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## Sex Offender Management

### 356.1 PURPOSE AND SCOPE

This chapter will outline the elements and duties of all Probation personnel with respect to the supervision of offenders convicted or having sustained a true finding or conviction, for a sex crime. Probation Officers supervising sex offenders are responsible for using a balanced approach to hold offenders accountable while ensuring the best opportunity for long term change by the offender. Officers monitor offender compliance with court ordered conditions of supervision, take swift and appropriate action to engage the offender to solicit positive behavior changes and provide direct services or referrals for services when needed to address the offender's risks, needs, and conditions ordered by the Court.

### 356.2 APPLICABILITY

This policy shall be applicable to all Supervision Officers assigned sex offender cases.

### 356.3 VICTIM INVOLVEMENT AND NOTIFICATION

Victim involvement is necessary during all stages of the criminal justice process. Victim contact and involvement with the probation system can provide an important element of offender accountability and assist with protecting the victim. It can also help provide information about the offender to assist the Probation Officer in customizing supervision strategies and case management efforts. Victim safety is of the utmost importance.

Whenever possible, victims should be encouraged to participate in recovery therapy. Payment of the victim's treatment expenses by the offender shall be deemed a high priority and an important part of the rehabilitation process. All offender contact with victims shall be reviewed by the Probation Officer and the treatment provider and shall be with the approval of the Court. In some cases, the victim may not want contact with the Probation Officer or may only want limited information. If this occurs, the Probation Officer shall be sympathetic to the victim's wishes and provide his/her contact information; letting the victim know the Probation Officer is available should he/she change their mind. Thorough documentation shall occur in the Probation Case Management System (PCMS) regarding this decision by the victim. Should a victim be presumed unavailable for contact for any reason, the Probation Officer must still attempt to contact the victim upon receipt of the case. All other victims desiring contact shall be contacted by the Probation Officer on a regular basis.

### 356.4 NEW CASE PROCEDURES

Within 14 days of receipt of the offender's case or within 14 days of release from custody, the supervision officer monitoring sex offender cases must conduct a face-to-face orientation with the offender. Activities to be completed include, but are not limited to: obtaining proof of income documentation (paystub, SSI), reviewing the conditions of supervision, providing referrals for treatment and enrollment in drug testing as appropriate, providing a referral for first maintenance

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polygraph test as appropriate, explaining the supervision process, gathering information regarding residence and family/occupants, and conducting a drug test, as appropriate.

Should the offender fail to report as directed by the Court, the Probation Officer shall exhaust all contact options to locate and meet with the offender. If unsuccessful, the Probation Officer shall screen with their supervisor to discuss next steps e.g. warrant request as per the warrant policy.

### **356.5 CONTACTS**

Probation Officers shall conduct at a minimum, two face-to-face quality contacts per month with each out of custody offender. The initial face-to-face field contact shall be completed within 30 days of receiving the case. At least one appointment per month shall be in the community/field. These contacts may be announced or unannounced, and should be arranged on a random basis to ensure the officer is able to observe the offender throughout his/her daily routines and in a variety of settings.

Unannounced field contacts can be beneficial in supervision to monitor compliance with no contact orders, alcohol and/or substance abuse issues, and to obtain a general reading of the offender's circumstances. Home visits, due to the more intimate nature of that setting, can provide an opportunity for the offender and his/her family members to speak more openly about any concerns or issues impacting the supervision strategy and case plan.

### **356.6 FOURTH WAIVERS**

4th waiver person and vehicle searches shall be completed as directed by the Officer's specific service.

### **356.7 PREPARATION FOR INITIAL INTERVIEW**

Prior to the Probation Officer meeting with the offender he/she shall do the following:

- (a) Review all information in PCMS including the offender's name, supervision case number and the date the case was received.
- (b) Update PCMS with any new information not previously documented via Activities, Contact Notes, Alerts, and Officer Safety Notes.
- (c) Mail a notification letter to the victim upon assignment/receipt of the case. If the victim's whereabouts are unknown, the Probation Officer shall contact the District Attorney's Victim Advocacy office for the current location of the victim or attempt to have the District Attorney Investigator locate the victim.
- (d) Check the court order/minute order for future scheduled court hearings or pending matters.
- (e) The Probation Officer shall review the entire file and pay special attention to:
  - Court summary
  - Minute order (if available)
  - Signed Court order

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- Psychological evaluations/assessments
- Collateral information
- DNA status
- No contact orders
- Local records check
- Computer data review
- COPLINK
- AIDS testing requirement
- Chelsea's Law applicability

### **356.8 INITIAL INTERVIEW**

During the initial interview with the offender, the applicable factors below shall be addressed. The assigned officer shall:

- (a) Review the offender's needs, including employment, place of residence, medication and/or drug treatment. The Probation Officer shall also determine if the offender's current residence is appropriate (i.e. location in relation to schools, parks, places where children congregate, etc.). Officers should be cognizant of the facts of the offense and any impact this might have on residence location or type/location of employment.
- (b) Use Role Clarification to review the Court Orders and set guidelines for the offender's behavior, taking care to answer any questions the offender may have.
- (c) Explain that the offender's self-report information will be verified.
- (d) Review and explain the following to the offender if Court ordered or when appropriate to address:
  - Travel restrictions;
  - No contact with minors/victims provision;
  - Supervised visitations;
  - Social activities/organizations;
  - Computer use;
  - Residence and employment approval;
  - Sex offender treatment;
  - Substance abuse treatment;
  - Polygraph examination.
- (e) The officer shall obtain the names and dates of birth of all persons living in the offender's residence. This includes the offender's partner, significant other, and support system or any roommates/boarders. Whether the offender or anyone in the home owns any pets should also be ascertained.

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- (f) The offender should be asked to outline his/her regular routine community involvement, e.g. what church/temple he/she attends, what services he/she attends, and in which activities the offender participates, etc. The unit supervisor should be consulted if the attendance to community activities appears to present risk issues to any individuals or the offender's specific victim type.
- (g) Explain that there will be ongoing home visits, including intrusive 4th waiver searches.

#### **356.9 SUPERVISION**

- (a) Conduct random and routine drug tests (as appropriate and/or mandated) and maintain record of drug testing. Offenders who have testing conditions are to begin urinalysis and/or alcohol breath testing after the initial interview with the supervision officer assigned sex offender cases. If a random call-in testing program is available and deemed appropriate, the offender shall be assigned to that program. The duration and frequency of testing may be altered to fit the existing needs of the offender.
- (b) Collect restitution payments or proof of payment as necessary.
- (c) Obtain and file all court documents. Officers shall ensure that they have copies of all court documents at all times.
- (d) Officers shall address the offender's progress as it relates to case plan goals and Court ordered conditions, evidenced by use of an Incentives and Sanctions based approach. Case Management notes should indicate why and when specific interventions were applied.
- (e) Officers shall communicate with law enforcement and other agencies, such as Family Court, Health and Human Services Agency, etc., regarding the offender. Collateral contacts with family members, therapists or other health care professionals, roommates, and victims should be considered. All contacts shall be documented in PCMS.
- (f) In the event the offender does not comply with contact requirements, the Probation Officers shall take immediate action up to and including a warrant request to ensure community safety, and the case shall be screened with the supervisor to determine further action.

#### **356.10 TRAVEL REQUIREMENTS**

- (a) The officer shall inform the offender that all travel requests are subject to approval by the officer and the unit supervisor. All travel permits for offenders being supervised on sex offender caseloads shall be specific as to date, time and location. Under no circumstances shall a sex offender be given an "open ended" travel pass or one that is longer than 30 days.
- (b) The officer shall advise the offender that only the Court may authorize travel outside the state and/or country.
- (c) The officer shall follow Interstate Compact procedures for sex offenders when granting travel passes or moves to another state. Until Interstate Compact approval has been obtained (either via approved reporting instructions or an approved Transfer Request), no sex offender should be allowed to travel or move to the receiving state. When granting residence in another county the Court and the reviewing county must approve the move in advance of the offender's relocation.

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- (d) With regard to previous courtesy supervision cases, the officer shall consult with the sending jurisdiction's Probation Officer before allowing travel outside of California.

### **356.11 HIGH PROFILE CASES**

Some cases contain elements that may be considered provocative or sensational in nature. Media and community interest quickly follow public disclosure of such cases. Consequently, care shall be taken by the supervision officer monitoring these high profile cases to maintain vigilance regarding documentation of supervision activities and confidentiality. The officer shall keep their Supervisor and Division Chief updated as to the case status.

### **356.12 DOCUMENTATION IN PCMS**

Documentation of communication with offenders and other interested parties is crucial. Officers shall document in PCMS Contacts information relating to all telephone, office visit, field contact or written communication with offenders and/or pertinent individuals within 72 hours of the event. In addition to summarizing events, these notes should reflect Case Management efforts including the use of Integrated Behavioral Intervention Strategy (IBIS) skills, factors suggestive of the stages of change related to the Case Plan objectives, appropriate deployment of incentives and sanctions, and updates to the Case Plan based on the offender's behavior.