



Operating Procedure

Effective Date September 1, 2015	Number 735.3
Amended 11/28/16, 2/28/17, 5/15/17	Operating Level Department
Supersedes Sex Offender Supervision Practice Manual (9/1/06)	
Authority COV §37.2-900 et seq., §53.1-10	
ACA/PREA Standards None	
Office of Primary Responsibility Sex Offender Program Manager - Community Corrections	

Subject
SUPERVISION OF SEX OFFENDERS IN COMMUNITY CORRECTIONS

Incarcerated Offender Access
Yes No

FOIA Exempt Yes No
Attachments Yes #2 No

I. PURPOSE

This operating procedure establishes protocols on offense-specific case management approach for sex offenders being supervised by specially trained Probation and Parole staff in the Department of Corrections.

II. COMPLIANCE

This operating procedure applies to all Probation and Parole (P&P) Districts operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

ACUTE-2007 - The ACUTE-2007 rates behavior change in the short run. They represent current risk and the short-term timing of re-offense

Assessment - Utilizing specific techniques of evaluation and measurement to identify and collect information related to an offender's thoughts and behaviors which contribute to sexual offending

Certified Sex Offender Treatment Provider (CSOTP) - A staff member who is currently registered in good standing with the Virginia Board of Psychology as a Certified Sex Offender Treatment Provider

COMPAS - The DOC approved risk/needs assessment, consisting of two versions of the assessment used by community corrections: COMPAS Lite (a risk pre-screener) and EBP Community Corrections COMPAS (includes risk and needs scales used to inform decisions regarding the placement, supervision, treatment, and case management of offenders).

Evidence Based Practices (EBP) - Correctional decision making derived from research findings about practices proven to change offender behavior thereby reducing the risk for recidivism

Group Therapy - Therapeutic sessions involving four or more offenders and one or more staff facilitators; groups are based on diagnostic category, therapeutic technique, or salient topic e.g., Symptom Management, Relationship Issues.

Officer - Any Chief Probation and Parole Officer, Deputy Chief Probation and Parole Officer, Senior Probation and Parole Officer, Probation and Parole Officer, or Surveillance Officer

P&P Officer - Any Chief Probation and Parole Officer, Deputy Chief Probation and Parole Officer, Senior Probation and Parole Officer, or Probation and Parole Officer authorized by a circuit court judge

STABLE-2007 - The STABLE-2007 measures sex offender risk factors that can change over time, which will help formulate a case management plan or identify treatment/supervision targets for a sex offender. Additionally, it will allow the Officer to know whether a sexual offender is getting more dangerous or less dangerous over time.

STATIC-99 - An evaluation instrument that utilizes only static (unchangeable) factors that have been seen in the literature to correlate with sexual reconviction in adult males. The estimates of sexual and violent recidivism produced by the STATIC-99 can be thought of as a baseline of risk for violent and sexual reconviction. From this baseline of long-term risk assessment, treatment and supervision strategies can be put in place to reduce the risk of sexual recidivism

IV. PROCEDURE

A. Offenders to be supervised as Sex Offenders

1. This operating procedure provides for intensive supervision of the most serious, high-risk sex offenders defined as, but not limited to:
 - a. An offender who is required to register as a sex offender (see Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*); or
 - b. An offender who has a sex offense in their criminal history; or
 - c. An offender convicted of an offense of a sexual nature
2. Old Sex Offense Cases
 - a. Offenders with a sex offense in their past (offense for which they are not currently under supervision) may not necessarily need to be supervised by the sex offender supervision team.
 - b. The following criteria should be considered:
 - i. Number of sexual offenses in the criminal history
 - ii. Length of time since sexual offense
 - iii. Type of offenses
 - iv. Institutional adjustment
 - v. Prior assessments/treatment
 - vi. Adjustment to community supervision
3. Gang Considerations
 - a. When an offender is a verified gang member and has committed a sexual offense, a case conference between the sex offender supervision specialist and the gang specialist shall occur to determine the appropriate case assignment.
 - b. All of the offense information and criminal history shall be reviewed during a case conference. If warranted, an assessment should be completed by a Certified Sex Offender Treatment Provider (CSOTP).
 - c. Final case assignment will be determined by the Chief P&P Officer or designee.
4. Mentally Ill and Intellectually Disabled Sex Offenders
 - a. Probationers or parolees who have a diagnosed mental illness, require treatment with psychotropic medications, or have been referred by the supervising P&P Officer should receive, at a minimum, a sex offender assessment to determine their sex offender education and treatment needs.
 - i. For offenders who have completed the *Sex Offender Awareness Program (SOAP)*, assessments performed during offender participation may be utilized.
 - ii. This assessment should address amenability and responsiveness to treatment programs.
 - iii. If the SOAP facilitator is a non-clinical person, the decision whether mental health issues preclude them from participating in a group therapy setting should be made in consultation with the Regional Mental Health Clinician.
 - b. Probationers or parolees who have a diagnosis of intellectually disabled or who have been referred by the supervising P&P Officer should be assessed prior to placement in a sex offender group. If concerns arise regarding an offender's ability to benefit from group education/therapy after they are placed in a group, the offender should be referred to the Regional Mental Health Clinician, or other available clinician, to determine whether they are able to benefit from the

mode of treatment being provided or to recommend other treatment interventions.

- c. For probationers or parolees who are unsuitable for group sex offender treatment, the person completing the assessment should recommend other forms of treatment or intervention that would reduce their risk of sexual re-offense. Examples might include improved medication compliance, improved attendance at mental health appointments, participation in individual sex offender therapy, participation in pre-employment activities through Virginia Department of Aging and Rehabilitation Services (VADRS), etc.

B. Sex Offender Supervision Specialists

1. Job Specialization

- a. The goal of specialization is to ensure that P&P Officers working with sex offenders have specialized training and guidance in order to establish an offense-specific case management approach.
 - b. Specialization will be implemented in all P&P Districts.
 - c. It is anticipated that specialization will promote development of expertise as well as increase communication.
 - d. Specialization will improve consistency at all stages of sex offender management from investigation through assessment, supervision, and treatment
2. The sex offender specialist P&P Officers and Surveillance Officers supervising sex offenders must successfully complete the required specialized training regarding sex offenders. The training will include the following types of information:
 - a. An Introduction to Working with the Sex Offender
 - b. Supervision Issues with the Sex Offender in the Community
 - c. The Importance of Assessment
 - d. An Overview of Sex Offender Treatment for the Probation and Parole Officer
 - e. Polygraph Protocol and Sex Offender Law
 - f. Electronic Monitoring Training
 - g. Family Issues and the Offender
 - h. Working With Survivors of Sexual Abuse
 - i. Simulations for Sex Offender Supervision Specialists
 - j. Supervision of Conditional Release Cases
 - k. How to Write a Sex Offender PSI
 - l. STABLE-2007 and ACUTE-2007 Training

C. Supervision Requirements

1. Initial Supervision Requirements

- a. The supervision of sex offenders in the community entails unique considerations and guiding rationales. Listed below are elements of supervision for sex offenders to be utilized in all P&P Districts:
 - i. The supervising P&P Officer will ensure that for all applicable sex offenses, the STATIC-99 (or more current instrument); STABLE and ACUTE Risk Assessment Instruments have been done and are documented in VACORIS.
 - ii. All offenders actively being supervised for a sex offense, with the exception of *Failure to Register* shall initially be supervised at level Elevated. Supervision levels may be adjusted based on an offender's progress on supervision, in treatment, adjustment in the community, and assessment tool results.
 - iii. P&P Districts may establish supervisory teams. These teams will meet, at a minimum, quarterly to staff new and existing cases. The purpose of these meetings will be to determine

treatment needs. Treatment needs include, but are not limited to, assessment, evaluations, polygraph examinations, and registration requirements.

- iv. Assessment or referral to any indicated treatment shall be done within 45 days of case assignment.

2. Case Plans

- a. The Case Plan is a dynamic document used to guide the offender's progress in achieving their goals during supervision. It is a mutually agreed contract between the offender and supervising staff that outlines the requirements for offenders while on supervision, identifies offender goals, incentives, sanctions, tasks, and sets time frames for completion.
- b. Case Plans shall be developed and updated per Operating Procedure 920.1 *Initial Case Openings*. Any case supervised as a sex offender will be administered the COMPAS EBP Community Corrections version during the first 45 days of supervision.
- c. The Case Plan is to be developed and submitted within 60 days of the start of supervision. Offenders shall be given a copy of their Case Plan. The Case Plan should be evaluated and revised on a regular basis to reflect the offender's progress, performance, and delinquency toward their goals. A note should be entered into VACORIS indicating the offender's status toward their Case Plan.

3. Standards of Supervision

- a. Sex Offender Supervision with minimum contacts is as follows:
 - i. The Chief P&P Officer shall ensure that all sex offenders required to be on GPS Monitoring by law, Court order, or operating procedure are enrolled in GPS Monitoring and their GPS equipment is installed immediately on the same day of offender's sentencing, release from incarceration, or when the court order is received, whichever happens first.
 - ii. Initiate and document contact (phone, personal) within two working days of case assignment
 - iii. Initial personal contact within five working days
 - iv. Initial home visit within first 30 days
 - v. Follow-up home visit one time per month
 - vi. A minimum of one personal contact per month
 - vii. Urinalysis per Operating Procedure 841.5, *Offender Alcohol and Other Drug Testing and Treatment Services*
 - viii. Community contacts in accordance with Operating Procedure 920.2 *Supervision of Offenders in the Community*
 - ix. Verify employment, mental health, and/or substance abuse counseling monthly
- b. If appropriate, compliant sex offenders who have been on supervision, completed treatment or successfully completed at least one-half of their supervision period, and a reduced level of supervision is supported by the risk assessment instruments, shall be supervised on Voice Monitoring Self-Report with minimum contacts as follows once documented risk reassessment is completed and approved by a supervisor
 - i. One home visit every 90 days
 - ii. One personal contact every 90 days
 - iii. Self-report will happen once a month
- c. Offenders being supervised on Conditional Release for the Department of Behavioral Health will be supervised in accordance with their conditional release plans.

4. Housing Requirements

- a. COV §18.2-370.3 limits where an individual convicted of certain sexual offenses may live, but this law is very narrow in focus and rarely applies.
- b. When investigating a home plan, the plan and the offender's history should be considered when determining suitability
- c. In the interest of public safety, it is recommended that the P&P District provide the offender

alternative housing until their risk level can be determined. Housing alternatives may include local shelters, Community Residential Programs (CRP) or motels. When a motel is the P&P District's only alternative housing source, P&P Officers shall complete the [Sex Offender Motel Contract](#) 735_F14.

- d. Any home plan shall be investigated by a P&P Officer who is trained and knowledgeable in sex offender supervision practices.
 - i. The investigating P&P Officer shall physically visit and cross the threshold of the proposed home plan.
 - ii. The [Sex Offender Home Plan Checklist](#) 735_F16 shall be incorporated into the home plan investigation and when completed, uploaded into the VACORIS notes.
 - e. The leaseholder of the residence must provide verification or documentation that the sex offender is allowed to live there by the owner of the residence or rental office only. (NOTE: Virginia is a passive notification state. Therefore, verification shall not be obtained from any source that may notify others of the offender's supervision status. (See Operating Procedure 050.1, *Offender Records Management*, for confidentiality regulations)
 - f. Information needed for home plan investigation purposes may include, but not be limited to:
 - i. PSI
 - ii. Offense reports
 - iii. Sex Offender Assessments
 - iv. Polygraph examination results
 - v. Treatment records
 - vi. Institutional records
 - vii. Supervision notes
 - viii. If a home plan is deemed safe and minors reside in the home, the Officers shall complete the [Sex Offender Family Safety Contract](#) 735_F15.
5. Employment
- a. P&P Officers will review and approve employment.
 - b. Employment for sexual offenders should not include jobs that would place them in high risk situations according to their offense pattern.
 - c. The P&P Officer shall verify the employment and ensure that the employment is not in violation of any Virginia Code Section.
 - d. The P&P Officer should communicate with the employer to minimize the potential of working in high risk situations.
6. Chaperone
- a. A responsible adult may be designated as a chaperone to accompany the offender in designated social contacts such as Faith Based Activities, Family Reunification Visits, etc.
 - b. The chaperone and their duties should be listed on a [Sex Offender Faith Based Safety Contract](#) 735_F13, [Sex Offender Family Safety Contract](#) 735_F15, or similar document.
 - c. Chaperone criteria and responsibilities:
 - i. Chaperone must be aware of offender's offense cycle.
 - ii. Offender has developed, with the therapist, supervising P&P Officer, and chaperone a *Safety Contract*.
 - iii. Chaperone will, when asked; share all details of all visits.
 - iv. The chaperone must report any violation of the *Safety Contract* to the supervising P&P Officer and the therapist immediately
7. Community Activities
- a. Involvement in community activities is a stabilizing factor and efforts should be made to help offenders reintegrate safely into community activities.

- b. Restrictions from community activities should be done on an individual basis, and not blanket restrictions.
8. Faith Based Activities
- a. Offender safety requires that, at a minimum, offenders be expected to complete a safety plan (documented on a [Sex Offender Faith Based Safety Contract 735_F13](#)) with faith-based officials, family (if family is involved), a designated Chaperone, and the supervising Officer.
 - b. Once the plan has been executed and approved, the offender will be allowed to attend faith-based activities according to the [Sex Offender Faith Based Safety Contract 735_F13](#).
9. Library, Parks, and Recreation Areas - An offender's pattern should dictate a restriction to visit parks and recreation areas. Those offenders who are afforded the opportunity should have a safety plan.
10. Computer Access
- a. The goal with computer management is to set responsible conditions and routinely monitor compliance with these conditions.
 - b. If computer and/or internet usage is approved, the Officer should implement the use of content filtering software. (see [Sex Offender Special Instructions 735_F18](#))
 - c. Total prohibition should be reserved for those offenders whose offense dictates such a restriction.
11. Travel Requirements
- a. Travel outside of the offender's travel area, but still within the state, requires the approval of the supervising Officer and will be appropriately documented. Any individuals accompanying the offender should be aware that the offender is a convicted sex offender and may be designated as a chaperone.
 - i. The supervising Officer must notify the impacted P&P Office's District email account if travel out of the area is approved for overnight.
 - ii. Out of state travel may be permitted and if allowed, the following shall occur:
 - iii. Travel must be in accordance with Operating Procedure 920.4, *Interstate Transfer of Supervision*, and approved by Chief P&P Officer or designee on a travel permit ([Travel Permit - Out of State 920_F3](#))
 - iv. In compliance with *Supervision Conditions* (see Operating Procedure 920.1, *Initial Case Openings*) and any special instructions. ([Sex Offender Special Instructions 735_F18](#))
 - v. If in a treatment group, travel plans have been processed by the group.
 - vi. A *Safety Contract* is developed, the offender should be instructed to share the plan's details with any accompanying individuals and signed by the applicable local law enforcement entity of that jurisdiction.
 - vii. The offender is required to submit an executed notification letter upon return if travel is out of state. (see [Sex Offender Travel Notification 735_F17](#))
 - b. Sexually Violent Predators on Conditional Release Supervision are not permitted to travel out of state unless out of state travel is documented in the Conditional Release Order.
 - c. Sexually Violent Predators on Conditional Release Supervision are not permitted to transfer out of state.
- D. Transfer of Supervision Between Districts
- 1. Interstate transfers must follow current Interstate Compact Rules. (see Operating Procedure 920.4 *Interstate Transfer of Supervision*)
 - 2. Transfer between P&P Districts (intrastate) of any offender being supervised as a sex offender case must follow Operating Procedure 920.3, *Transfer of Supervision (Intrastate)* and Operating Procedure 920.7 *Electronic Monitoring Program*.
 - 3. Any home plan shall be investigated by an Officer who is trained and knowledgeable in sex offender supervision practices.

- a. The investigating Officer shall physically visit and cross the threshold of the proposed home plan.
 - b. The [Sex Offender Home Plan Checklist](#) 735_F16 shall be incorporated into the home plan investigation and when completed, uploaded into the VACORIS notes. (See the *Housing Requirements* section of this operating procedure.)
4. The leaseholder of the residence must provide verification or documentation that the sex offender is allowed to live there by the owner of the residence or rental office only. (NOTE: Virginia is a passive notification state. Therefore, verification shall not be obtained from any other source that may notify others of the offender's supervision status. (See Operating Procedure 050.1 *Offender Records Management* for confidentiality regulations)
 5. All denials of transfer requests must be approved by the Chief P & P Officer or designee as outlined on Operating Procedure 920.3, *Transfer of Supervision (Intrastate)*. Denials must be documented in VACORIS Log Notes as a conference and reviewed by the Chief P & P Officer or designee. The formal transfer investigation is to be completed within 7 working days of case assignment.
- E. Risk Assessment, Evaluation, Treatment, and Psycho-education
1. Treatment is an essential element of supervision with a goal of assisting offenders in the development of internal behavioral controls. Group treatment is the preferred treatment modality. In cases where the offender is not amenable for group treatment, individual treatment can be utilized once approval is obtained from the Sex Offender Program Manager (SOPM).
 2. Any offender on supervision for a qualifying sex offense will have the following risk assessment tools completed: STATIC -99 (or most updated version of the STATIC -99), Stable 2007, and Acute 2007. If a case comes on supervision without a STATIC -99 risk score, the referral for the STATIC -99 shall be done at the initial interview. The Acute-2007 will be administered at each personal contact (PC). The Stable-2007 will be scored at each six month case review.
 3. At a minimum, offenders who present as high risk, either by STATIC -99 score or the nature of the offense, should be referred for a sex offender evaluation within 45 days of case assignment provided there is ample time for an offender to complete treatment. Other offenders who present with a significant risk of reoffense should be evaluated at the discretion of the P&P Officer using the [Sex Offender Assessment Referral](#) 735_F21
 4. When an evaluation is done and treatment is recommended, a referral to a treatment provider on the DOC Contract shall be made within two working days of receiving the recommendation using [Sex Offender Treatment Referral](#) 735_F20. If space or funding is not available, the offender will be placed on a wait list.
 5. If an offender successfully completed *Sex Offender Awareness Program, Version 2* (SOAP-V2 January 2011) while incarcerated, he does not need to take SOAP-V2 in the community. Those offenders beginning supervision, who have not had SOAP-V2, should be considered for referral.
 6. Once the offender has completed the SOAP-V2, the sex offender team and the treatment provider should conference the case to determine if additional treatment is recommended. The offender's risk assessment scores, treatment responsivity, and Court obligations should be considered.
- F. Polygraph Testing
1. See Attachment 1, *Polygraph Protocol* for detailed descriptions and purpose of polygraphs. Based on their ability to pay, each offender will be charged a co-payment fee for polygraph services.
 2. Instant Offense (IO)/Crime of Conviction Polygraph Examination
 - a. The IO polygraph examination should be limited to those offenders whose self-reported description of the instant offense significantly differs from the official report
 - b. This examination should be conducted after an assessment, but prior to the start of treatment.
 3. The offender is expected to disclose a comprehensive report of all of their victims, as well as all deviant sexual activity up to the start of supervision using the [Sexual History Disclosure](#) 735_F23.

- a. Preparation for this examination begins after completion of the assessment or when treatment begins.
 - b. The P&P Officer will provide the offender with a copy of the [Sexual History Disclosure](#) 735_F23 and enough copies of the [Sexual History Disclosure - Victim Form](#) 735_F23A for the offender to complete a separate *Victim Form* for each victim.
 - c. The P&P Officer will review the directions for of the *Sexual History Disclosure* with the offender, and set a time for completion.
 - d. The *Sexual History Disclosure* should be completed and the offender prepared to take the sexual history examination within 90 days of the start of treatment.
 - e. The offender will review the contents of the *Sexual History Disclosure* with the P&P Officer.
 - f. The P&P Officer will make a copy of the completed *Sexual History Disclosure* for the treatment provider.
 - g. The offender will review his *Sexual History Disclosure* with their group members.
 - h. When the P&P Officer, treatment provider and group members are satisfied that the *Sexual History Disclosure* is complete, the P&P Officer will schedule the *Sexual History Disclosure* polygraph examination.
 - i. Prior to the examination, the P&P Officer will provide copies of the *Sexual History Disclosure*, PSI, sexual offender evaluation, and other relevant documents to the examiner one week before the exam.
 - j. The P&P Officer will send the offender a [Sex Offender Polygraph Appointment Letter](#) 735_F22, with the date, time, location and cost of the polygraph examination.
 - k. The offender will be expected to forward payment to the examiner no later than one week prior to the examination. If the examiner has not received payment, or notification of DOC's intent to pay for the examination, the examination will be cancelled.
 - l. It will be the examiner's responsibility to notify the supervising P&P Officer if payment has not been received.
 - m. If the results of the *Sexual History Disclosure* are deemed deceptive or inconclusive, the offender will return to group and once again review the contents of the *Sexual History Disclosure*. A second examination should be scheduled and completed within 60 days. A second deceptive examination becomes a treatment issue.
4. Maintenance and Monitoring Examination
- a. This examination enables the supervising P&P Officer to assess compliance with supervision and provides the therapist with information on compliance with treatment directives. This enables the supervising P&P Officer to be proactive in identifying precursors to possible relapse behavior.
 - b. Scheduling and/or frequency of the Maintenance/Monitoring examinations should be determined by the treatment team.
 - c. When a determination to test is made, the P&P Officer will send the offender a [Sex Offender Polygraph Appointment Letter](#) 735_F22 with the date, time, location, and cost of the polygraph examination.
 - d. The offender will be expected to forward payment to the examiner no later than one week prior to the examination. If the examiner has not received payment, or notification of DOC's intent to pay for the examination, the examination will be cancelled.
 - e. It will be the examiner's responsibility to notify the supervising P&P Officer if payment has not been received.
 - f. Prior to the examination, the P&P Officer will forward to the examiner a referral using [Sex Offender Polygraph Referral](#) 735_F19. The referral form will outline the issues that need to be addressed in the examination.
 - g. Deceptive polygraph results become a treatment issue and should be addressed in group by the

therapist.

h. Additionally, deceptive polygraph results should not be used in revocation hearings.

G. Family Reunification

1. Reunification Factors

- a. When family reunification is considered, it should be slow and cautious. The following factors should be considered:
- b. Offender is actively involved in specialized treatment and has taken full responsibility.
- c. Offender has developed a solid risk management plan.
- d. Family is actively involved in treatment.
- e. Releases are signed so all treatment providers are able to communicate with each other.
- f. Ensure appropriate assessments/polygraphs are completed before contact is allowed. Polygraphs should not show deception or inconclusive results.

2. Family Readiness

- a. Ensure appropriate adjustment to supervision
- b. The victim is living in the home, is in treatment, feels supported by all family members and is ready for reunification.
- c. No one in the household blames the victim.

3. Rules for offender visits (i.e. home and overnight); see [Sex Offender Family Safety Contract 735_F15](#).

4. Chaperone (designated by [Sex Offender Family Safety Contract 735_F15](#)) criteria and responsibilities

- a. Chaperone must be aware of offender's offense cycle.
- b. Offender has developed, with the therapist, supervising P&P Officer, and chaperone a *Family Safety Contract*.
- c. Chaperone will when asked; share all details of all visits. The chaperone must report any violation of the *Sex Offender Family Safety Contract* to the supervising P&P Officer and the therapist immediately

5. Role of supervising P&P Officer and treatment provider

- a. The supervising P&P Officer will be part of a team in the reunification of a family.
- b. The supervising P&P Officer will approve all team decisions that involve contact between the offender and the family.

H. Commitment and Conditional Release of Sexually Violent Predators

1. The Virginia Department of Corrections is responsible to identify those offenders who are currently serving time for one or more of the predicate offenses for commitment and conditional release of sexually violent predators. (see Attachment 2).
2. Offenders with a score of 5 or more on STATIC-99 are referred to the Commitment Review Committee (CRC) for further evaluation. Offenders with a score of 4 must be serving time for one or more of the original four predicate sex offenses: Aggravated Sexual Battery, Forcible Sodomy, Object Sexual Penetration or Rape. The victim of that offense must be under 13 years of age at the time of the offense.
3. The CRC will request a full evaluation in accordance with [COV §37.2-904](#) on referred offenders to determine if the offender meets the definition of a sexually violent predator.
4. The CRC will review evaluations and make non-binding recommendations to the Office of the Attorney General. These recommendations are to Civilly Commit, Conditionally Release, or release the offender.

5. The Office of the Attorney General then has 90 days to file motions in Court, or up until the offender's release date, whichever is later.
6. Sexually Violent Predator (SVP) is a Court designation based on a finding of "clear and convincing evidence" that the offender: (COV §37.2-900)
 - a. Is convicted of and serving incarceration for a predicate crime or is charged with a predicate crime but unrestorably incompetent to stand trial.
 - b. Has a personality disorder or mental abnormality which makes it difficult to control his behavior and likely to engage in sexually violent acts
7. Commitment
 - a. When an offender has been committed to the Virginia Center for Behavioral Rehabilitation (VCBR), the sentencing P&P District will determine if that offender has a probation/parole or post-release obligation and upload relevant documents in VACORIS, including the Court order. When the offender's obligation is released to the sentencing P&P District in VACORIS, and if the offender has a supervision obligation, the P&P District will administratively transfer the case to "Sex Offender Programs - Community." If there is no supervision obligation, the P&P District will close the case.
 - b. Once the case is transferred to the Community Sex Offender Program, the SOPM will place the case in LOW level supervision and assign the case to the VCBR P&P Officer.
 - c. The VCBR P&P Officer has 10 days to meet with the offender once they have been transferred to the VCBR. The VCBR P&P Officer will review all paperwork and have the offender execute all necessary documents. These are LOW Supervision Level cases and do not require COMPAS.
 - d. After the initial interview, the VCBR P&P Officer will meet with the offender every 6 months or more frequently if needed. These contacts will be documented in VACORIS *Case Notes*.
 - e. The VCBR P&P Officer will be responsible for initiating the issuance of a PB-15 when indicated, and follow-up with the Major Violation Report and Sentencing Guidelines. The VCBR P&P Officer will also notify the sentencing P&P District when cases achieve their expiration dates and close interest in the case.
8. Conditional Release
 - a. When a *Conditional Release Plan (CRP)* has been ordered for an offender housed at the VCBR or has been ordered by the Court and the offender has submitted a *Home Plan*, the SOPM will establish a *Sexually Violent Predator Investigation* in VACORIS.
 - i. The investigation information will include a contact, address, and telephone number.
 - ii. Additionally the SOPM will forward to the assigned P&P Officer the SVP evaluation and other relevant documentation.
 - iii. The [Sex Offender Home Plan Checklist 735_F16](#) will be attached as an external document in VACORIS notes.
 - b. This investigation is to be completed within 10 days of assignment
 - c. The investigating P&P Officer will conduct a home visit and address the questions on the *Sex Offender Home Plan Checklist*. The investigating P&P Officer will upload the [Sex Offender Home Plan Checklist 735_F16](#) into VACORIS *Case Notes* and e-mail a copy to the SOPM.
 - d. The Department of Behavioral Health and Developmental Services will develop a *Conditional Release Plan (CRP)* to be forwarded to the SOPM. The SOPM will forward the CRP to the investigating P&P Officer for review.
 - e. If the offender is granted Conditional Release, the investigating P&P Officer will enroll the offender on GPS, review the CRP and make the appropriate referrals.
 - f. Conditional Release cases are supervised according to the CRP. Any deviations from the CRP have to be approved by the Court, or in some instances, with the approval of the Department of Behavioral Health and Developmental Services and the Office of the Attorney General.

- g. As outlined in COV §37.2-912 there is a status report due every 6 months to the Department of Behavioral Health and the SOPM no later than the 15th of the month. The Department of Behavioral Health will be responsible for ensuring that all parties receive a copy of the report. (see [Sexually Violent Predator Progress and Adjustment Report 735_F12](#))
 - h. All major and minor violations must be reported to the Department of Behavioral Health and Developmental Services and the Office of the Attorney General.
 - i. Sexually Violent Predators on Conditional Release Supervision are not permitted to travel out of state unless out of state travel is documented in the Conditional Release Order
9. Conditional Release Violation Procedure
- a. When an offender on Conditional Release, with a supervision obligation(s) violates the terms and conditions of release, the supervising P&P Officer should issue a PB-15 initially and the Emergency Custody Order (ECO) and Petition will follow. The ECO must be signed by either a Circuit Court Judge or Magistrate. The ECO and Petition will be served on the offender by local law enforcement.
 - b. If no supervision obligation exists, the supervising P&P Officer will execute an Emergency Custody Order and the accompanying Petition. The ECO must be signed by either a Circuit Court Judge or Magistrate. The ECO and Petition will be served on the offender by local law enforcement.
 - c. Once the ECO and Petition have been completed, copies are e-mailed to the SOPM.
 - i. The SOPM will ensure that the other agencies receive copies and are aware of the offender's status.
 - ii. The supervising P&P Officer will complete a Major Violation Report (MVR). (see Operating Procedure 920.6, *Violation of Supervision Conditions*)
 - iii. Once the MVR has been completed, the SOPM will ensure that the other agencies receive a copy
 - d. The supervising P&P Officer will keep the SOPM and the other agencies updated on any criminal proceedings.
10. Sex Offender and Crimes against Minors Registration
- a. Registration is required for offenders convicted on or after July 1, 1994, of any sex offense listed on the Virginia State Police Registry. (see Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*)
 - b. Upon conviction or release from any detention facility, jail, or prison, the supervising P&P Officer is to refer the offender to local law enforcement or the Virginia State Police to execute the *Virginia State Police Registration Form* (SP236) with current identifying information, fingerprints, palm prints, and photograph. The completed SP236 is forwarded to the Sex Offenses and Crimes Against Minors Registry (SOR) at Virginia State Police Headquarters. The offender has three days to comply with this law.
 - c. When the supervising P&P Officer becomes aware of any change in status (on supervision or off supervision), address, employment, school, vehicle, or internet, the P&P Officer must forward that information forthwith to the SOR by executing the [Change of Address by Registered Sex Offender \(SP-237\)](#) 735_F11. The SP237 will not change information on the SOR, but alerts the SOR that a change has occurred.
 - d. Offenders have three days to execute an updated SP236 when there has been a change in address, employment, school, or vehicle. Offenders have 30 minutes to execute a change in internet address information. Changes require the execution of an updated SP236. (see Attachment 3 *Sex Offender and Crimes Against Minors Registry Guidelines*)
 - e. Offenders moving out of the Commonwealth of Virginia must notify the SOR of their move 10 days prior to their leaving.
 - f. The Department of Corrections is required to verify or cause to be physically verified registration

information within 30 days of the initial registration or change of address, employment, school, and vehicle. Offender information is verified semi-annually thereafter. The date of the verification will be entered into the Sex Offender Verification System (SOV) once the verification has been completed.

- g. Persons convicted of a sexually violent offense are required to re-register every 90 days and other sex offenders will re-register annually.
 - i. In addition, when a sex offender is convicted of failing to register, they will be required to re-register more frequently.
 - ii. Violent offenders will register monthly and other sex offenders will register every 180 days.
 - iii. The duration of registration for sex offenders who have been convicted of failing to register is extended as they will no longer be permitted to be removed from the registry in 10 years from the date of registration. Instead the requirement will be 15 years from the date of their last conviction for failing to register.
- h. All those convicted of failing to register on or after July 1, 2006 are subject to electronic monitoring. (see Operating Procedure 920.7, *Electronic Monitoring*)
- i. On or about the 1st of each month, a *Sex Offender Verification (SOV) Past Due Assignment* report is generated by the State Police.
 - i. Supervising P&P Officers should review any open assignments and take action necessary to resolve any past due assignments.
 - ii. Questions about SOV should be directed to the Sex Offender Program Manager (SOPM) or their designee.
 - iii. The SOR Help Desk does not resolve SOV matters.

V. REFERENCES

Operating Procedure 050.1 *Offender Records Management*

Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*

Operating Procedure 841.5, *Offender Alcohol and Other Drug Testing and Treatment Services*

Operating Procedure 920.1 *Initial Case Openings*

Operating Procedure 920.2 *Supervision of Offenders in the Community*

Operating Procedure 920.3, *Transfer of Supervision (Intrastate)*

Operating Procedure 920.4 *Interstate Transfer of Supervision*

Operating Procedure 920.6, *Violation of Supervision Conditions*

Operating Procedure 920.7 *Electronic Monitoring Program*

VI. FORM CITATIONS

[*Change of Address by Registered Sex Offender \(SP-237\)*](#) 735_F11

[*Sexually Violent Predator Progress and Adjustment Report*](#) 735_F12

[*Sex Offender Faith Based Safety Contract*](#) 735_F13

[*Sex Offender Motel Contract*](#) 735_F14

[*Sex Offender Family Safety Contract*](#) 735_F15

[*Sex Offender Home Plan Checklist*](#) 735_F16

[*Sex Offender Travel Notification*](#) 735_F17

[*Sex Offender Special Instructions*](#) 735_F18

[*Sex Offender Polygraph Referral*](#) 735_F19

[*Sex Offender Treatment Referral*](#) 735_F20

[*Sex Offender Assessment Referral*](#) 735_F21

[Sex Offender Polygraph Appointment Letter](#) 735_F22

[Sexual History Disclosure](#) 735_F23

[Sexual History Disclosure - Victim Form](#) 735_F23A

[Travel Permit - Out of State](#) 920_F3

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

The office of primary responsibility reviewed this operating procedure in September 2016 and necessary changes have been made.

The office of primary responsibility reviewed this operating procedure in September 2017 and no changes are needed at this time.

Signature Copy on File

7/13/15

A. David Robinson, Chief of Corrections Operations

Date