state away from their home state a chance to do their time near home. Compact transfers are also sometimes used for offender safety or security reasons. At the time of this report there were 27 inmates serving SD sentences in other states under the compact agreement.

A second group of offenders serving SD prison sentences in other states are those termed "concurrent sentences elsewhere" (CSE). These inmates have a sentence in another jurisdiction as well as their SD sentence. Both sentences are running, including the SD sentence, but the inmate isn't physically in SD (McVay was one of these). In these cases, the paperwork is sent from the court to the DOC records office, sentence numbers are assigned, dates are calculated, a detainer is placed with the other state in the event the inmate finishes the other jurisdictions' time prior to the SD time. In some cases, these offenders serve their entire SD sentence concurrent in another state and never set foot in a SD prison. At the time of this report there were 26 inmates serving SD sentences in other states as CSE.

SD prison case managers are assigned these out of state caseloads in addition to the unit caseloads they have in state. Given the small numbers, these out of state cases are added to the caseloads of two

existing case managers (one for female inmates and one for male inmates). These case managers attempt to gather the information needed for an IPD, develop an IPD and send it to the jurisdiction housing the inmate for explanation, signature and return. Compliance and progress reports are requested but often times the differences in parole and institutional systems, records, assessments, programming and disciplinary policies make it very difficult to develop an IPD, maintain progress reports and have complete information for the compliance report. Parole systems are unique between states and SD has had limited success in getting timely and complete IPD documents from other states. At times it is challenging to even determine which facility the inmate serving a CSE is housed at within a jurisdiction.

State statutes provide the option of a “courtesy hearing for inmates housed outside the state.” There is no state statute or agency policy to provide for specific handling of out of state cases at the time of the initial parole date (cases that would not have a hearing if the inmate is compliant, has an acceptable release plan and has agreed to supervision conditions). At the time of this report, there were 22 inmates on the out of state caseload with a pending initial parole date, 12 with an initial date in the next five years and 10 with an initial parole date more than five years in the future.

Application of the initial presumptive parole processes to offenders serving their sentences out of state is challenging given the operational differences between states. While the more complete records from NE on McVay supported a finding of compliance, often records are available only to the extent of not being able to support a non compliance finding. State statute and agency policy cover procedures for hearings when the inmate is out of state but there aren’t specific procedures for compliance determination for out of state inmates – the same statutes apply to inmates doing time in SD as those serving SD sentences out of state.

#### **After incident actions:**

Following McVay’s unauthorized departure from the Community Transition Program and Maybelle Schein’s murder, the SD DOC has undertaken a critical review of this incident and related policies, procedures and practices. The SD DOC has taken the following after incident actions. While these actions most likely would not have prevented McVay’s departure and in some cases don’t reflect factors occurring in McVay’s case, these are areas where it was determined the processes could be enhanced.

1. Issue a warrant for a parole violation immediately when a parolee involved with the Community Transition Program at a SD DOC facility who has no off grounds privileges leaves the grounds without authorization. **Implemented**
2. Develop procedures to issue notice to state radio when parolees in the CTP with no off grounds privileges leave prison grounds without authorization. This information will go out immediately and periodically thereafter until the requesting agency directs an end. **Implemented**
3. Issue a press release when a parolee involved with the CTP at a SD DOC facility who has no off grounds privileges leaves the grounds without authorization. **Implemented**
4. Review inmates placed at minimum facilities who are identified as severely mentally ill (SMI) or have prior placements in a correctional mental health unit for adjustment to a psychotropic medication change within 6 weeks of the change or prior to release from prison, whichever occurs first. Review of

this adjustment to psychotropic medication change will be conducted by a master's level clinician or psychiatrist. **Implemented** (not applicable in McVay's case but identified through this review as a means to strengthen processes)

5. Review all inmates identified as SMI or who have been placed in a correctional mental health unit within the month prior to their release from prison. Review will be conducted by a master's level clinician or psychiatrist. **Implemented**

6. Revise practices regarding inmate releases from segregation to parole or discharge.

A. Inmates will not be released to community supervision directly from disciplinary or administrative segregation unless ordered by the Parole Board. **Implemented**

B. Additional case management will be provided for offenders in segregation with release dates within one month. **Implemented**

C. If an inmate does discharge or parole from segregation there will be specific law enforcement notification. (see recommendation #9) **Implemented**

7. Analyze case management provisions and the application of initial presumptive parole processes to the out of state inmate caseload. **Status: A workgroup has been formed of DOC administration, legal counsel and Director of Classification and Transfer to audit existing out of state caseloads, review processes and recommend changes.**

8. Consider legislation to address initial parole determinations for inmates on out of state caseloads when complete information is not available from the host state. **Status: SD DOC legal counsel is reviewing.**

9. Provide specific notification to state and local law enforcement when an inmate is discharged or paroled directly from administrative or disciplinary segregation. Note: State and local law enforcement are already provided notice of all prison releases. The notice in this action is in addition to the existing letters to the sheriff, chief of police and notices to DCI. **Implemented.**

10. Provide specific notification to state and local law enforcement when inmates identified as very high risk are released from prison. This notice will be in addition to the existing letters to local law enforcement and notices provided to DCI. **Status: The assessments to be used and profile of offenders subject to this specific notice are under development by a workgroup of DOC administration, institutional and parole staff.** (This action is not applicable in McVay's case, however, through this review it was determined the process of identifying and providing notice of high risk releases should be more clearly defined.)

11. Conduct updated assessments prior to any parole release on inmates returning from out of state placements. **Implemented**