

Appendix R: Sex Offender Chaperone Agreements

Chapter I. Modifications to Release Orders

The CSO must request modifications to release orders to require no contact with minors or supervised contact if the offender has a crime against a minor **or** there is evidence that the offender may pose a risk to children. **SCSO approval is necessary (under no circumstances are CSOs to make this determination solely).** The request for modification must be submitted to the SCSO no later than 5 business days from case assignment and must be submitted to the court/releasing authority no later than 3 business days after the SCSO approves the request in cases where the offender has a conviction for a crime against a minor.

If the offender was not convicted of a crime against a minor but there is evidence that the offender poses a risk to minors, the CSO must submit the modification request to the SCSO no later than 5 business days from the point it is determined that the offender poses a risk to children.

Offenders are **NOT** to have contact with minors if their sex offender treatment provider determines that to be a condition of their treatment plan. If this is the case, the CSO must request a modification to the release order recommending no contact with minors no later than 5 business days after receipt of the determination. SCSO approval is required.

Offenders may have supervised contact with specific minors as determined by their sex offender treatment provider or the releasing authority. If the therapist approves of contact with a specific minor, we must seek to modify the release order to include unsupervised or supervised contact for the specified minor(s) as defined by the therapist. SCSO approval is required.

1. Contract Use

The "No Contact with Minors Contract", "Supervised Contact with Minors Contract", and "Chaperon Agreement Contract" are designed specifically to define in writing what the CSO would otherwise tell the offender and chaperon. Therefore, the contracts are to be used only to supplement an existing special condition. They cannot be used unless the offender has an existing special condition or you have been granted the modification you requested.

a. "No Contact with Minors Contract"

This means just what it says. The offender is not to have any type of contact with minors whatsoever. In order for this contract to be signed by the offender, there must be an existing special condition that prohibits contact.

****Special Circumstance:**

The CSO may issue the offender instructions not to have contact with minors by way of the No Contact with Minors Contract while awaiting a response to a modification request **only in parole cases**. If the request is denied, however, the contract should be voided. Offenders who fail to comply with the CSO's instructions not to have contact with minors pending the USPC's response to the modification request shall be considered in non-compliance with the parole general condition requiring the offender to comply with CSO instructions.

b. "Supervised Contact with Minors Contract"

This contract must be signed by the offender **only** when there is an existing special condition on the order. No special circumstances apply.

Until a chaperon has been approved, the offender is **NOT** to have contact with any children. It is appropriate to have the offender sign the No Contact contract until such time as an approved chaperon is put in place.

Please Note: If the order states that the offender shall have no contact with minors **unless approved by the CSO or CSOSA**, the following steps are to be followed:

1. The CSO shall only consider granting supervised contact with a specific minor upon the request of the offender.
1. The CSO shall deny requests for supervised contact with minors in the first 90 days of supervision. Supervised contact with minors can only be considered at a point following the offender's first 90 days on supervision.
2. The CSO shall only consider granting supervised contact with a specific minor if the offender is in full compliance with the conditions of supervision and sex offender treatment.
3. If the offender requests to have contact with a specific minor, the CSO shall consult with the offender's sex offender treatment therapist. If the therapist recommends against the contact then the offender shall be told that his request was denied.
4. If the therapist recommends in favor of the offender having contact with a specific minor, the CSO shall **NOT** grant the request until an approved chaperon is put in place and the request has been approved by the SCSO.

c. "Chaperon Agreement Contract"

The Chaperon Agreement Contract is designed to put in writing the expectations of an approved chaperon (namely, someone who has agreed to monitor the offender closely around children specified in the contract). An appropriate chaperon is typically the child's guardian. Approving a chaperon agreement is something that must not be entered into lightly. Not all chaperons are appropriate despite the assurances they give or the way in which they present. Failing to properly scrutinize and assess prospective chaperons will, and has, put children at risk.

Therefore, a much more comprehensive approach to determining who will be considered appropriate will be implemented, which will include an educational requirement for the prospective chaperons.

The following steps are to be used **before** entering into a Chaperon Agreement:

1. A criminal record check shall be run on all prospective chaperons by the CSO, which shall include NCIC/WALES, SMART, and CIS.
2. Any prospective chaperon will be considered ineligible if they have a felony conviction in the past 10 years, been released from prison in the past 10 years, completed a term of supervision in the past 10 years, has incurred a crime against a child (misd. or felony, conviction or arrest) in their lifetime, have been diagnosed with a major mental illness¹ and can not verify that it is in remission, are severely physically handicapped (i.e., wheelchair bound, bedridden, blind, or otherwise determined not physically able to comply with the chaperon agreement requirements²), have a history of drug/alcohol abuse within the past 5 yrs.³, and/or determined by the CSO, SCSO and/or therapist to be uncooperative or unreliable.
3. Any prospective chaperon must be questioned thoroughly by the CSO to determine their suitability (The **Chaperon Questionnaire** must be completed).
4. If the CSO determines from the interview process that the chaperon is not appropriate or ineligible, the CSO shall present this finding to the SCSO for a final determination.
5. If the CSO and/or SCSO are unclear as to whether the prospective chaperon is appropriate, the therapist shall be consulted and a meeting set up between the therapist and prospective chaperon. If the prospective chaperon refuses to meet with the therapist, the prospective chaperon will be considered ineligible.⁴

¹ Major Mental Illness is defined as someone diagnosed with bipolar disorder –manic depressive, chronic depression, schizophrenia, paraphilia (any type), and psychosis. Mental health issues otherwise not included in this definition shall be addressed on a case-by-case basis. Mental health status is determined through self-report, mental health records obtained through consent, CSO observations that suggest mental health issues exist, offender report, or other collateral sources.

² Note: Deafness is not an automatic disqualifier.

³ To determine whether the proposed chaperon has a history of drug use, the CSO shall perform the following steps: ask the proposed chaperon (self report) if they are currently or have ever used drugs in the past 5 yrs., run their name through PRISM and SMART to determine if they have a listed drug testing history with Pretrial Services or supervision history with CSOSA, determine if they have been arrested in another jurisdiction and obtain drug history from that jurisdiction (will require them to sign consent), and keep an eye out for obvious signs of drug/alcohol abuse (nodding off, alcohol on the breathe, sings of drug/alcohol use in the home, track marks on the arms, discoloration of the whites of their eyes, unkempt appearance, etc...).

⁴ In cases where the offender has not been treated or assessed by a therapist or their therapist is no longer available, the CSO shall submit a referral for a sex offender treatment assessment.

6. Any prospective chaperon must agree and participate in the Sex Offender Chaperon Educational Class (SOCEC) (see following section).
7. Upon completion of the SOCEC, the prospective chaperon must meet or contact the offender's assigned therapist for an interview, which can occur in person or via telephone (note that all offenders should have been assessed by a sex offender treatment provider and that the offender is to sign a release of confidential information to allow disclosure of treatment and supervision information to the prospective chaperon during the interview).
8. Following the therapist/chaperon interview, the CSO is to obtain written documentation from the therapist that provides his or her recommendation regarding whether the chaperon should be approved or denied. **If the recommendation is to deny the agreement, the therapist shall provide an explanation in the document.**
9. If the chaperon is approved by the CSO, therapist, and SCSO (in that order), the agreement form shall be reviewed and signed by the approved chaperon.
10. A copy of the signed **Chaperon Agreement Contract**, the **Supervised Contact with Minors Contract** signed by the offender and **Parole/Court order** is to be provided to the chaperon and placed in the case file.
11. After all these steps have been completed, the CSO shall submit a progress report to the releasing authority (form letter template) with attachments to include the: **Supervised Contact with Minors Contract**, **Chaperon Agreement**, and **therapist's letter** regarding interview with chaperon.

2. Chapter II Sex Offender Chaperon Educational Class

CSOSA believes it is important to educate prospective chaperons on the contract they agreed to enter into. Therefore, any prospective chaperons must attend the Sex Offender Chaperon Educational Class (SOCEC). The class will consist of:

1. An educational video on sex offender manipulation, lies, and deception.
 1. Discussion of the video.
 2. Review of the Supervised Contact with Minors Contract and Chaperon Agreement
 3. Question and answer
 4. Basic exam with passing grade of 80%. Failure to attain a passing grade will require the proposed chaperon to retake the class **and** exam until a passing grade is achieved. Each chaperon will be allowed only three chances to pass the exam per year.

Non-chaperons, such as other family or collateral contacts, will be welcome and should be encouraged to attend the class. Classes will be held as needed and facilitated by CSOs, SCSOs and therapists.

a. Enforcement

Enforcement of the conditions identified in the various contracts listed in this document is critical. Violations of the contracts and conditions mentioned in this document are considered to be a very serious matter since it means that children have been put at risk. Therefore, the enforcement of the conditions must be proactive, vigorous and ongoing. Violations shall be thoroughly investigated and addressed in an appropriate and timely manner.

b. Monitoring

The CSO shall closely monitor the offender's compliance with the condition of release that restricts his/her access to minors by implementing the following strategies:

1. Unscheduled home/field visits (look for evidence of children in places frequented by the offender).
2. Periodic evening or weekend fieldwork.⁵
3. GPS monitoring
4. Polygraph exams
5. Computer searches/monitoring
6. Maintaining collateral contacts
7. Routinely confronting the offender about his/her contact with minors and assessing truthfulness
8. Surveillance

The CSO shall document efforts to monitor offender compliance in SMART regularly.

Note: CSOs may NOT interview any minors who may have had contact with the offender unless approved by their SCSO.

c. Violations

Violations include, but are not limited to, acts and behaviors committed by the offender and/or approved chaperon that are contrary to the terms and obligations identified in the No Contact with Minors, Supervised Contact with Minors and Chaperon Agreement contracts or as otherwise specified in the release order.

If a violation is discovered, the CSO shall:

⁵ Evening or weekend fieldwork is encouraged, but not required. Certain members of SOU shall conduct evening fieldwork periodically. CSOs will be notified and can request that offenders assigned to them be included on the evening/weekend tour.

Contact their SCSO, or designee, immediately for instructions and guidance.

Obtain and document the full name(s) of the minor(s) in question, date(s) of birth or ages, name of minor's guardian, address of the minor(s), address where the alleged violation occurred, date and time, and details of the event(s).

If the CSO determines through an unscheduled, or scheduled, home or field visit that the offender has been left alone with a minor, the CSO shall remain in the presence of the minor(s) until their guardian, other responsible family member, police, or Child Protective Services (CPS) arrive. The CSO shall further order the offender to leave the premises until the children are removed with instructions to report to the supervision office no later than the next business day from the incident. **Under no circumstances is the CSO to leave the minor(s) alone with the offender.**

The CSO shall make immediate efforts to contact or locate the guardian of the minor(s) in question if the minor(s) are alone with the offender.

Upon SCSO approval, the CSO shall contact CPS in the jurisdiction the violation took place and report the following:

“[Offender name], a sex offender who is prohibited from having contact with minors, is [or was] left alone with a minor on [date/time/location]. We are merely reporting this to CPS since this unsupervised contact with minors presents a serious safety risk and may require investigation by your department. We are not alleging that the offender has abused the minor(s) at this time. The offender is restricted from having unsupervised contact with any children and faces punitive action by this office.”

1. The CSO must be prepared to report to CPS the names, ages, and address of the minor(s) in question. CSO may report general information about the offender (i.e., DOB, SSN, address, criminal history, supervision status; **treatment/drug testing information excluded**), and details of the incident that prompted the call to CPS.
2. If the CSO determines that the offender is alone with a minor either through a third party or by telephone⁶, the CSO shall notify their SCSO immediately. The SCSO shall designate a CSO(s) to go to the residence to investigate the situation and determine if the offender has violated the conditions of release. If the offender is found to be alone with minor(s), the CSO dispatched to the residence shall contact the supervising SCSO at which time a decision to contact CPS will be made.

⁶ The CSO may, for example, call the offender's home and hear children in the background, or, a child may answer the phone.

3. If the offender admits to the CSO, therapist, polygrapher, or other party to having had unsupervised contact with minors since the time the special condition prohibiting such was ordered, the CSO shall conduct an investigation to corroborate the offender's admission. The CSO shall report the findings in writing (SMART Running Record entry is sufficient) to their SCSO no later than 7 business days from the point of disclosure. If such is established to the satisfaction of the SCSO, the SCSO shall require that CPS be contacted no later than 2 business days from the completion of the investigation and an AVR submitted to the releasing authority no later than 3 business days from the completion of the investigation.
4. If the offender is determined to have had unauthorized contact with a minor, the CSO shall refer the offender for a polygraph exam through the therapist last to have seen the offender. The scope of the polygraph is to determine truthful responses to questions pertaining to contact with minors since the special condition was ordered.
5. The CSO and SCSO shall submit an AVR to the releasing authority if it is determined that the offender violated a release condition that restricts contact with minors no later than 3 business days from the point the violation was established.

d. Approved Chaperon Violations

If the approved chaperon violates the Chaperon Agreement in any way or falls into an ineligible status (i.e., arrest, drug abuse, mental illness, etc.), the CSO shall present their findings in writing (SMART Running Record entry is sufficient) to their SCSO immediately.

If the SCSO finds that the CSO has established that the approved chaperon has not complied with the contract or is otherwise ineligible to be a chaperon, the contract shall be immediately voided⁷.

The CSO shall further contact the offender and inform him/her that the Supervised Contact with Minors Contract is voided. The CSO shall establish a face-to-face contact with the offender no later than 2 business days from the time the contract was voided and have the offender review and sign the No Contact with Minors Contract.

The SCSO shall determine if the nature of the violation demands that CPS be contacted, an AVR is warranted and give instructions accordingly.

⁷ Chaperon Agreement is voided merely by notifying the chaperon that the contract is voided and documenting in the SMART Running Record that such was conveyed to the chaperon. The file copy of the contract shall be stamped void; with the date such action was taken.