

KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-111	PAGE NUMBER 1 of 8
		SUBJECT: PAROLE SERVICES: Offender Risk Management and Classification Levels	
Approved By:  Secretary of Corrections		Original Date Issued: 09-01-95 Current Amendment Effective: 06-19-13 Replaces Amendment Issued: 07-02-10	

POLICY

The Parole Services Division shall manage offenders in the community using a risk management system. The department shall use the Level of Services Inventory-Revised (LSI-R) as an instrument to assess criminogenic risk and needs, determine intervention targets, measure offender behavior change, and establish the foundation for case management practices. Classification of offenders and supervision levels will be consistent with principles of risk, need, responsibility, and professional discretion all aimed at public safety and risk reduction. Interventions during supervision should be based on dynamic risk factors and prioritized based on the offender's risk to re-offend. Each offender will be assigned to one of four supervision levels: high, moderate, low-person, or low. Offenders classified as low risk may be managed using an automated telephone reporting system. The classification level assigned will be based on the offender's assessed risk/need score and other objective risk management factors outlined in this policy (4-APPFS-2A-02, 4-APPFS-2A-03). Offenders will be reassessed periodically to determine any change in the risk/need level, and to ensure that the classification is consistent with the risk/need of the offender. The supervision level assigned will guide the minimum number and type of contacts as set out in IMPP 14-117 (4-APPFS-2A-11).

DEFINITIONS

Assessment: A process by which relevant information is synthesized to establish the overall internal and external traits of the offender to assist in the development of an individualized case management plan.

Automated Telephone Reporting (ATR): Automated Telephone Reporting System – an automated telephone system used to collect and verify information from offenders. Information may also be provided to offenders via the system.

Case Management: Comprehensive approach to post-conviction supervision of offenders to reduce risk and support reintegration by; assessment, development and implementation of programs & interventions.

Classification: A process of assessing, evaluating and categorizing offenders to facilitate effective case management.

Criminogenic Needs: Dynamic factors of the offender that, when changed, are associated with changes in the probability of recidivism.

Intervention: A measure taken to influence offender behavior. The goal of imposing an intervention is to increase the likelihood of successful offender re-entry by addressing an offender's risk or need, or in making progress under his or her case plan. An intervention can include any of the options set out on the Behavior Response Guide, or other strategies that may effect a behavioral change in the desired direction. Interventions may be imposed either proactively or in response to a violation.

Period of Post-Release Supervision: The period of time the offender is supervised under post-release supervision including service of violation time.

Level of Service Inventory-Revised (LSI-R): The LSI-R is an objective, 54-item risk/needs assessment instrument composed of ten subcomponents that contain both static and dynamic risk factors. The instrument is a quantitative survey of attributes of offenders and their situations relevant to level of service decisions. The LSI-R provides a consistent and valid method of predicting risk to re-offend and a reliable means of measuring offender change over time through reassessment.

Multidisciplinary team (MDT): Individuals selected by the Secretary of Corrections from a variety of state and private sources for the express purpose of assessing whether or not a person meets the definition of a sexually violent predator.

Need: The requirement for some type of intervention to reduce criminal behavior.

Physically/Mentally Incapacitated Offender: An offender whose physical or mental condition results in the individual being unable to participate in the LSI-R assessment process.

Profile Report: A level-of-service classification based on an offender's overall assessment score.

Risk: The potential for criminal behavior.

Significant Event: An action, behavior or circumstance which, when factored into the LSI-R assessment instrument, may change the offender's supervision level by raising it or lowering it. Examples of significant events are loss of employment, gaining sustained employment, relapse in substance abuse, completing a significant period of sobriety, change in accommodation, change in family circumstances such as marriage or divorce, new conviction or discovery of new conviction information, or completion of one or more significant goals of the offender's case plan.

Override: A process that allows for the review of an offender's classification level, and may allow an offender to be supervised at a supervision level other than that prescribed by the risk/need assessment tool score because of other aggravating or mitigating risk attributes, factors or behaviors.

Static 99: A brief actuarial instrument designed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one sexual offense against a child or non-consenting adult.

SONAR: Sex Offender Need Assessment Rating - A scale used to evaluate change in risk among sexual offenders.

Unresolved Violations: Violations that have not been addressed with an intervention and recorded as such in TOADS.

PROCEDURES

I. Assessment Processes

- A. The LSI-R shall be the primary risk assessment tool.
- B. Quality control is an essential part of the LSI-R.
- C. The first community based LSI-R assessment, upon an offender's release to the community or receipt for supervision, shall include a personal interview with the offender.
 1. Subsequent LSI-R reassessments may be conducted without a personal interview with the offender, if accurate and sufficient information can be gained using other means such as contacts with the offender, collateral contacts, review of case file, supervision history, etc.
 2. The use of an LSI-R interview guide is encouraged to ensure that appropriate questions are asked and are posed in a manner to elicit a detailed response.
 3. Detailed notes shall be taken during the LSI-R interview/assessment process and shall be entered into the TOADS LSI-R document.

- a. The quality of the interview notes entered into TOADS shall be such that the quality assurance audit process can effectively determine the accuracy of assessment.
 - b. Notes entered into TOADS during the interview shall be documented in a manner that is not disruptive to the interview process and does not detract from the quality of the interview.
4. The LSI-R assessment shall be scored using the LSI-R scoring guide to ensure accurate scoring.
 - a. Scoring of the assessment shall not be conducted in the presence of the offender.

II. Offender Participation

- A. The first community based LSI-R assessment shall be conducted with the offender's participation. Offender participation in subsequent assessments is not required but encouraged.
 1. If an offender is unwilling or unavailable to fully participate, the assessment shall be completed by:
 - a. Obtaining as much information as possible from the offender;
 - b. Reviewing all available criminal history sources;
 - c. Reviewing the offender's case file;
 - d. Utilizing collateral contacts;
 - e. Utilizing official documents; and
 - f. Documenting the refusal and sources used to obtain/verify information.
- B. Offenders with physical or mental disabilities shall receive an assessment.
 1. An offender's inability to participate due to physical or mental disabilities shall be documented, and the assessor shall complete the assessment based on file information, case management knowledge of the offender, and collateral information.
 2. Offenders with hearing or speech disabilities shall be provided interpreter services by the parole office as applicable.
 - a. When using an interpreter for assessments, only a certified LSIR assessor shall initiate interview questions for the interpreter.

III. LSI-R Completion Requirements

- A. Assessments are required within 45 days in the following situations:
 1. After the release of an offender to supervision status from a Kansas correctional facility when the offender did not go to a jail on a detainer or to the Larned Sexual Predator Unit.
 - a. Kansas offenders without a LSIR assessment in TOADS, completed during the current sentence, shall be supervised at the high supervision level until an assessment is completed

- b. Completion of the LSI-R Assessment is not required for offenders who are released to supervision with less than 90 days to serve on their sentence.
 2. After acceptance of an offender for supervision under the terms of the interstate compact agreement, when the offender is already in Kansas.
 - a. Offenders in Kansas on the basis of reporting instructions with a non-person crime shall be supervised at the moderate level of supervision until an LSI-R is completed or the case is closed.
 - b. Offenders in Kansas on the basis of reporting instructions with a person crime shall be supervised at the high level of supervision until an LSI-R is completed or the case is closed.
 3. Upon arrival in Kansas for supervision, when the case has been approved for supervision under the terms of the interstate compact agreement.
 4. Upon return of a Kansas offender from out-of-state supervision.
 5. Upon release of an offender from the Larned sexual predator unit if the offender still has a period of parole/post-release supervision;
 6. Upon release of an offender from custody, if the offender was released from KDOC to a detainer;
 7. Upon release from jail and availability for supervision, a SB67 4th or subsequent DUI case.
- B. Assessments Created by Contract Providers or Community Corrections Agencies.
 1. LSIR assessments completed by KDOC contract providers or community corrections agencies and entered in TOADS may be used to determine parole supervision levels.
 2. Such assessments may be used in place of regularly scheduled parole assessments, if completed within 90 days of the parole LSIR being due.
 3. Community corrections assessments used must be from an active term of concurrent probation supervision.
- C. Additional Assessments
 1. Reassessments shall be completed on an annual basis, twelve months after the preceding assessment, except for offenders supervised on the low supervision levels.
 2. Additional LSI-R assessments shall be completed when significant events occur that would change the supervision level of the offender.
 3. If a transfer of supervision of an offender occurs within 30 days of the due date for a parole assessment, the Parole Officer who initiates the transfer shall complete the LSI-R assessment prior to transfer.

IV. Classification

- A. High Supervision Level - Offenders will be assigned to High Supervision level if they score 34 or higher on the LSI-R assessment instrument.
 - 1. An offender determined by a judicial proceeding to be a sexually violent predator pursuant to K.S.A. 59-29a01 shall be managed at the high supervision level.
 - a. Offenders determined to be sexually violent predators will automatically be coded at the high supervision level by the computer.
- B. Moderate Supervision Level - Offenders will be assigned to the Moderate Supervision level if they score 19-33 on the LSI-R assessment instrument.
- C. Low Supervision Level - Offenders will be assigned to Low Supervision Level if they score 18 or below on the LSI-R. There are two service levels in this category:
 - 1. Low – Person Supervision Level: Report monthly via telephone and report in person on a quarterly basis;
 - 2. Low Supervision Level: Report monthly via telephone, personal contact as needed.
- D. Offenders whose convictions are designated as a Jessica's Law case in the OMIS sentence record shall not be supervised at a level that is less than the Moderate supervision level.

V. Low Supervision Levels

- A. Offenders who are on the low supervision level and meet any of the following criteria should be supervised on the Low-Person level of supervision:
 - 1. Offender has not yet had a LSIR assessment completed while on parole; or
 - 2. Offender has been on supervision for less than 90 days; or
 - 3. Documented case management issues or needs exist that indicate a need for more supervision or support services than the offender would receive on the Low supervision level.
- B. All other offenders on the low supervision level shall be placed on the Low supervision level (automated reporting).
 - 1. Prior to placement on Low supervision, the assigned Parole Officer shall ensure the following:
 - a. Active Special Conditions have been, or are being addressed;
 - b. Referrals to any necessary programs or services have been made;
 - c. If a Batterers Intervention program is required, it has been completed;
 - d. Not on Electronic Monitoring/GPS monitoring;
 - e. Any violations have been resolved;
 - f. No pending charges exist, excluding minor traffic offenses and non-volitional offenses that occurred prior to the supervision period;

- g. If unemployed and employable, a plan for employment search is in place; and,
 - h. A payment plan is in place for restitution, court ordered fees, child support owed and any overdue supervision fees.
- C. Offenders on the Low-Person and Low supervision levels shall be enrolled in the automated telephone reporting system for monthly report calls, supervision reminders and to provide information related to supervision status.
- 1. At the time of enrollment in the telephone reporting system, the offender shall be provided with an explanation of process and requirements, including use of the designated enrollment letter and a wallet card.

VI. Transferring a Case to Low Supervision

- A. The Parole Officer should Complete the Automated Reporting Transfer form in TOADS (Attachment B).
- B. The form should be provided to the appropriate Parole Supervisor for review and approval.
 - 1. Requests pertaining to an offender whose current offense involved a crime that resulted in the death of another human being must also be approved by Deputy Secretary of Community and Field Services prior to transfer to Low - supervision level.
 - a. The offender shall not be placed on the Low supervision level until a positive response is received from the Deputy Secretary and documented in the Automated Reporting Transfer form.
- C. Once reviewed by the supervisor the parole officer will be notified of the approval or disapproval.
 - 1. If the transfer is disapproved, the offender shall not be placed on Low supervision.
 - 2. If approved by the supervisor, the supervision fee code in OMIS will need to be updated. This change should be made manually if the process is not automated.
 - a. If the offender is indigent, the offender shall be coded as supervision type "D" in OMIS.
 - 3. If the offender is approved for placement on Low supervision and is not already enrolled in the telephone reporting system, the Parole Officer shall meet with the offender and provide a copy of the Enrollment Letter and wallet card, advising the offender of the automated reporting process and call expectations. The contents of the letter and the process shall be thoroughly explained to the offender.
 - 4. The PO shall print Supervision Fee coupons from OMIS and provide them to the offender, along with instructions on how and when to make payments.
 - a. The number of coupons provided should match the number of months to serve on supervision, up to 12 months. Offenders who will be on supervision longer than 12 months should be instructed to contact the PO for additional coupons, when needed.
 - 5. If the change in supervision level will result in a transfer of the case to another Parole Officer, contact information for the new Parole Officer shall be provided as well as information that is to be relayed to the new officer on a regular basis or as changes in circumstances occur.

6. If the change in supervision level results in a change in Parole Officer, procedures and indicated in IMPP 14-123 "Intrastate Transfers" should be followed.

VII. Removal from the Low Supervision Level

- A. Violations determined to be significant with regard to offender stability or public safety shall be staffed by the Parole Officer with the Parole Supervisor for potential removal from Low supervision. Those violations should include:
 1. Intentional victim contact;
 2. Personal conduct violations;
 3. Convicted of a new crime;
 4. Repeated or severe instances of substance abuse; or,
 5. Repeated instances of failing to report as required.
- B. The assigned Parole Officer shall factor the significant event and/or violations into the LSI-R to determine the potential for changing the offender's supervision level, and complete any LSIR reassessment and/or override form that are necessary.
- C. If the removal from Low supervision results in a case being transferred to another caseload:
 1. The supervision officer shall provide the receiving Parole Officer with information as to why the offender is being moved to a different supervision level and shall enter in TOADS any violations incurred and interventions imposed.
 2. The supervision officer shall remove the offender from mail-in caseload via the Automated Reporting Transfer Form in TOADS.

VIII. Supervision Level Overrides

- A. Parole Officers may request an override to a level of supervision other than that prescribed by the LSIR score, if a review of all available information indicates the need for higher or lower supervision level and the most current LSIR assessment includes the issues or behaviors that are the rationale for override consideration. Factors to consider include the following:
 1. Current risk factors or public safety concerns;
 2. Any mental health or special management needs;
 3. Level of compliance while on supervision;
 4. Information gained from community resources, law enforcement agencies or treatment providers.
- B. For offenders managed as a sex offender, additional factors shall be considered in determining the supervision level. Such factors shall include, if available:
 1. Results of the Static 99;
 2. Axis I and II diagnoses;
 3. The Multi-disciplinary team rating;

4. The Clinical Services Report
 5. Treatment staff recommendations; and/or
 6. Results of the SONAR.
- C. A Parole Officer requesting an override to a higher or lower supervision level shall complete the Supervision Level Override form in TOADS.
1. The offender may be supervised at the proposed supervision level once determined by the Parole Officer that a higher level of supervision is required.
 2. The override to increase an offender's supervision level shall be reviewed for approval/disapproval by the Parole Supervisor.
 - a. Should the supervisor not concur with the Parole Officer's supervision level determination, the appropriate level shall be negotiated based upon available information and discussion.
 3. If an override is being requested to supervise an offender at a lower supervision level than indicated by the LSI-R, the offender shall be supervised at the level prescribed by the LSI-R until the override is approved by the Parole Supervisor.
 4. Once the override is approved by the Parole Supervisor, the appropriate supervision level will automatically be reflected in OMIS and TOADS.
 5. Override requests and supervisory responses shall be documented in the Supervision Level Override form in TOADS.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None

REFERENCES

K.S.A. 59-29a01
IMPP 11-113, 11-115, 14-117
LSI-R Manual
4-APPFS-2A-02; 4-APPFS-2A-03; 4-APPFS-2A-11

ATTACHMENTS

Attachment A - Override Request Form, 1 page
Attachment B - Automated Reporting Transfer Form, 1 page

KANSAS DEPARTMENT OF CORRECTIONS
Override Request Form

Offender Name and Number: _____

Offense and Sentence Information: _____

Discharge Date/Sentence Expiration Date: _____

Current Classification Level: Low Moderate High LSI-R Score: _____

If managed as a sex offender, provide the following information:

Static 99 Score: _____

SONAR Score: _____

Axis I and II Diagnoses: _____

CSR Recommendation: _____

MDT Assessment: Low Medium High N/A No Record

Sex Offender Treatment Staff Recommendations: _____

Reason for the Override Request: _____

Classification Recommendation: Low-Person Moderate High

Parole Officer Date

Approved: Yes No

Comments _____

Parole Supervisor Date

Removal Date: _____

Removal Comments: _____

Automated Reporting Transfer Form

DOCNum

Offender Name

Officer#

Supervision Level

Officer Name

Supervision Entity

Section I

Did crime result in the loss of a human life? Yes No
(If yes, Deputy Secretary approval is required prior to placement on Call-in supervision)

List any required programs or active Special Conditions:_____.

Describe the status of supervision fee's, court ordered fee's, child support and any payment plans:_____.

Section II- Approvals

Parole Supervisor approval: Yes No

Comments *(required for disapprovals)*:_____

If crime resulted in the loss of human life, refer to the Deputy Secretary for review and approval:

Deputy Secretary Approval: Yes No

Comments *(required for disapprovals)*:_____

Is the offender in indigent status? Yes No

Is the case being transferred to another PO? Yes No *(if yes, select new officer and county code)*

Section III – Removal from Automated Reporting

Remove from Low: