



UJS PILOT PROGRAM FOR RISK & LETHALITY ASSESSMENTS REPORT

SUBMITTED BY THE
SOUTH DAKOTA UNIFIED
JUDICIAL SYSTEM

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UJS Pilot Program for Risk & Lethality Assessments Report

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Report Background

SB 103 from the 2023 Legislative Session requires the Unified Judicial System (UJS) to “conduct a pilot program to allow a committing magistrate judge or circuit court judge to review a risk and lethality assessment conducted by law enforcement for a person charged with assaulting a person in a relationship described in § 25-10-3.1, or with violating a protection order, when determining if bond or other conditions of release are necessary for the protection of the alleged victim. The Unified Judicial System shall determine the parameters of the pilot program and provide a report concerning the pilot program to the Legislature prior to December 31, 2024. The report must include the results of the pilot program and a recommendation on whether the program should be continued, expanded, or made permanent.”

Pilot Program

In preparing for the pilot program, the UJS appointed a steering committee that consisted of law enforcement, domestic violence advocates, and court officials. The UJS also worked closely with the South Dakota Network Against Family Violence and Sexual Assault in determining the parameters of the pilot program.

The goal of the pilot program was to identify a risk assessment that was evidence-based and had been validated. In addition, it was important to find an assessment that could be completed by law enforcement in a timely manner and that was straightforward and provided clear information to the judicial officer making a decision related to bond or other conditions of release, as well as assisting victim advocates in creating a safety plan to mitigate the potential for future domestic partner violence.

Risk Assessment

The steering committee reviewed several potential risk assessment instruments. Following that review, the Ontario Domestic Assault Risk Assessment (ODARA) was selected for several reasons including the fact that it was evidence-based, straightforward in application and administration for law enforcement, and used in several jurisdictions that were similar to South Dakota. ODARA specifically gathers objective information that can be used to assess the likelihood of further domestic partner violence and an offender’s likelihood of re-assaulting a current/former partner. The goal is to focus resources on those that present a greater risk by informing the court in determining conditions of bond or release and assisting

domestic violence advocates with safety planning for those that have experienced abuse and violence.

Pilot Implementation

The pilot program development and training was assisted by the Center for Justice Innovation Domestic Violence Resource for Increasing Safety Connection (DV RISC) project. The Center for Justice Innovation DV RISC project is a national resource center funded by the Office on Violence Against Women that provides training and technical assistance to jurisdictions on implementing or enhancing intimate partner violence risk assessments. The Center for Justice Innovation DV RISC team has worked with South Dakota to help identify the most appropriate risk assessment tool, training, and implementation.

The training consisted of webinars to inform justice partners about the ODARA and the pilot project and also in-person train the trainer workshops. The objective of the training was to equip the law enforcement training teams with an in-depth understanding of the ODARA risk assessment tool, training tips and practice, and the training materials to enable the teams to provide training about ODARA in their jurisdictions.

Following the workshop, the DV RISC team has continued to work with the pilot sites on the implementation and monitoring phase as a next step as progress continues.

Pilot Sites

The UJS selected four pilot counties that represented diverse geographic and population areas of the state. The four original pilot sites were:

- Minnehaha County
- Yankton County
- Day County
- Mellette County

Mellette County had a change in sheriff, and the pilot was paused because of that change in leadership. Yankton and Day counties are currently trained and operational with the pilot, and Minnehaha County will begin January 1, 2025.

Next Steps

At this point, it is premature to recommend if the pilot program should be continued or expanded given the early stages of the pilot program. Once the Minnehaha County Sheriff's Office and Sioux Falls Police Department begin utilizing the ODARA after the first of the year, more information will be developed to assist in determining either refinement of the process or next steps for continued implementation. At that point, the UJS will work with the stakeholder group to determine any recommendations related to the continuation or expansion of the pilot program.

APPENDIX:

Intimate Partner Violence Risk Assessments FAQs