

KANSAS DEPARTMENT OF CORRECTIONS

 <p style="font-size: small;">Department of Corrections</p>	<p style="font-size: x-large; font-weight: bold; color: blue;">INTERNAL MANAGEMENT POLICY AND PROCEDURE</p>	SECTION NUMBER	PAGE NUMBER
		14-111A	1 of 8
		PAROLE SERVICES: Offender Risk Management and Classification Levels	
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POLICY STATEMENT

The Parole Services Division shall manage offenders in the community based on risk levels, determined by a classification 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). Offender classification may include the use of a risk screener, an LSI-R assessment, or other tools as specified in this policy or approved by the Deputy Secretary of Community and Field Services. LSI-R interviews and assessments shall be completed in accordance with IMPP 11-113D as well as the directives of this policy.

Classification levels should be reviewed periodically and updated when needed to ensure that the assigned risk level is consistent with the risk level of the offender. The classification of offenders and supervision levels will be consistent with principles of risk, need, responsivity, all aimed at public safety and risk reduction. Interventions used 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 moderate, or low. Offenders classified as low moderate and low risk may be managed using an automated telephone reporting system.

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.

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 affect a behavioral change in the desired direction. Interventions may be imposed either proactively or in response to a violation.

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 the likelihood of criminal behavior.

Risk: The potential for criminal behavior.

Risk Screener: A classification tool designed to determine risk level based on factors related to an offender's personal circumstances and criminal history.

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 and Classification Processes

- A. A Risk Screener shall be completed as the initial classification review, at each release, for:
 - 1. KDOC offenders who are released to supervision in Kansas;
 - 2. KDOC offenders who return to Kansas supervision from out of state residency;
 - 3. Interstate compact cases when an offender has been accepted for supervision and the offender is in Kansas and available for supervision.
 - a. A Risk Screener may be completed prior to the acceptance of supervision, for offenders who are in Kansas and being supervised on Reporting Instructions.
- B. The Risk Screener process should include an interview with the offender and be completed within the first 15 calendar days of the offender's supervision period.
 - 1. Risk Screeners shall be created by the Parole Transition Unit prior to an offender's release and completed to the extent possible.

2. After an offender is released to supervision, the Parole Officer shall review the Risk Screener that was created by the Parole Transition Unit, add any additional information necessary and finalize/score the assessment.
 3. Risk Screener scores and notes shall be documented in TOADS.
- C. Offenders whose Risk Screener score is one (1) or two (2) shall be placed on the designated supervision level and an LSI-R assessment is not required.
1. A Risk Screener score of one (1) places the offender on the Low supervision level, and a score of two (2) results in placement on the Low Moderate supervision level.
 2. In cases where the Risk Screener scores one (1) or two (2) and other information indicates that a higher supervision level is necessary an LSI-R shall be completed within 45 days of the offender's release date, or within 45 days of acceptance/arrival for supervision if an interstate compact case.
- D. Offenders whose Risk Screener score is in the Moderate or High ranges shall be supervised at that level until an LSI-R assessment is completed.
1. The LSI-R assessment shall be completed within 45 days of the offender's release to supervision, or acceptance for supervision if an interstate compact case.

II. Exceptions to Assessment Procedures

- A. 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.
- B. Completion of the Risk Screener and/or LSI-R Assessment may be delayed until an offender is released to the community for supervision when:
1. An offender is released from a Kansas correctional facility to a detainer in a jail or correctional facility; or
 2. An offender resides in the Sexually Violent Predator treatment program at Larned, Kansas.
- C. LSI-R assessments or reassessments completed by KDOC contract providers or community corrections agencies and entered in TOADS may be used to determine parole supervision levels.
1. Such assessments may be used in place of regularly scheduled parole assessments, if completed within 90 days of the parole LSI-R being due.
 2. Community corrections assessments used must be from an active term of concurrent probation supervision.

III. LSI-R Re-Assessments (4-APPFS-2A-11)

- A. Offenders on the High and Moderate supervision levels shall have re-assessments completed on an annual basis, 12 months after the preceding assessment.
- B. Additional LSI-R assessments shall be completed for offenders on any supervision level, when significant events occur that would change the supervision level of the offender.
- C. 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. LSI-R Interview and Assessment Procedures

- A. 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. Offender participation is encouraged for LSI-R reassessments; however, they 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 in the TOADS LSI-R document.
 - a. The quality of the interview notes entered in TOADS shall be such that a quality review process can effectively determine the accuracy of assessment and scoring.
 - b. Notes entered in 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.
- B. If an offender is unwilling or unavailable to fully participate in an LSI-R assessment interview, the assessment shall be completed by:
 - 1. Obtaining as much information as possible from the offender;
 - 2. Reviewing all available criminal history sources;
 - 3. Reviewing the offender's case file;
 - 4. Utilizing collateral contacts;
 - 5. Utilizing official documents; and
 - 6. Documenting the refusal and sources used to obtain/verify information.
- C. 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 LSI-R assessor shall initiate interview questions for the interpreter.

V. Classification Levels

- A. Offenders are considered unclassified at each release until a risk screener or LSI-R assessment has been completed and scored.

1. Offenders shall be supervised on the High supervision level until the initial classification is completed.
- B. High Supervision Level - Offenders will be assigned to High supervision level if they score High (5 or 6) on the risk screener or score 32 or higher on the LSI-R assessment instrument.
 1. Offenders who are 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.
- C. Moderate Supervision Level - Offenders will be assigned to the Moderate supervision level if they score moderate (3 or 4) on the risk screener or score 23-31 on the LSI-R assessment instrument.
- D. Low Moderate Supervision Level - Offenders are assigned to this level with a score of 2 on the Risk Screener or 13 – 22 on the LSI-R.
- E. Low Supervision Level – Offenders are assigned to the Low supervision level when the Risk Screener score is 1 or the LSIR score is 0 – 12.
- F. Supervision contacts and case management processes for each supervision level shall occur as indicated in IMPP 14-117A.

VI. Classification and Supervision Level Exceptions

- A. Offenders whose convictions are designated as a Jessica's Law case in the OMIS sentence record shall not be supervised at less than the Moderate supervision level.
 1. Exceptions may be made if approved for placement on the Low Moderate supervision level through the Low by Exception process.
- B. Offenders whose crime involved the loss of a human life shall not be supervised below the Low Moderate level unless approved for placement on the Low supervision level through the Low by Exception process.
- C. Offenders not be supervised below the Moderate supervision level while they are waiting to attend or are participating in the programs and services listed below. A supervision level override shall be completed if necessary.
 1. Sex Offender Treatment, Batterer Intervention, T4C, SAP, MRT or GPS monitoring.
 - a. Exceptions may be made for Jessica's Law cases who are on GPS if approved for the Low Moderate supervision level through the Low by Exception Review process.

VII. Automated Telephone Reporting

- A. Offenders on the Low Moderate and Low supervision levels shall be supervised through the automated telephone reporting system, except during the first 90 days of supervision.
 1. Newly released offenders and those who arrive for supervision from another state, whose risk score falls in the Low or Low Moderate risk range, shall have personal contacts at least once monthly during their first 90 days on supervision.
 2. Enrollment in automated telephone reporting shall be delayed until after the first 90 days of supervision and the assigned Parole Officer shall use the Opt-Out feature in OffenderLink to reflect the 90-day delay in enrollment.
- B. After the initial 90 days on supervision, or when an offender who has been on supervision for more than 90 days is placed on the Low Moderate or Low supervision level, the offender should be enrolled in automated telephone reporting.

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.
- C. Offenders should be removed from the automated telephone reporting system when:
1. The offender is moved to the Moderate or High supervision level, based on a LSIR assessment and/or supervision level override.
 2. The case is closed due to sentence expiration or other reasons.

VIII. Low By Exception Review Process

- A. Offenders who are restricted from the Low Moderate and/or Low supervision levels due to their offense categories may be approved for a lower supervision level through the Low By Exception Review Process. All Low By Exception reviews and the approvals or denials shall be documented using the Low by Exception Review Form (attachment B).
- B. Offenders may only be approved for Low By Exception by the Deputy Secretary of Community and Field Services or designee.
1. Offenders being reviewed for Low by Exception shall not be placed on the proposed supervision level until an approval is received from the Deputy Secretary or designee.
- C. Two (2) categories of offenders are eligible for this review process;
1. Offenders whose current offense involved the loss of a human life may be reviewed and approved for the Low supervision level.
 2. Jessica's law cases who meet the criteria below may be reviewed and approved for the Low Moderate supervision level.
 - a. Has been on supervision for at least 3 years.
 - b. Has been substantially compliant during the supervision period.
 - c. Has completed a sex offender treatment program.
 - d. His/her assessed risk to re-offend sexually is low.
- D. When an offender in a Low By Exception category meets criteria and is considered an appropriate candidate for a lower supervision level, the PO shall create a Low By Exception Review Form and submit it to the Parole Supervisor for review.
- E. The Parole Supervisor shall review the form, indicate his/her recommendation for approval or denial and a rationale. The form shall then be provided to the Parole Director for review.
- F. The Parole Director or designee shall review the request and indicate approval or denial and a rationale.
- G. If the request is denied by the Parole Director the decision is final and the process ends at this stage.
- H. Reviews that are approved by the Parole Director shall be forwarded to the Deputy Secretary of Community and Field Services for review.
- I. The Deputy Secretary of Community and Field Services or designee shall review the request and provide an approval or denial along with a rationale.

1. The response should be forwarded to the Parole Officer and any supervision level changes that have been approved shall be implemented.

IX. Supervision Level Overrides

- A. Parole Officers may request an override (Attachment A) to a level of supervision other than that prescribed by the LSI-R score if a review of all available information indicates the need for higher or lower supervision level and the most current LSI-R 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.
 5. Information from specialized risk assessment tools that relate to the offender's risk to reoffend.
- B. For offenders managed as sex offenders, additional information shall be considered in determining the risk to reoffend and corresponding supervision level. The information shall include, if available:
 1. Results of the Static 99, the SONAR, or other validated tools that identify risk to reoffend;
 2. Axis I and II diagnoses;
 3. The Multi-disciplinary team rating;
 4. The Clinical Services Report; and/or
 5. Treatment staff recommendations.
- 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 override request 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.
 2. If the proposed level of supervision is higher than the assessed risk, the Parole Officer may supervise the offender at the higher level until the override request has been reviewed by the Parole Supervisor.
 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.

- D. Supervision level overrides should be removed when no longer valid or necessary.

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, 14-117, 14-123A, 14-137A
4-APPFS-2A-02; 4-APPFS-2A-03; 4-APPFS-2A-11
Risk Screener

ATTACHMENTS

Attachments	Title of Attachment	Page Total
A	Override Request Form	1 page
B	Low By Exception Review 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: _____

Low by Exception Request Form

Name and Number: _____

- Type of Exception: Jessica's Law case, for placement on the Low Moderate supervision level.
 Crime that took a human life, for placement on the Low supervision level.

Current LSIR score: _____ Current supervision Level: _____

Will a supervision level override be required to place the offender on the requested supervision level? Yes No

Date Supervision Began: _____ Date of Discharge/Sentence Expiration: _____

Summarize the offender's progress during the supervision period and reason for the request. Include the status of any required programs and special conditions: _____

Describe any moderate and high-risk factors and how they have been addressed during supervision. For Jessica's law cases, include information about assessments related to the risk to reoffend sexually.

Describe the offender's employment status: _____

Describe the status of supervision fees, court costs, restitution, child support owed and payment plans.

Submitted by Parole Officer _____ Date _____

Review and Approval

Parole Supervisor recommendation: approved denied

Comments: _____

Parole Director recommendation: approved denied

Comments: _____

Deputy Secretary: approved denied

Comments: _____