

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE GOVERNING) RULE 13-14
EVIDENCE-BASED PROBATION)
SUPERVISION PRACTICES)

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A hearing was held on November 5, 2013, at Pierre, South Dakota, relating to the adoption of a new rule governing evidence-based probation supervision practices and the Court having considered the proposed rule and being fully advised in the premises, now, therefore, it is

ORDERED that the adoption of a new rule governing evidence-based probation supervision practices be and it is hereby adopted to read in its entirety as follows:

Governing Evidence-Based Probation Supervision Practices.

Section 1. Adult probation supervision shall use evidence-based practices and shall target the probationer's criminal risk and need factors with appropriate supervision and intervention, focusing resources on moderate-risk and high-risk offenders.

Section 2. Adult probation supervision shall include:

- (1) Use of a normed and validated risk and needs assessment measuring criminal risk factors, specific individual needs and driving variable supervision levels;
- (2) Use of assessment results to guide targeted supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism;
- (3) Collateral and personal contacts, including unscheduled contacts, with the offender and community and with a frequency consistent with the probationer's supervision level and risk of re-offense, staying informed of the probationer's conduct, compliance with conditions, and progress in community based intervention;
- (4) Use of adult probation change plans for each probationer assessed as medium-risk, high-risk or intensive risk to reoffend;

(5) Use of an automated call-in system for each probationer assessed as administrative or low risk to reoffend unless otherwise approved by the chief court services officer for the judicial circuit; and

(6) Use of practical and suitable supervision methods that are consistent with evidence-based practices to aid and encourage the probationer to improve his or her conduct and circumstances and to reduce the risk of recidivism through the use of incentives and rewards for positive behavior and swift and certain sanctions for noncompliance.

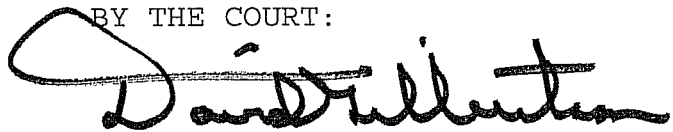
Section 3. "Adult probation change plan" means an individualized, documented accountability and behavior change strategy that:

- a. Matches the type and intensity of supervision to the assessed risk of reoffending;
- b. Targets and prioritizes the specific criminal risk factors of the individual, with attention to addressing barriers to learning and participation;
- c. Engages the probationer in the development of the plan; and
- d. Establishes a timetable for achieving specific behavioral goals, including a schedule for payments of restitution, child support, and other financial obligations.

IT IS FURTHER ORDERED that the rule shall become effective January 1, 2014.


DATED at Pierre, South Dakota, this 8th day of November, 2013.

BY THE COURT:



David Gilbertson, Chief Justice

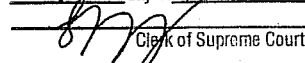
ATTEST:


Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jameson, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

8th day of Nov, 2013.


Clerk of Supreme Court
Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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Clerk