Chapter X: Sex Offender Supervision

A. Introduction and Purpose

The Sex Offender Unit (SOU) specializes in the supervision of sex offenders released to the community on probation, parole, and supervised release. The unit is mandated by Community Supervision Services (CSS) to provide close and effective supervision of sex offenders under its legal jurisdiction.

SOU employs a proactive approach to offender supervision. This involves: a thorough risk assessment; strategic supervision planning that addresses the offender's criminogenic and non-criminogenic needs; close monitoring of offender activities; constant assessment of therapeutic progress and compliance; fostering and maintaining collateral contacts; and quickly responding to identified risk factors.

The SOU's mission is to enhance community safety. Community supervision officers (CSOs) assigned to SOU proactively manage the risk that sex offenders pose to community safety by implementing evidence based practices to effectuate change; and, responding to offender non-compliance through a series of graduated sanctions, treatment, intensive monitoring techniques and reincarceration, if necessary.

SOU's mantra is "No New Victims."

B. Program Goals

The four primary goals of the Sex Offender Unit are:

1. To assist the offender in successfully completing his/her term of supervision;

2. To protect the community by preventing the offender from further victimizing others;

3. To hold the offender accountable for past criminal behavior by requiring him/her to address the issues that brought him/her into the criminal justice system; and

4. To maintain thorough case records of convicted sex offenders for future use in assessment/evaluation, supervision planning and criminal investigations.

C. Sex Offender Registration

These responsibilities apply in those cases where a sex offender is required to register in accordance with the D.C. Sex Offender Registration Act (SORA) of 1999 [District of Columbia Sex Offender Registration.] (See D.C. Official Code §§4001 et seq. (2001Edition)

1. Supervisory Community Supervision Officer (SCSOs) and Community Supervision Officer (CSO) Responsibilities

Supervisors and line officers assigned to the sex offender supervision teams have specific responsibilities for ensuring the overall effectiveness of the sex offender registration process. Branch chiefs are also responsible for ensuring the inclusion of sex offender registration staff at the bi-annual branch meetings of all staff.

The following CSO responsibilities pertain to the sex offender registration process:

a. The CSO is to notify the sex-offender registration staff of any offender for whom a parole or probation violation warrant has been issued by the releasing authority (within three business days of the date of issuance);

b. The CSO is to notify the sex offender registration staff of the status of any sex offender case wherein a violation warrant has been executed (within three business days of the date of execution).

c. The CSO is to notify the sex offender registration staff of the date and final disposition of the offender's parole or probation revocation hearing (within three business days of the final hearing).

d. CSO is to direct the offender to immediately report to the sex offender registration staff any changes in his/her employment status and/or residential address (and document this action in the case running record).

e. The CSO is to direct the offender to report to the sex offender registration staff when his/her official case has reached the date of legal expiration (and document this action in the case running record).

The offender's failure to comply with the above stated directions could lead to possible further prosecution (violation of the sex offender statute).

The required attendance of the sex offender registry staff at the bi-annual branch meetings is intended to keep CSS managers and staff updated on sex offender registration issues, resolve any operational questions between supervision and the sex offender registration staff and exchange or share information that would effect the overall efficiency of the sex offender registration process. The cooperation of all CSS staff in this effort is critical to the effectiveness of the sex offender registry mandate.

D. Criteria for Case Assignment

The SOU accepts cases based on past or current behavior that is considered sexually deviant in nature. The SOU understands that to better ensure community safety and offender rehabilitation that offenders must be supervised in a manner consistent with their criminal histories.
All cases where sexually deviant behavior is involved in any criminal conviction(s) in an offender's history should be referred to the SOU for supervision since sex offender's present unique risks and challenges and their deviant sexual interests do not dissipate over time. The following are criteria for case assignment to the SOU:

1. Cases in which the current offense is a sex crime. Cases in which the offender's criminal record contains a prior conviction for a sexual offense;

2. Cases in which the current conviction is for a non-sexual offense but elements of the crime suggest that sexually deviant or sexually violent behavior was a motivating factor;

3. Cases in which the current offense is a non-sexual offense but the sentencing court or paroling authority specify that the offender be to be supervised by the SOU;

4. Interstate cases in which the offender was convicted of a sexual offense, is serving a term of imposed supervision and has been granted permission to re-locate to the District of Columbia under the Interstate Compact Agreement; and

5. Cases in which the sex offender, who currently resides in the District of Columbia, wishes to relocate to another jurisdiction and is awaiting permission to transfer under the Interstate Compact Agreement.

Cases of prostitution or sexual solicitation between consenting adults are not eligible for assignment to the SOU. Cases where the offender has a sex offense conviction as a juvenile will be assessed prior to assignment to the SOU on a case-by-case basis.

E. Sex Offender Program Components

1. Initial Ninety (90) Day Supervision Plan

a. The CSO shall develop and review the "accountability contract" or "case plan" with the offender and have him/her sign in accordance with CSOSA Accountability Contract Policy

b. The CSO shall have all offenders with special conditions restricting contact with minors to sign the No Contact with Minors Contract. (See section Y)

c. The CSO shall refer the offender for urinalysis testing in accordance with CSOSA policy (see CSOSA Drug Testing Protocol and Administrative Sanctions in Chapter XVI);

d. The CSO shall determine whether or not the offender is required to submit a DNA sample. If DNA is required and has not been submitted, the CSO shall refer the offender for DNA testing within five (5) business days of case assignment;

e. The CSO shall ensure that the offender photographed within three (3) calendar days of case assignment and the most recent photo is entered into SMART;

f. The CSO shall refer all unemployed, yet employable, sex offenders to the VOTEE Program within fifteen (15) business days of case assignment;

g. The CSO shall identify and document the offenders' DMV licensure status and enter into SMART

h. The CSO shall identify and document any vehicles owned/operated by the offender and enter this information into SMART;

i. The CSO shall advise the offender of his/her obligation to register as a sex offender (when applicable) and verify that s/he has complied with the Sex Offender Registration Act;

j. The CSO shall identify and verify all of the offender's collateral contacts and document their relationship to the offender (and include their addresses and phone numbers) and document in SMART;

k. The CSO shall notify all persons with whom the offender resides about the offender's supervision status and conviction for any sexual offenses/for all registered sex offenders.

l. The CSO shall establish contact with other members of the offender's residence within five (5) business days of the offender's initial supervision visit;

m. The CSO shall have communication with all identified collateral contacts within 30 calendar days of the initial supervision visit and document the contacts in SMART;

n. The CSO shall ensure that the offender has signed all necessary authorization forms for release of sensitive information to include:

i. Consent for Release of Sensitive Information - Mental Health & Sex Offender (see Forms/Template Manual – all MH Forms),
ii. Consent for Release of Sensitive Offender Information HIV/AIDS and Tuberculosis Treatment (see Forms/Template Manual, Form No. GR-000),
iii. Authorization for Release of Information and Waiver General Third Party Disclosure (see Forms/Template Manual, Form No. GR-001),
iv. Authorization for Release of Information and Waiver – Community Justice Partnerships (see Forms/Template Manual, Form no. GR-003),
v. Consent for the Use of Confidential Information – Drug Testing & Drug Treatment Records (see Forms/Template Manual, Form No. DT-001),
vi. Room/Housemate Consent to Release (see Forms/Template Manual, Form No. GS-0037), and
vii. Consent for Release of Information - Employer (see Forms/Template Manual, Form No. GR-004);

o. The CSO shall immediately request modifications to release orders that are deemed necessary to minimize the offender's risk to the community and grant SOU the proper authority to supervise the offender given his/her criminal history, mental health history and offense cycle (i.e. restricting the offender's access to children in cases involving child molestation where no such condition exists, restricting computer use, search, etc. (see attached listing of common conditions of release for sex offenders));

p. The CSO shall submit a referral package (see Sex Offender Treatment Request Form, No. SO-001) for a sex offender treatment assessment to the SCSO within 15 business days of receipt of all newly assigned cases to the SOU. Sex offenders previously assigned to the SOU may have already had sex offender assessment and specialized treatment services. If this is the case, the CSO will refer the offender for continued treatment services if the offender had not completed previous treatment opportunities;

q. The CSO shall conduct a home visit on all newly assigned active cases within five (5) business days of the offender's release;

r. The CSO shall obtain victim(s) contact information and document in SMART. CSO is to also ensure and document that the victim(s) has been contacted and notified of the offender's release, if possible. Guardians should be contacted for any victim under the age of 18;

s. In instances where sex offender treatment is ordered and the psychological assessment indicates that treatment is not appropriate, the CSO shall notify the releasing authority in writing within 15 business days from the assessment completion date;

t. All special conditions of release requiring referrals for services (i.e. DVIP, anger management, community service, etc.) shall be addressed and documented in SMART within 90 calendar days of case assignment unless circumstances prohibit such;

u. If the offender holds employment, the CSO shall conduct an employment visit within ten (10) business days from the offender's date of hire (see Chapter VII regarding Notification to Offender's Employer). The CSO shall consult with the SCSO if employer notification is deemed appropriate;

v. The CSO shall complete the "Risk/Needs Questionnaire for Sex Offenders" within 90 calendar days of case assignment;

w. The CSO shall also complete a sex offender risk/needs actuarial within 90 calendar days of case assignment, as determined by the SCSO;

x. The CSO shall seek and obtain any available arrest/conviction documents for all sex offense arrests or convictions that describes the offense(s) in question.

y. The SCSO shall conduct a case review on all newly assigned cases and provide written guidance to the CSO.

z. The SCSO shall conduct a case review with the CSO on all newly assigned active cases on the 30th calendar day from case assignment; and

aa. The SCSO shall conduct case audits on newly assigned active cases on the 90th calendar day from case assignment.

2. Ongoing SOU Case Management Components

The following are basic case management activities the CSO is expected to perform when supervising sex offenders:

a. The CSO shall seek modifications to the conditions of release in cases where special conditions would serve to enhance community safety and/or rehabilitate the offender;

b. The CSO shall perform unannounced home and employment visits;

c. The CSO shall perform occasional evening and weekend visits (i.e. home, Community Justice Partnerships, or Accountability Tours;

d. The CSO shall continually identify, document and assess the appropriateness of jobs, volunteer work, hobbies, school, religious and extracurricular activities of the offender based on the offender's modus operandi (method of operation), offense cycle, victim profile and any other identified risk factors;

e. The CSO shall regularly communicate with all valid collateral contacts to assess the offender's compliance with the conditions of release, verify pertinent information, gather intelligence and assess risk to community safety in accordance with the assigned supervision level (i.e., family, therapists, employers, etc.);

f. The CSO shall continually identify and document new relationships developed by the offender to include these names, ages, addresses and phone numbers;

g. The CSO shall contact, verify, and document that the parent or guardian of any children with whom the offender has a relationship or develops a relationship is aware of the nature of the offender's sex offense history in a timely fashion;

h. The CSO shall notify, verify and document in SMART that all persons with whom the offender resides are notified of the offender's sex offense for registered sex offenders;

i. The CSO shall seek to modify release conditions, specifically to include conditions of search and seizure in appropriate instances where such a condition will enhance community safety (see CSOSA policy on the Role of CSO in Search and Seizure in Chapter VI);

j. The CSO shall seek to modify an offender's release conditions to include the Computer Special Search Condition in appropriate instances where such a condition will enhance community safety (see CSOSA policy on the Role of CSO in Search and Seizure in Chapter VI);

k. The CSO shall conduct at least monthly warrant and full criminal records checks on all sex offenders;

l. The CSO shall attend scheduled staffing with St. Elizabeth's Hospital Bureau of Legal Services, Department of Mental Health and sex offender treatment providers as directed by the SCSO; and

m. The CSO shall complete the "Supervision Questionnaire for Sex Offenders" at least monthly and document significant responses in SMART.

3. Supervision Levels

The level of supervision assigned to offenders in the SOU is as follows:

a. Initial Supervision Level Assignment

The Sex Offender Unit is designed to provide intensive supervision of sex offenders. Therefore, CSO contact with sex offenders will be heightened/adjusted as follows:

i. The SCSO shall automatically place sex offenders on the maximum level of supervision at the time of assignment for the first 90 calendar days of supervision,

ii. The SCSO shall place sex offenders on the Intensive level of supervision at the time of assignment for the first 90 calendar days if his/her criminal history: shows multiple arrests for sexual offenses, has had parole/probation/supervised release revocations within the past five (5) years or the offender has been diagnosed with a 'paraphilia', major Axis I mental illness or if this level was recommended by the releasing authority or mental health professional, and

iii. The CSO shall complete the CSOSA Autosceener within 25 calendar days of supervision and every six (6) months in accordance to Agency policy. The CSO shall use the supervision level criteria for override consideration.

b. Criteria for Increasing Supervision Level

i. The supervision level shall automatically increase to the Intensive level when an offender is re-arrested for a sex offense (misdemeanor or felony) or other major felony,

ii. The supervision level shall automatically increase to the maximum level when an offender is re-arrested for a misdemeanor offense or non-major felony pending the disposition in the new case but no less than 90 calendar days from the date the re-arrest was noted, and

iii. The SCSO or CSO can increase the supervision level at any time for good cause (e.g., to sanction inappropriate behavior, rearrest, etc.).

c. Criteria for Reducing Supervision Level

A sex offender may have his/her supervision level reduced to the Maximum or Medium level if:

i. No violation report has been submitted to the sentencing court or releasing authority in the last six (6) months,
ii. No more than three (3) unexcused missed appointments within the last six (6) months have occurred,
iii. Satisfactory participation in all treatment programs has been documented,
iv There has been no detection of illicit drug use in the last six (6) months, and
v. A SCSO case audit indicates a satisfactory case supervision rating.
vi. The offenders supervision may not be reduced more than one level based on re-assessment with the auto screener. All reductions in levels of supervision must be approved by the SCSO.

A sex offender may have his/her supervision level reduced to the Minimum level if:

i. The offender has spent at least 18-months under community supervision,
ii. No violations have occurred in the last 18-months,
iii. All special conditions have been satisfactorily met, and
iv. A SCSO case audit indicates a satisfactory case supervision rating.

A sex offender may not be considered for supervision level reduction to Minimum if:

i. The total supervision term is 18-months or less,
ii. The offender has had parole revoked in the past five (5) years,
iii. The offender has had a term of probation revoked in the past five (5) years,
iv. The offender had either been terminated from a term of probation unsuccessfully or completed a term of probation unsuccessfully in the past five (5) years,

v. The offender has been diagnosed with a paraphilia or major Axis I mental illness,

vi. The offender's criminal record contains multiple arrests for sexual offenses, and

vii. All supervision level reductions must have the approval of the SCSO. Designees acting for the SCSO during periods that the SCSO is away from the office is not authorized to reduce the offender's level of supervision.

F. Sex Offender Treatment

1. Referral Process

a. All offenders assigned to the SOU must undergo an assessment to determine the need for sex offender treatment and/or other mental health needs to include a clinical diagnosis;

b. If there is no special condition for sex offender treatment and the offender does not agree to participate, the CSO shall request within fifteen (15) business days that the releasing authority (Court/USPC) modify the conditions of release ordering the offender to undergo sex a offender treatment evaluation and complete treatment if deemed necessary;

c. When the sex offender treatment assessment recommends sex offender treatment, the CSO shall prepare a sex offender treatment referral package to include Sex Offender Treatment Referral Form (SO-001), Court/USPC order, PSI, signed release of information forms, all psychological evaluations and other pertinent information that may add insight into the offender's offense cycle;

d. The CSO shall enter treatment referral information into SMART, submit the treatment package to the SCSO for approval, logging purposes and placement;

e. The CSO shall ensure that a Mental Health Consent to Release Confidential Information Form (see Forms/Template Manual Form No. MH-000) is signed by the offender prior to the submission of the referral package; and

f. The SCSO or designee shall forward the treatment referral package to the CIT designated program analyst.

2. After Placement

a. The CSO shall ensure that the offender has signed a current Consent for Release of Sensitive Information - Mental Health and Sex Offender Information Form. The waiver is only valid for information that pre-dates the consent;

b. The CSO and treatment provider shall develop a comprehensive treatment plan within 15 business days of completion of the psychosexual assessment;

c. The CSO, SCSO, offender and therapist shall review the "treatment performance contract" and sign the form agreeing to the treatment components;

d. The CSO shall give the offender and therapist copies of the signed treatment performance contract;

e. The CSO shall ensure that therapists submit monthly progress reports and notify the SCSO if a report is overdue;

f. The CSO shall attend all requested and scheduled staffing with therapists;

g. The CSO shall provide therapists in a timely manner with pertinent information about the offender's behavior in the community;

h. The CSO shall respond to and document any concerns about an offenders' progress/behavior expressed by therapists in a timely fashion and document the response in SMART;

i. The CSO shall ensure that the offender complies with the "treatment performance contract";

j. The CSO shall appropriately sanction the offender for treatment non-compliance as dictated by the treatment performance contract and after consultation with the SCSO;

k. The CSO shall assess and document in SMART no less than monthly whether the offender is progressing in treatment;

3. Treatment Exemptions

a. Offenders may be exempt from sex offender assessment and treatment if they:

   i. Have successfully completed sex offender treatment with a CSOSA vendor or other qualified therapist/treatment resource within five (5) years and upon SCSO approval. The CSO shall obtain treatment records to verify successful completion,
   ii. Are incapacitated and upon SCSO approval, and
   iii. Have previously been assessed by a CSOSA vendor or other qualified therapist as having a major mental illness that prevents them from benefiting from sex offender treatment and upon SCSO approval.

4. Treatment Services Terminations and Extensions

a. CSO is to confer with the sex offender therapist thirty (30) calendar days prior to the scheduled contract expiration date to determine whether treatment services should be extended or terminated;

b. The CSO shall submit form SO-001 with the appropriate box marked to indicate termination or continuation of services to the SCSO for approval, logging, and submission to the assigned program analyst; and

c. For treatment services extension past one (1) year, the CSO must submit a justification memorandum, a written recommendation from the therapist and form SO-001 to the SCSO no later than sixty (60) days prior to the scheduled contract expiration.

At 90 calendar days prior to the scheduled expiration of the offender's probation term:

a. The CSO shall obtain the therapist's assessment 90 calendar days prior to the supervision expiration date indicating whether the offender will likely complete treatment by the end of the supervision term;

b. The CSO shall notify the releasing authority at least 60 calendar days before the scheduled expiration of supervision that the offender may not successfully complete treatment within the current term of supervision; and

c. The CSO shall request an extension to the supervision term in probation cases where further treatment is recommended by the therapist and with the concurrence of the SCSO. The CSO shall also request an extension to the supervision term in probation cases where further treatment is recommended by the therapist.

Upon completion of sex offender treatment:

a. The CSO shall coordinate a discharge staffing with the SCSO, assigned therapist and offender in all cases prior to discharge;

b. During the staffing, the CSO, SCSO, therapist and offender will review and discuss the offender's "Relapse Prevention Plan" that is to be submitted in writing to the CSO;

c. The CSO shall determine whether the offender has sufficiently grasped the relapse prevention concepts and consult with the SCSO if it is felt that sufficient progress has not been made;

d. The CSO shall incorporate appropriate elements of the Relapse Prevention Plan into the offender's overall supervision/case plan for the remaining span of the offender's supervision term;

e. The CSO shall recommend to the releasing authority modifications of the release conditions that are consistent with the Relapse Prevention Plan if applicable; and

f. The CSO is to monitor and document the offender's adherence to the Relapse Prevention Plan on an ongoing basis for the duration of the term of supervision.

Aftercare:

a. Once a sex offender has successfully completed sex offender treatment, they shall be placed into aftercare for an indefinite period of time;

b. The CSO shall ensure the primary therapist submit an aftercare treatment plan and funding request;

c. The aftercare period shall be indefinite and consist minimally of maintenance polygraph exams every 12 months; and

d. The CSO shall consider any deviation from the offender relapse prevention plan or violation of supervision as a potential relapse situation and shall be discussed immediately with the primary therapist and SCSO for possible modifications to the aftercare plan or resumption of treatment.

G. Sex Offender Treatment Services

The treatment of sex offenders must be administered by therapists with specialized training, education and experience in the area of sexual deviance. The Sex Offender Unit must refer offenders in need of therapy to treatment providers who meet the ethical and philosophical criteria established by the Association for the Treatment of Sexual Abusers (ATSA). Providers must also meet the requirements established in the Criteria for Approved Treatment Providers as adopted from ATSA. The CSO is expected to ensure that offenders referred for sex offender treatment by the Unit are receiving services from qualified therapists. If the CSO believes that an offender under his/her direct supervision is not receiving treatment from a qualified therapist, the CSO shall discuss the concerns with the SCSO in a timely fashion so that appropriate action can occur.

1. Criteria for Approved Treatment Providers

a. All therapists must be licensed mental health professionals or under the direct supervision of such a professional;

b. No therapist shall have a record of conviction, deferred sentence or deferred prosecution for any felony committed in the last ten (10) years, or for any crime of violence or any sexual offense regardless of the time of offense;

c. Given that the treatment of sex offenders is different from traditional psychotherapy, such treatment should include:

i. Cognitive behavioral group therapy. The groups should be no more than 15 participants and should focus on learning to control and manage deviant behavior(s),
ii. Utilization of relapse prevention techniques,
iii. Use of techniques for reducing deviant sexual arousal, such as covert sensitization, aversive conditioning and/or hormonal therapy,
iv. Homework assignments,
v. Work toward continual reduction of minimization and denial,

vi. Confronting the offender's thinking errors and distortions,
vii Limited confidentiality, and
viii. The use of physiological monitoring, the results of which will be integrated into treatment planning (i.e., plethysmographs and polygraphs, etc.).

d. Providers should agree (within the constraints of the law) with the philosophy that in order to adequately protect the community, the CSO needs to know information concerning the offender's progress (or lack thereof) and details related to the offender's offense cycle, relapse prevention plan, degree of denial, treatment planning, etc;

e. Treatment providers should only accept an offender who has been unsuccessfully discharged from another program if the offender agrees to focus on the treatment issues s/he "failed" in the previous program and previous treatment records can be obtained;

f. Treatment programs should have specific graduation criteria instead of a fixed exit date;

g. Treatment providers must be willing to testify in court/releasing authority hearings;

h. Therapists must agree to notify the CSO immediately if an offender fails to comply with treatment or when concerns about the offender's progress arise within the constraints of the law;

i. Therapists must agree with the philosophy that community safety takes precedence over any conflicting interests involving the offender; and

j. Treatment providers must implement treatment contracts specifying program rules to be signed by the offender at the start of treatment.

H. Sex Offender Treatment Case Staffing Conferences

Sex offender treatment case staffing conferences are held with mental health professionals on sex offender related issues. The purpose of these meetings is to enhance the collaborative relationship between the CSO and the sex offender treatment providers, conduct case reviews, develop case management solutions and educate staff on pertinent topics and research findings from the field. Case staffing conferences will be held on an as needed basis with the sex offender treatment vendors and St. Elizabeth's Hospital Bureau of Legal Services staff as scheduled by the SCSO:

1. The CSO shall attend all scheduled case staffing for the unit unless arrangements have been made with the SCSO;

2. The CSO shall review staffing agenda items and make any preparations necessary;

3. The CSO shall present and discuss cases in which s/he is experiencing difficulty;

4. The CSO shall present and discuss case issues that may benefit the team;

5. The CSO shall notify the SCSO of any topics or cases she or he intends or desires to present and discuss in the staffing for placement on the agenda;

6. The CSO shall notify the SCSO, if he or she cannot attend the staffing; and

7. The CSO shall prepare any cases set for review so that the SCSO or co-worker can present the case if the CSO cannot attend the staffing; the SCSO or the designee shall maintain staffing minutes for future team reference purposes.

I. Sanctions

Offenders who are out of compliance with the conditions of his or her release are to be Sanctioned so that the negative behavior can be addressed. The CSO should view the offender's violations of the conditions of his or her release as a precursor to offensive behavior. The CSO is to sanction each act of offender non-compliance in accordance with the Administrative Sanctions Schedule. This serves to hold the offender accountable for his or her actions while correcting the negative behavior.

1. Graduated Sanctions

a. Increased reporting to the CSO;
b. Increased urine surveillance;
c. Verbal reprimand;
d. SCSO conference;
e. Letter of Reprimand;
f. Modification of the conditions of release;
g. Placement in Sex Offender Sanctions Group, if applicable;
h. Denial of travel requests;
i. Five (5) calendar days in jail (probation cases);
j. Electronic monitoring/GPS with curfew;
k. Therapeutic tasks;
l. USPC Reprimand Hearing;
m. Transfer to detoxification for seven (7) to ten (10) calendar days;
n. 28-day placement at RSC and/or aftercare; and/or
o. Community service.

2. Sex Offender Sanctions Matrix

The Sex Offender Sanctions Matrix is presented on the following page. This matrix lists violations (non-drug related) and the corresponding intervention/sanction to be imposed. Note that drug use violations are to follow the existing Drug Testing Policy.

FIGURE X.1

Sex Offender Sanctions Matrix

Violation	Intervention/Sanction to be Imposed
1. FTA for office visit with CSO (1st) 2. FTA for an individual or group therapy session (1st)	1. Reprimand of offender by CSO 2. Increase in supervision level 3. Denial of supervision level reduction for 90 calendar days from missed appointment
1. FTA for office visit with CSO (2nd) 2. FTA for an individual or group therapy session (2nd) 3. FTA for Drug Test (2nd) 4. Failure to comply with Sex Offender Registration Act (1st) 5. Failure to comply with accountability contract 6. Failure to comply with treatment performance contract 7. Failure to cooperate with CSO 8. Lying to CSO 9. FTR/Failed Polygraph (1st)	1. Reprimand of offender by Supervisor 2. Placement in Sex Offender Orientation Group 3. Day reporting to CSO's office 4. Revise and amend accountability contract 5. Denial of supervision level reduction for 90 calendar days from missed appointment 6. GPS/curfew 7. Offender pay for treatment services 8. Denial of travel requests
1. Unexcused FTA for office visit with CSO (3rd) 2. Unexcused FTA for an individual or group therapy session (3rd) 3. Non-compliance with a general or special condition 4. Non-compliance with a prior sanction 5. Lying to CSO (2nd) or SCSO 6. Failure to comply with Sex Offender Registration Act (2nd) 7. Falsifying documents requested by CSO 8. Failing to comply with sex offender therapy requirements 9. Failing to comply with mental health treatment 10. Absconding from Supervision 11. Re-arrest 12. Failed Polygraph (2nd or 3rd)	1. Violation report requesting an arrest warrant 2. Violation report requesting a revocation hearing 3. Request to modify the conditions of release to include, but not limited to, the imposition of: • A fine, • Weekends in jail, • Community service, • Letter of Reprimand; 4. GPS/Home confinement 5. Offender pay for treatment services

Note: Violations not listed should be consulted on with the team SCSO in order to determine the most appropriate sanction. Multiple sanctions can be imposed if deemed necessary in order to correct the behavior or protect the community. Community safety considerations override the sanctions matrix and should be referred to the team SCSO for a determination of the most appropriate course of action.

J. Substance Abuse

The SOU must closely monitor illicit drug and alcohol use by sex offenders. For sex offenders, the use of disinhibiting and mood altering substances is a contributor to the potential for sex offense behavior and is a major risk factor in predicting recidivism. The CSO is responsible for submitting treatment referrals for sex offenders and imposing sanctions when illegal drug and illicit alcohol use become case factors (see CSOSA policy Drug Testing Protocol and Administrative Sanctions in Appendix XXX).

K. Suspicion of a Sex Offense

If during the course of routine supervision duties there is a reasonable suspicion that an Offender has relapsed and possibly committed another sexual offense, the CSO must take immediate action. Below is the required protocol:

1. If the CSO has information from a reliable source who witnessed an offense by the offender or the offender admits to an offense, a memorandum is to be submitted to the sentencing court/USPC outlining the allegation or admission and recommending modifications to the release order be immediately implemented to address the behavior in question. At the same time, the CSO shall consult with their SCSO to determine whether to contact local law enforcement and request that an investigation be conducted;

2. In instances where a CSO suspects that a re-offense has occurred, the CSO must conduct a cursory investigation to determine if there is enough evidence to warrant informing local law enforcement and/or child protective services. If the CSO has "probable cause" to suspect that an offense has occurred, she or he is to notify their SCSO in order to determine whether to contact local law enforcement and submit a memorandum to the sentencing court/USPC outlining the latest developments and requesting a hearing or warrant; and

3. In instances where a CSO discovers that an offender, who has previously been convicted of a sex offense involving a child under the age of 15, resides or frequents a home where children also reside and the offender's conditions of release prohibit any contact with children, the CSO shall immediately contact their SCSO to determine whether to notify the Department of Child and Family Services of the discovery within one (1) business day. The CSO shall also document such in the case record. The CSO shall then submit a Violation Report (see Forms/Template Manual, Form No. PRO-S-002) and AVR (see Forms/Template Manual, Form No. PAR-S-010) to the appropriate releasing authority within two (2) business days recommending expedient attention.

L. Community Service

Community service in certain cases can be an appropriate way for a convicted sex offender to pay back society for committed crime(s). However, the Community Service Coordinator must be made aware of those offenders who are being supervised in SOU so that safeguards are in place to ensure the safety of the community. The following are guidelines to follow when referring a sex offender to a community service provider:

1. No Class A sex offender (the highest-risk level of offense) as designated under the Sex Offender Registration Act will be considered for community service placement; (TO BE DELETED)

2. Any community service provider being considered as a placement site for sex offenders, regardless of offenders past victims cannot provide services to minor children, women, the elderly, people with mental disabilities or other vulnerable people in any way;

3. All referrals forwarded to the Community Service Coordinator(s) are to clearly identify the offender's special conditions of supervision (i.e. no contact with minors, can not access a computer etc.) (NEW)

4. To determine the suitability of the community service site, the CSO must make a personal visit to the location; (TO BE DELETED)

5. The community service provider should be contacted to assess the offender's progress and compliance, at least, every 30 calendar days;

6. If the CSO suspects or has evidence of recidivism or relapse, notification (within 24 hours) must be given to CJP and the community service provider to remove the offender immediately; and

7. If the sex offender is ordered to complete community service and the CSO and SCSO concur that no suitable placement can be found given the offender's criminal history and risk to re-offend, the CSO shall notify the releasing authority and recommend an alternative to community service (i.e., fine or restitution, etc.).

M. Local Address Changes for Sex Offenders

The CSO must follow the procedures listed below when an offender wishes to move to another address within the District of Columbia.

1. The CSO shall advise the offender that s/he should not move to another residence within the District of Columbia until the CSO approves the new residence;

2. The CSO shall determine the reason(s) why the offender wants to move and document them in the SMART case record;

3. The CSO shall have the offender sign a Room/Housemate Consent to Release of Confidential Information Form (see Forms/Template Manual, Form No. GS-0037);

4. The CSO shall contact the other residents of the home to advise them of the nature of the offender's charge, advise them of the implications of having a registered sex offender in the residence and determine if they are willing to accept the offender;

5. The CSO shall obtain and document the:

   i. Address of the proposed residence,
   ii. Phone number of the proposed residence,
   iii. Person whose name is on the lease or mortgage of the proposed residence,
   iv. Names of all those residing in the home,
   v. Ages of all those residing in the home,
   vi. Gender of all those residing in the home, and
   vii. Sleeping arrangements;

6. The CSO shall conduct a home visit prior to the offender moving if the proposed address is within the District of Columbia; and

7. The CSO shall assess whether the proposed residence is suitable for the offender given the conditions of release, nature of the sex offense(s), characteristics of the other occupants of the home (i.e., children, substance abusers, elderly, handicapped, etc.), the characteristics of the surrounding neighborhood (i.e., next to school, daycare, playground or park), sleeping arrangements, attitude of other occupants about the offender's sex offense, level of cooperation with CSO displayed by the other occupants, etc.

If the residence is NOT deemed to be suitable for the offender to live in, the CSO shall submit a memorandum to the sentencing court/releasing authority notifying them of the reasons why the offender's request to relocate should be denied and recommend that a modification to the release order include him/her finding a suitable residence.

N. Interstate Compact Procedures for Sex Offenders

1. Case Assignment

a. Sex offenders who at the time of conviction are residents of a jurisdiction outside of the District of Columbia shall be assigned directly to the Interstate Compact Unit (ICU) for purposes of

supervision and transfer monitoring; and

b. Sex offenders who are residents of the District of Columbia at the time of conviction or sentencing and desire to move to another jurisdiction while under probation/parole/supervised release shall be assigned to SOU until such time that the receiving state agrees to assume supervision responsibilities.

2. Denial of Interstate Transfer Requests

a. The CSO shall deny an Interstate transfer request if the offender is in violation of his or her conditions of release for a period of at least 90 calendar days from the date of the last infraction;

b. CSO shall deny an Interstate transfer request if the offender has an outstanding warrant, pending Show Cause and/or USPC hearing; and

c. CSO shall deny an Interstate transfer request if the sentencing or releasing authority prohibits such a transfer.

3. CSO Responsibilities for Interstate Transfers

a. If the offender is in compliance with the conditions of release, the CSO shall prepare the Interstate transfer package and submit it to the SCSO and the CSOSA Deputy Interstate Compact Administrator, or their designee(s), for approval by the proposed receiving state. (see Interstate Compact Unit policies and procedures);

b. CSO shall maintain regular supervision standards and practices while the offender awaits Interstate transfer;

c. The CSO shall notify the CSOSA Deputy Interstate Compact Administrator of any violations incurred by the offender during the period of time pending transfer and terminate the transfer process;

d. Once a case is accepted for transfer, the CSO shall submit the case to the SCSO for transfer to ICU; and

e. The CSO shall ensure that offender notifies the CSOSA Office of Special Criminal Justice Projects, Sex Offender Registry, of the relocation, if applicable.

The SOU shall supervise all sex offenders relocating to the District of Columbia under the Interstate Compact. In such cases:

i. The CSO shall ensure that the offender has registered as a sex offender with the CSOSA Sex Offender Registration

Unit and maintains compliance with the Sex Offender Registration Act (SORA),

ii. The CSO shall request modifications to the conditions of release through the SCSO and the ICU within 15 business days when deemed necessary,

iii. The CSO shall forward a yearly Progress and Conduct Report (see Forms/Template Manual, Form No. IC-0015) to the sending jurisdiction through the ICU,

iv. If the offender violates their conditions of release, the CSO shall forward a copy of a Violation Report to the Deputy Interstate Compact Administrator for CSOSA,

v. The CSO shall confirm that the Violation Report was r received by ICU within (3) business days of sending the report,

vi. The CSO shall monitor at least every 30 calendar days the status of the Violation Report, and

vii. he CSO shall notify the SCSO if no response has been received from the sending state within 90 calendar days of the report submission.

4. Interstate Travel for Sex Offender

a. Travel Outside the District of Columbia

In instances where a sex offender requests to travel outside of the District of Columbia for more than 24-hours, the CSO is to determine the following:

i. The CSO shall deny any and all travel requests within the first 90 calendar days of supervision (an override can only be approved by the SCSO),

ii. The CSO shall deny travel requests if the offender is considered to be in violation of the conditions of release within 90 days prior to the date of the proposed travel,

iii The CSO shall deny travel requests if the offender has tested positive for illicit drugs within the past 90 calendar days,

iv. The CSO shall deny travel requests if a special condition imposed prohibits Interstate travel,

v. The CSO shall deny travel requests if the period of travel would exceed 30 calendar days, and

vi. The CSO shall deny travel if the offender's request is not submitted to the CSO at least ten (10) business days prior to the proposed departure date.

b. Travel Approval

Once the CSO has approved the offender's travel plan, the CSO is to:

i. Complete a Travel Permit Form (see Forms/Template Manual, Form No. GS-0035) which shall include all special instructions,
ii. Schedule an office appointment date for the offender for the next business day of the date the permit expires,
iii. Submit a Travel Permit Form with the case file to the SCSO for approval and signature, and

Once travel is approved by the SCSO:

i. The CSO shall provide the offender with the address and phone number of the local law enforcement in the receiving jurisdiction;
ii. The CSO shall instruct the offender that s/he is to report to the receiving jurisdiction's local law enforcement within 24-hours of his/her arrival;
iii. The CSO shall provide the offender with a Travel Permit Form with an attached photo and instruct the offender to have the receiving jurisdiction's local authorities sign and date the form;
iv. The CSO shall inform the offender to bring the signed Travel Permit Form upon his/her next office visit with the CSO;
v. If the offender, who is required to register as a sex offender pursuant to SORA, intends to leave the District or Columbia for over 14 calendar days, not to exceed 30 calendar days, the CSO shall instruct the offender to report to the Sex Offender Registration Unit which will determine whether the offender must register as a sex offender in the jurisdiction to which s/he is traveling and the procedure the offender must follow; and
vi. If the offender is required to register as a sex offender in the jurisdiction of travel, he or she is to provide verification of registration on his/her next office visit with the CSO.

c. Emergency Travel

In instances where Interstate travel is needed on an "emergency" basis, such as in the death or serious illness of an immediate family member, or medical treatment for a serious medical or psychiatric condition:

1. The CSO shall determine, verify and document the nature of the offender's emergency;

2. The CSO shall consult with the CSOSA Deputy Interstate Compact Administrator (or designee) to determine if the situation constitutes a valid emergency;

3. If the CSOSA Deputy Interstate Compact Administrator (or designee) is not available, the CSO shall consult with the SCSO to determine whether the situation constitutes an emergency;

4. The CSO shall obtain the SCSO and/or the CSOSA Deputy Interstate Compact Administrator (or designee) signature before authorizing the offender to travel; and

5. Once travel is approved, the CSO shall follow standard Interstate travel procedures (listed above) prior to the offender's departure.

d. Failure to Provide Travel Permit

1. If the offender fails to report on the next scheduled office visit date, the CSO shall attempt to locate the offender immediately;

2. If attempts to locate the offender are unsuccessful, the CSO shall notify the local law enforcement office to notify them that the offender may still be in their jurisdiction or to ascertain if the offender is still in the jurisdiction.

   If the offender's whereabouts are still unknown, the CSO is to begin loss of contact procedures (see Chapter XXX for Failure to Report and Loss of Contact procedures);

3. If the offender is located, the CSO shall deny the offender's future travel requests for up to one (1) year;

4. The CSO also shall sanction the offender for failing to abide by instructions and document the sanctions in the SMART case record; and

5. The CSO shall verify and document that the offender indeed traveled to the proposed destination.

Following the completion of the offender's travel period, the CSO shall run a complete warrant and criminal record check on the offender within five (5) business days of the end of the travel permit and monthly thereafter

O. Fieldwork, Home Visits and Collateral Contacts with Sex Offenders

The CSO working with sex offenders is expected to use his or her training and experience in sex offender management when conducting fieldwork and making collateral contacts. When performing these duties, the CSO is expected to assess the amount of risk the offender poses to community safety, whether potential victims currently exist, and the offender's compliance with the conditions of release.

1. General Fieldwork and Requirements

The definition of General Fieldwork includes duties of the CSO that take him/her out of the office for official purposes (including visits to Court/USPC hearings and treatment programs). See Chapter XIV: Staff Safety

General fieldwork requirements include:

a. The CSO shall bring the CSOSA assigned cellular phone whenever conducting fieldwork;

b. The CSO shall submit the Field Contact Form (see Forms/Template Manual, Form No. GS-0025) to the SCSO for approval and logging purposes prior to conducting fieldwork, excluding trips to Court/USPC hearings;

c. The CSO shall report all Court/USPC hearings to the CSA for placement on the team calendar and include:

1. Name of the offender;
2. Date and time;
3. Location; and
4. Judge.

d. The CSO is encouraged to conduct all evening fieldwork or home visits with a team member or law enforcement partner; and

e. The CSO shall maintain a detailed recording of fieldwork conversations and observations.

2. Home Visits

The definition of a home visit involves a visit to a residence where the offender

either resides, intends to reside or frequents.

a. The CSO shall conduct announced and unannounced home visits;

1. Prior to conducting home visits, the CSO shall review the offender's case history. This review will include, but is not limited to:

i. The offender's criminal record,
ii. Descriptions of current and prior sex offenses, treatment plan (if available),
iii. Conditions of release,
iv. Supervision performance contract, and
v. Psychological assessment (if available) and most recent progress report;

b. The CSO shall notify all adult residents of the home of the offender's sex offense conviction(s) and sex offender registration implications if such persons have not already been notified with respect to sex offenders who are registered;

c. The CSO shall document in the SMART Running Record at each home visit the following case management information:

i. Names of all residents at the home at the time of the visit,
ii. Names and birthdates of any children who reside in the home, at the home at the time of the visit, or those known to frequent the residence (i.e., any neighbor children, family, daycare, baby-sit, etc...)
iii. Description of the interior of the home, and
iv. Description or changes in the neighborhood;

d. The CSO is encouraged to conduct daytime field visits with another CSO and/or police officer;

e. The CSO shall ask to see the entire home including the offender's sleeping area;

f. The CSO shall assess and document whether the residents believe the offender committed the sex offense(s) s/he was convicted of;

g. The CSO shall assess and document whether residents are inclined to cooperate with monitoring the offender; and

h. The CSO shall provide residents with his/her office phone number for

future communication.

3. Move Within the District of Columbia

If the offender desires to move to another residence within the District of Columbia or the offender has moved within the District of Columbia without CSO approval:

a. The CSO shall advise offender that any change in residence must be approved first by his or her CSO;

b. The CSO shall conduct a home visit prior to the offender moving;

c. In cases where the offender has moved without prior approval, the CSO shall conduct a home visit within three (3) business days of notification; and

d. If the home is deemed to be an unsuitable place for the offender to establish residence, the CSO shall consult with his or her SCSO and submit, within five (5) business days, a memorandum to the releasing authority that provides the rationale for why the offender should not stay at that particular location. The memorandum must be approved by the SCSO.

P. Office Contact Requirements

An official office visit is defined as a scheduled or unscheduled visit by the offender to the assigned CSO workplace or team area located in a CSOSA owned or leased facility.

1. Basic Unit Responsibilities and Procedures

a. Offenders reporting to the SOU must be seen by either the assigned CSO, SCSO or other CSO on duty;

b. The CSA shall only see the offender in situations where the assigned CSO, staff on duty or SCSO has reviewed the case record and given reporting instructions to the CSA to give to the offender;

c. The CSA shall maintain an offender Sign-In Log (see Forms/Template Manual, Form No. GS-0038) for offenders;

d. Upon reporting to the SOU, the offender should be instructed to:

i. Put his/her signature in the sign-in log, and
ii. Completely fill-out and sign the supervision reporting form;

iii. Complete a Sex Offender Reporting Questionnaire, if appropriate.

e. The CSO, SCSO or CSA shall ensure the offender is given a signed copy of the supervision reporting form and that the original is made part of the case file;

f. The CSO, SCSO or CSA shall ensure the offender is given a new face-to-face contact date and time in accordance with the assigned supervision level;

g. If an offender reports to the office unscheduled and the assigned CSO is not available, the offender shall be scheduled to return to the SOU within 3 business days regardless of the supervision level assigned, unless otherwise instructed by the assigned CSO or SCSO;

h. Should the assigned CSO plan to be out of the office when an appointment is scheduled for an offender, the CSO shall notify via email the staff person on duty, SCSO, and CSA when the offender is scheduled to report and include any reporting instructions; and

i. The CSO, CSA, or SCSO (the person with whom the offender made contact) must document all office visits made by the offender in SMART.

2. Office Interview

a. The CSO shall determine whether there are any changes in the offender's residence, employment, school, vehicle or appearance and document such in SMART;

b. The CSO shall instruct the offender to report any changes to the Sex Offender Registration Unit (SORU) within 3 business days and inform SORU via email that the offender had been instructed to do so (see Sex Offender Registration section in Chapter II);

c. The CSO shall address all <u>special</u> conditions of release and document in the case record and document compliance status;

d. The CSO shall assess the offender's compliance with the <u>general</u> conditions of release and document in SMART;

e. The CSO shall determine if the offender has developed any new sexual relationships and, if so, document such in SMART, to include but are not limited to the:

i. Full name and/or alias of the partner,
ii. Full home address and phone number of the partner,
iii. Work address and phone number of the partner,
iv. Number of children that reside with the partner,
v. Ages of all the children who reside with the partner,
vi. Names and ages of children that frequent the partner's residence,
vii. Where and how the offender and the partner met,
viii. Whether the partner is aware of the offender's sex offense conviction(s)/history, and
ix. How often the offender stays at the partner's residence;

f. The CSO shall assess the offender's mental health and stability and document any issues or concerns in SMART;

g. The CSO shall determine whether the offender is under stress and document the source of the stress in SMART;

h. The CSO shall assess whether the offender poses a risk to community safety and to document reasons in SMART;

i. The CSO shall determine how the offender spends his/her time and document in SMART;

j. The CSO shall complete at least monthly the "Supervision Questionnaire for Sex Offenders" for all reporting offenders and document significant responses in SMART ;

k. The CSO shall document in SMART the stages of change and any identified barriers to successful outcomes using "What Works" principles;

l. The CSO shall document in SMART warning signs for sexual re-offense that the offender may display to include but are not limited to:

i. Continues to maintain minimizations and justifications about the offense,
ii. Sees self as no-risk,
iii. Generally chaotic, antisocial lifestyle,
iv. Access to potential victims,
v. Increased signs of sexual pre-occupation and deviance,
vi. Disengages from treatment,
vii. Attempts to deceive and manipulate CSO, misses scheduled appointments,
viii. Grooming behavior becomes evident or worsens,
ix. Increase in substance abuse to include alcohol,
x. Increase in psychological/psychiatric symptoms,

xi. Increase in social isolation and interpersonal conflict, and
xii. Increased anger.

Q. Split Sentences

In cases where a sex offender has been sentenced to serve a period of incarceration to be followed by a period of supervised probation:

1. The CSO shall locate the offender in the correctional system;

2. Within 30 calendar days of receiving the case, the CSO shall forward a Jail Appointment Letter instructing the offender to report to the SOU within 24-hours of his/her release;

3. The CSO shall request institutional records to include but are not limited to:

   i. Medical records,
   ii. Mental Health reports,
   iii. Progress reports, and
   iv. Disciplinary record;

4. The CSO shall verify the offender's correctional status at least every 30-calendar day and document this information in the case record;

5. The CSO shall determine the offender's proposed living situation prior to the release date;

6. To determine suitability; the CSO shall conduct a home visit to the offender's proposed residence at least 30 calendar days prior to the release date; and

7. The CSO shall forward a Jail Appointment Letter (see Forms/Template Manual, Form No. INV-008) to the offender at least 60 calendar days prior to the scheduled release.

R. Warrants

Sex offenders who have absconded from supervision and for whom warrants have been issued are a serious concern to community safety. In instances where warrants have been issued:

1. The CSO shall submit to the SCSO or designee and SORU within 24-hours, an Offender Profile or case presentation form, via email, when a warrant has been issued to include the:

   i. Offender's name,
   ii. Date of warrant,
   iii. Type of warrant (Bench, Detainer, Parole),

iv. Identification of the case as a misdemeanor or felony,
v. Reason for the warrant (technical violation, new offense, other) and, if the warrant is for a new offense, the CSO will indicate whether the new charge is a sex offense, violent offense or other,
vi. Collateral contact information,
vii. Places the offender frequents, and
viii. Safety issues

2. The SCSO or CSA shall forward warrant information to the US Marshals Service and/or MPD within 24-hours of notice from the CSO;

3. The CSO shall monitor warrant status at least every 30-calendar days, produce a WALES/NCIC printout for the case file, and record this information in the SMART case record;

4. The CSO shall report any new information to the SCSO who in turn is to notify the USMS or MPD expeditiously; and

5. SMART shall be updated to reflect the status change.

Once the warrant has been executed:

1. The CSO shall notify the SCSO, SORU via email that a warrant was executed to include the offender name, PDID number and date of execution; and

2. SMART shall be updated to reflect any and all status changes of significance.

S. Victim Identification/Notification

The SOU also is responsible for responding to the needs and concerns of the victims of sexual offenders. It is, therefore, important for the CSO to establish contact with victims and to remain accessible to them throughout the offender's term of supervision.
When a warrant is issued for a sex offender, it also may be necessary for the CSO to Notify the victim.

1. Responsibilities of the CSO

a. The CSO shall complete the "Victims" screen in SMART;

b. The CSO shall coordinate communication with the victim or his/her family through the Victim Services Program Manager within 30-calendar days from the receipt of the case;

c. The CSO shall maintain communication with the victim or his/her family through the Victim Services Program Manager at least every 120-calendar days;

d. The CSO is to refer victims (see Forms/Template Manual, Victim Services Referral Form No. VSP-001) to the Victim Services Program Manager in instances where the victim is in need of counseling or other supportive services;

e. The CSO is to ensure that the offender does not have unwanted contact or communication with the victim; and

f. If the victim does not wish to be contacted or cannot be found such is to be documented in SMART.

2. Family Reunification

a. In cases of incest, the CSO shall ensure that the offender does not have contact or communication with the victim unless and until such is deemed appropriate by the offender's therapist, the victim's therapist (if applicable) or the sentencing/releasing authority;

b. The CSO, the offender's therapist and the Victim Services Program Manager shall evaluate the need for a family re-unification plan (if appropriate) and consult with the CFSA Social Worker;

c. The CSO shall monitor and document the offender's progress in the family reunification process

T. Polygraph

The polygraph exam is a tool used to monitor the offender's compliance with the conditions of release and/or to elicit truthful responses in order to enhance the therapeutic process.

1. Types of Polygraph Exams

There are three types of polygraph exams:

i. Offense specific,
ii. Maintenance (to determine if the offender is complying with the treatment objectives), and
iii. Sexual history.

2. Criteria for Use

a. The CSO shall identify an offender for polygraph testing in cases

where:

i. The offender's therapist recommends such testing as part of therapy, and
ii. It is a special condition of offender release.

3. Referral process

a. The CSO shall review the treatment performance and/or accountability contract with the offender, highlighting the section that explains the purpose and parameters of the polygraph instrument;

b. The CSO shall review all recommendations from the therapist to include requests for a polygraph exam;

c. If the therapist recommends funding for a polygraph exam, the CSO shall submit to the SCSO a sex offender treatment referral package with a signed Consent for Release of Confidential Information, a funding request submitted by the therapist and other relevant information. This will be forwarded to the SCSO for approval, logging purposes and placement;

d. The CSO/SCSO and the offender's therapist shall collaborate and agree on the questions to be asked by the examiner;

e. The SCSO, or designee, shall submit the polygraph referral.

4. Post Exam Procedure

a. The CSO shall review examination results with the SCSO and therapist within five (5) business days of receiving the results;

b. The CSO, SCSO and therapist shall revise the treatment and supervision contracts based on the examination results if such is deemed appropriate;

c. The CSO, therapist and/or SCSO shall review and discuss the results of the exam with the offender; and

d. The CSO shall ensure that re-testing is administered within 90 calendar days in cases where the test results indicate deception.

5. Deceptive Polygraph Examinations

If an offender is determined to be deceptive during the polygraph examination:

a. The CSO shall coordinate a staffing with the therapist, the offender and the SCSO;

b. The CSO shall, after consulting with the SCSO, request to the releasing authority a modification of release conditions to read: *"You shall undergo evaluation and complete sex offender therapy, to include submitting to polygraph exams, if deemed appropriate by CSOSA, and authorize the disclosure of sex offender therapy information between the treatment provider, CSOSA supervision staff and the sentencing court/United States Parole Commission during the period of probation/parole/supervised release;*

c. At the staffing, the offender is to be notified that his failure to pass the polygraph exam could result in an unsuccessful discharge from treatment and therefore determine that s/he has not met the obligation to complete treatment under the conditions of release;

d. The offender shall be given the option of re-taking the polygraph exam and resuming treatment or refusing to re-take the exam and being unsuccessfully discharged from treatment;

e. Should the offender choose to re-take the exam, the CSO shall refer the offender for another polygraph within five (5) business days of the staffing date;

f. Should the offender refuse to re-take the exam and the assigned therapist unsuccessfully discharges the offender from treatment, the CSO shall submit a violation report to the releasing authority within five (5) business days from receipt of the therapist's discharge summary providing notice that the offender has failed to successfully complete treatment; and

g. Should the offender re-take the exam and fail, and the therapist discharges the offender unsuccessfully, the CSO shall notify the releasing authority that the offender has been unsuccessfully discharged from treatment without significant progress being made.

h. The CSO shall investigate the possible basis for deceptive responses in all maintenance polygraph examinations as directed by the SCSO.

NOTE: The results of a polygraph examination cannot be used as evidence supporting an alleged violation. It is only to be used as a means of determining if an offender is in compliance or non-compliance with the treatment plan and conditions of release. The results can justify modifying the existing treatment and

case plans and prompt an in-depth investigation into the offender's behavior as it relates to conduct while on supervision.

U. Reporting Suspects to Inter-Agency Law Enforcement Officials

The CSO is encouraged to monitor news and police reports regarding sexual assault suspects in the metropolitan Washington, D.C. area. In an effort to help law enforcement officials solve crimes, the CSO should report the name(s) of identified sex offenders who may fit a suspect description to law enforcement officials investigating these crimes. The CSO who wishes to report such information on to law enforcement officials investigating an open crime is required to adhere to the following procedures.
If a CSO suspects that an offender who is currently assigned to his/her active caseload (or who was previously assigned) may be of interest in a new crime, s/he may report such information to law enforcement officials investigating the open criminal case.

Prior to contacting law enforcement officials regarding an offender currently or previously assigned to them, the CSO will notify his or her SCSO. The CSO will provide the SCSO or designee with the case presentation form that includes:

a. Offender's name;
b. Photograph;
c. PDID number (or Date of Birth);
d. Date information was forwarded to law enforcement;
e. Name of law enforcement agency contacted;
f. Name of law enforcement officer(s) contacted;
g. Phone number(s) of law enforcement officer or agency contacted;
h. SX number or Report number that identifies the case being investigated; and
i. CSO name.

The SCSO or designee shall keep a log or record of all offenders reported to law enforcement officials regarding their potential involvement in open criminal investigations.

V. Global Positioning System (GPS)

(See the Chapter VI section on Global Positioning System and related technologies).

W. Computer Monitoring

(See Appendix P, Search and Seizure Policy and Appendix Q, Sex Offender Computer Use Agreement Contract).

X. Immigration and Customs Enforcement (ICE)

The Sex Offender Unit cooperates with the ICE "***Operation Predator***" initiative. Operation Predator is a comprehensive initiative designed to protect young people from alien smugglers, human traffickers, child pornographers and other predatory criminals. Operation Predator draws on the full spectrum of ICE intelligence, investigative, cyber, detention and removal functions to target those who exploit children.

1. CSO Responsibilities

CSO responsibilities are as follows:

a. The CSO shall determine in all newly assigned cases the country of birth;
b. For those offenders born outside the United States or Puerto Rico, the CSO shall obtain and document in SMART the offender's alien status and alien number;
c. The CSO shall report to the SCSO all cases where the offender is foreign born and has been convicted of a sexual or violent offense at any time in his/her lifetime;
d. The SCSO shall determine if the offender should be reported to ICE for investigation; and
e. If the SCSO determines that the ICE should be notified, the CSO shall submit the following information to ICE via fax:

    i. Case presentation form, to include photograph, and
    ii. Copy of Court order for relevant sex offense or other violent felony convictions.

Y. Sex Offender Contact with Minors/Chaperon Agreements

Decisions allowing sex offenders to have contact with minors are determined by either the releasing authority or the supervision agency. In some instances the releasing authority may impose an unambiguous special condition that absolutely prohibits an offender from having contact with minors. In other instances, the releasing authority allows the supervising officer the discretion to allow the sex offender to have contact with minors. The guidance to CSOs is as follows:

1. Contact Permitted with Minors[1]

Offenders may have contact with minors if there is no special condition that would otherwise restrict contact. (See Modifications to Release Orders (below) for changes to this status).

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1 Note: The term MINOR is defined by DC Superior Court as anyone below the age of majority, which is 18 years of age. The term MINOR as defined by the USPC is anyone under the age of consent in the jurisdiction where the offender resides, which in DC is 15 years of age. The definition to be used in the context of these procedures is dependent upon who is determined to be the releasing authority in the active case, unless specifically defined by the releasing authority.

2. Contact Permitted under Limited Circumstances (Supervised Contact)

If a special condition reads: "You shall have no contact with minors, unless approved by your supervision officer" OR "You shall not have unsupervised contact with minors" it is left to the supervision officer to determine the parameters of appropriate contact with minors.

If this type of special condition exists, the CSO's position is that the offender may not have contact with minors unless and until such is approved. The offender is to be made aware that having contact with any child as long as an adult, any adult, is in the area or present is not considered to be satisfactory compliance. Under this type of special condition the offender may have supervised contact with specific minors as long as there is an **approved chaperon** identified. (See *Supervised Contact with Minors Contract, Chaperon Agreement Contract, and Chaperon Approval Policy* for a definition and conditions.)

- The CSO shall only consider granting supervised contact with a specific minor upon the request of the offender.
- 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.
- 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.
- 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.
- 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.

3. No Contact Permitted with Minors

Offenders may **NOT** have contact with minors if there is a special condition that prohibits contact. (See *No Contact with Minors Contract* for a definition and conditions.)