

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References KRS 196.030, 196.035, 197.020, 439.250, 439.265, 439.3101, 439.3104, 439.3105, 439.348, 439.480(3), 446.010, 533.030 CPP 29.2 P&P ACA 2A-01, 2A-02, 2A-03, 2A-06, 2A-07, 2A-08, 2A-11	<p style="text-align: center;">29.1</p> <p style="text-align: center;">January 13, 2020</p>	<p style="text-align: center;">8</p> <p style="text-align: center;">August 4, 2020</p>
Subject		
RISK AND NEEDS ASSESSMENT		

I. DEFINITIONS

“Assessment and Classification Center” means the central point of reception and processing of convicted felons entering the custody of Corrections.

“Assessor” means an individual who performs a risk and needs assessment on an offender committed to or supervised by the department.

“Case manager” means the assigned classification staff member or probation and parole officer who is responsible for leading the case management team.

“Case plan” is defined in KRS 446.010.

“Community supervision” is defined by KRS 439.250.

“Criminal risk factors” is defined in KRS 446.010.

“Department” is defined in KRS 439.250.

“Permanent institution” means any correctional facility, local jail, or reentry service center not designated as an Assessment and Classification Center.

“Reassessment” means a subsequent risk and needs assessment conducted after the initial assessment.

“Responsivity” means an individual’s characteristics that may impact his or her approach to treatment, including culture, gender, motivational stages, developmental stages, learning styles, mental illnesses, brain injuries, and intellectual and developmental disabilities.

“Risk” means the potential for future criminal behavior.

“Risk and needs assessment” is defined in KRS 446.010.

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“Risk and needs assessment override” means a change in the offender’s risk and needs score level due to evidence gathered by the assessor that is different from the assessed score.

II. POLICY and PROCEDURE

This policy establishes procedures to ensure that a risk and needs assessment is conducted on all offenders upon commitment to the Department of Corrections. This policy and procedure shall apply to all institutions, local facilities that handle risk and needs assessments, contract facilities, and the Division of Probation and Parole.

A. The risk and needs assessment shall be completed as soon as practicable after commitment for an offender. It shall include an individual interview with the offender to identify program needs and risk of re-offense, unless an exception is stated in this policy or it is not feasible given the circumstances. The case manager and the offender shall develop the case plan using criminal risk factors identified from the risk and needs assessment with the goal of providing services to address the offender’s criminogenic needs.

1. An offender shall be assessed in these key areas:

- a. History of antisocial behavior
- b. Antisocial personality
- c. Antisocial attitudes
- d. Antisocial peers
- e. Family
- f. Education and employment
- g. Substance abuse
- h. Prosocial leisure activities
- i. Responsivity

2. An offender convicted on or after July 1, 2013 shall receive a risk and needs assessment in conjunction with the offender’s pre-sentence investigation.

B. The following general procedures shall be followed when completing an assessment:

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1. The risk and needs assessment for institutional and community offenders shall encompass an individual interview with the offender and shall be used to:
 - a. identify risk of reoffense and recommend programming needs, and
 - b. assist in development of a reentry case management plan with the goal of providing services to reduce the probability of continued criminal behavior
 2. The case manager shall document the results of each assessment in the offender management system.
 3. Assessment results shall be verbally communicated to institutional and community offenders. Offenders shall not receive a copy of the risk and needs assessment, but shall receive a copy of their reentry case management plan.
 4. If an offender assigned to probation and parole supervision is unwilling to participate or comply with recommendations resulting from the risk and needs assessment, then the officer shall notify the releasing authority through a violation report.
 5. Risk and needs assessments shall not have an appeal process and shall be non-grievable.
- C. Assessments for an offender admitted to an institution:
1. An offender shall receive an initial assessment or a reassessment.
 - a. An initial assessment shall be completed if no previous assessment has been completed within the past twelve months. The assessment shall be the prison intake tool.
 - b. A reassessment shall be completed every twelve (12) months from the previous assessment. The assessment used shall be the:
 - (1) reentry tool if the offender has been in custody for four years or more; or
 - (2) supplemental reentry tool if the offender has been in custody less than four (4) years.
 2. Permanent institution staff shall conduct a risk and needs assessment:

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- a. During annual classification in accordance with the classification yearly review unless an assessment has been completed within the previous twelve (12) calendar months.
- b. If the date of annual classification review has passed when the offender is admitted to the institution, and an assessment has not been completed within the previous twelve (12) months, the offender shall receive an assessment within ninety (90) days of admission to the institution.

D. Assessment for Home Incarceration Offenders

1. An offender released to the Home Incarceration Program shall receive a risk and needs assessment completed by the HIP Officer within thirty (30) days of placement on home incarceration, unless the following applies:
 - a. the offender has received a risk and needs assessment within the last twelve months (12) months, or
 - b. at the time of release to home incarceration, the offender is eligible for release to mandatory re-entry supervision, administrative release by expiration of sentence, or recommended for parole.
2. If an offender has had a risk and needs assessment within the last twelve (12) months, the reassessment shall be completed by the HIP Officer by the end of the twelfth (12th) month from the last assessment date.

E. Additional Risk and Needs Assessments for an Offender

1. The following list shall be used in scheduling and conducting additional risk and needs assessments for an offender. Each offender shall be due to be assessed based on the last digit of his inmate number that corresponds with the following months:
 - a. January - 1, 2
 - b. February – 3
 - c. March – 4, 5
 - d. April – 6
 - e. May – 7, 8
 - f. June – 9, 0

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- g. July – 1, 2
- h. August – 3
- i. September – 4, 5
- j. October – 6
- k. November – 7, 8
- l. December – 9, 0

2. If an offender receives a risk and needs assessment outside the schedule in E.1., the reason shall be documented in the offender management system. If the offender has a pending action that may affect the results of his assessment (i.e. program completion, GED, significant disciplinary action, marriage or divorce) the assessment may be postponed as long as the action is completed within ninety (90) days.

F. The Warden of an institution or Director of a participating jail or reentry service center shall oversee the risk and needs assessment process in his facility.

G. Override of Assessment

The assessor may recommend an override if he determines that additional factors warrant a different risk level, including pending charges, severity of offense, or other significant factors. The Unit Administrator or designee shall review the override recommendation for an offender in an institution and submit to the Warden or designee for approval.

III. Additional Policy and Procedure for Probation and Parole

A. Initial Assessment

1. For offenders without a risk and needs assessment, a risk and needs assessment shall be completed on each offender assigned to probation and parole supervision within thirty (30) calendar days of placement on supervision.

2. The risk and needs assessment results shall be documented in the offender management system to include the following:

- a. overall risk assessment score,
- b. level of supervision, and

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c. offender's specific areas of risk and need.

3. The assessment results shall be used to determine the level of supervision. For reentry case management purposes, the recommended supervision risk assessment score in the offender management system shall reflect the risk and needs assessment level.
4. A summary of the assessment results, including risk level, shall be verbally communicated to the offender. The copyrighted tools that are part of the assessment system shall not be shown or read to the offender, except to the extent required to conduct the assessment in compliance with copyright restrictions. The assessment results shall be used to develop reentry case plan objectives that address community safety and offender needs. To identify intervention needs, the officer shall consider the offender's criminal behavior and attitudes as well as other factors identified in the risk and needs assessment. Offenders shall not receive a copy of the risk and needs assessment results, but shall receive a copy of the case plan, as directed by CPP 29.2 (Case Planning).
5. Caseloads shall be determined by staffing resources prioritizing high risk offenders as identified by the risk and needs assessment.
6. An offender that is returned to supervision after a temporary period of unavailability (hospitalization, treatment, or incarceration) shall have a risk and needs assessment completed within thirty (30) days upon return to supervision.

B. Reassessment

1. For offenders having had a risk and needs assessment completed within six (6) months of being placed on community supervision, the first reassessment shall be completed by the end of the sixth month after placement on supervision.
2. For offenders with a risk and needs assessment completed more than six (6) months prior to being placed on community supervision, the first reassessment shall be completed within thirty (30) calendar days of placement on supervision.
3. Subsequent reassessments shall be completed annually, by the end of the twelfth month from the last assessment date. Subsequent reassessment for low level cases shall require a risk and needs assessment at a minimum of every thirty-six (36) months after being reassessed at the low level at the time of the first reassessment.

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4. Administrative cases shall require a risk and needs reassessment at a minimum of every sixty (60) months after being transferred to the administrative caseload.
 5. An additional reassessment and subsequent amendment of the reentry case plan may be completed if the officer determines that:
 - a. The offender's situation has changed substantially; or
 - b. A qualifying event occurs, including a change in program participation or status, pending violation or charges, or other significant events.
 6. Adjustments to the reentry case plan shall be considered based on reassessment and the offender's performance on supervision.
 7. Probation and Parole staff shall not be required to complete a reassessment on an offender who is incarcerated, pending violation return, or on absconder status.
- C. Assessments for an offender in a reentry service center, contract facility, or residential treatment program shall be completed 30 days before release for an offender in inpatient treatment and upon release for an offender housed awaiting a home placement. The District Supervisor or designee may authorize an override for an offender in a reentry service center, contract facility, or residential treatment program if the offender's offense warrants a higher risk level.
- D. Inactive to Active Supervision
- If an offender is returned to active supervision from inactive status, the officer shall review the case to determine if a reassessment is needed. If the offender's situation has changed substantially or a qualifying event has occurred, a risk and needs assessment shall be completed within thirty (30) calendar days of the date the offender is returned to supervision.
- E. The District Supervisor shall oversee the risk and needs assessment process in his specific district.
- F. Override of Assessment or Reassessment
1. Override of the initial assessment or reassessment shall require the approval and signature of the District Supervisor or designee.
 2. The District Supervisor or designee shall only approve an override if:

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- a. Additional factors warrant a different level of supervision, including pending charges, severity of offense, or other significant factors,
- b. The offender is temporarily unavailable for supervision,
- c. There are special conditions set by the Parole Board or court, or
- d. The offender shows significant progress while under supervision.