



Virginia Department of Corrections

Mental Health and Wellness Services

Operating Procedure 735.3

Supervision of Sex Offenders in Community Corrections

Authority:

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

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

Assessment – Utilizing specific techniques of evaluation and measurement to identify and collect information related to an inmate's/probationer's/parolee's thoughts and behaviors which contribute to sexual offending.

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

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS-R) Community Corrections - The DOC approved risk/needs assessment, which consists of different versions for community corrections and institutions. COMPAS-R Community Corrections is a support system for supervision and case-management decisions, a database used in combination with VACORIS, a tool that assesses two critical risks, violence and recidivism, risk, and a tool for determining the criminogenic needs that are used to develop case plans and set programming.

Evidence Based Practices (EBP) – Correctional decision making derived from research findings about practices proven to change inmate/probationer/parolee behavior thereby reducing the risk for recidivism.

Family Reunification – An in-depth process where all professionals involved with the family and family members work together to consider the type and degree of contact that might be possible with a child, or adolescent who has been sexually abused.

Group Therapy – Therapeutic sessions involving three or more inmates/probationers/parolees and one or more staff facilitators; groups are based on diagnostic category, therapeutic technique, or salient topic e.g., Symptom Management, Relationship Issues.

Officer – Any Chief P&P Officer, Deputy Chief P&P Officer, Senior P&P Officer, P&P Officer, or Surveillance Officer.

P&P Officer – Any Chief P&P Officer, Deputy Chief P&P Officer, Senior P&P Officer, or P&P Officer authorized by a Circuit Court Judge.

Probation Officer's Arrest Authority (PB 15) - A document issued by a P&P Officer for the arrest and detention of a delinquent parolee, and in some cases, a delinquent probationer.

Probationer/Parolee – A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

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

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

PURPOSE

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

PROCEDURE

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

Clinician, to determine whether they are able to benefit from the mode of treatment being provided or to recommend other treatment interventions.

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

II. Sex Offender Supervision Specialists

A. Job Specialization

1. P&P Officers working with sex offenders shall have specialized training and guidance to establish an offense-specific case management approach.
2. This specialization will be implemented at all P&P Offices.
3. The goal of specialization is to promote development of expertise, increase communication, and improve consistency at all stages of sex offender management.
4. Information on the Sex Offender Pay Supplement Program can be found in Operating Procedure, 102.4, *Compensation*.

B. The sex offender specialist P&P Officers and Surveillance Officers supervising sex offenders must successfully complete the required specialized training regarding sex offenders. The training will include the following information:

1. DOC - Supervision of Sex Offenders Online Training
2. An Introduction to Working with the Sex Offender
3. The Importance of Assessment (Basic Skills for Sex Offender Specialists)
4. An Overview of Sex Offender Treatment (Basic Skills for Sex Offender Specialists)
5. Polygraph Protocol (Basic Skills for Sex Offender Specialists)
6. Sex Offender Law Online Training
7. GPS Electronic Monitoring Training
8. Simulations for Sex Offender Supervision Specialists
9. STABLE-2007 and ACUTE-2007 Training (Basic Skills for Sex Offender Specialists)
10. Virginia Sex Offender Management System (VSOMS) Online Training

III. Supervision Requirements

A. Initial Supervision Requirements

1. The supervision of sex offenders in the community entails unique considerations and guiding rationales. Listed below are elements of supervision for sex offenders to be utilized at all P&P Offices:
 - a. The supervising P&P Officer will ensure that for all applicable sex offenses, the STATIC-99R (or more current instrument) and STABLE and ACUTE Risk Assessment Instruments have been done and are documented in VACORIS.
 - b. All probationers/parolees actively being supervised for a sex offense, except for *Failure to Register* must initially be supervised at Level High. Supervision levels may be adjusted based on a probationer's/parolee's progress on supervision, status in treatment, adjustment in the community, and assessment tool results.
 - c. P&P Offices may establish supervisory teams. These teams will meet, at a minimum, quarterly to staff new and existing cases. The purpose of these meetings will be to determine treatment needs.

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

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

B. *Case Plans*

1. The *Case Plan* is a dynamic document used to guide the probationer's/parolee's progress in achieving their goals during supervision. It is a mutually agreed contract between the probationer/parolee and supervising staff that outlines the requirements for probationers/parolees while on supervision, identifies probationer/parolee goals, incentives, sanctions, tasks, and sets time frames for completion.
2. *Case Plans* will be developed and updated in accordance with Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*. Any case supervised as a sex offender will be administered the COMPAS-R Community Corrections version during the first 45 days of supervision.
3. The *Case Plan* is to be developed and submitted within 60 days of the start of supervision. Probationers/Parolees will be given a copy of their *Case Plan*. The *Case Plan* will be evaluated and revised on a regular basis to reflect the probationer's/parolee's progress, performance, and delinquency toward their goals. A note will be entered into VACORIS indicating the probationer's/parolee's status toward their *Case Plan*.

C. Standards of Supervision

1. The Chief P&P Officer is responsible for ensuring that all designated P&P staff conduct sex offender supervision with minimum contacts by:
 - a. Ensuring all sex offenders required to be on Global Position Satellite (GPS) Monitoring by law, Court order, or operating procedure are enrolled in GPS Monitoring and their GPS equipment is installed immediately on the same day of probationer's/parolee's sentencing, release from incarceration, or when the Court order is received, whichever happens first.
 - b. Initiating and documenting contact (phone, personal) within two working days of case assignment
 - c. Making initial personal contact within five working days
 - d. Conducting an initial home visit within the first 30 days
 - e. Conducting a follow-up home visit once per month
 - f. Conducting a minimum of one personal contact per month
 - g. Administering urinalysis per Operating Procedure 841.5, *Substance Use Testing and Treatment Services*
 - h. Conducting community contacts in accordance with Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*
 - i. Verify employment, mental health, and/or substance use counseling monthly
2. If appropriate, compliant sex offenders who have been on supervision, completed treatment or successfully completed at least one-half of their supervision period, and a reduced level of supervision is supported by the risk assessment instruments, must be supervised on Voice Monitoring Self-Report. Minimum contacts as follows once documented risk reassessment is completed and approved by a Supervisor.
 - a. One home visit every 90 days
 - b. One personal contact every 90 days
 - c. One employment verification every 90 days
 - d. One community contact every 90 days
 - e. Self-report will happen once a month
3. Probationers/Parolees supervised on Conditional Release for the Virginia Department of Behavioral Health and Developmental Services (VDBHDS) will be supervised in accordance with their conditional release plan.

- a. Any probationer/parolee who has had their Sexually Violent Predator (SVP) label removed will continue to be supervised in Level High and remain on GPS monitoring.
- b. If appropriate, probationers/parolees who have had their SVP label removed may be approved for a reduction in their level of supervision, removal from GPS monitoring, or request for early termination, if the P&P Officer submits a *Reduction Request for Former Sexually Violent Predator 735_F25*, and the requested change is approved by the Regional Administrator and the Chief of the Sex Offender Programs and Monitoring Unit.

D. Housing Requirements

1. COV §18.2-370.3, *Sex offenses prohibiting residing in proximity to children; penalty*, limits where an individual convicted of certain sexual offenses may live, but this law is very narrow in focus and rarely applies.
2. When investigating a home plan, the plan and the probationer's/parolee's history will be considered when determining suitability.
3. In the interest of public safety, it is recommended that the P&P Office provide the probationer/parolee alternative housing until their risk level can be determined. Housing alternatives may include local shelters, Community Residential Programs, or motels. When a motel is the P&P Office's only alternative housing source, P&P Officers must complete the *Sex Offender Motel Contract 735_F14*.
4. Any home plan must be investigated by a P&P Officer who is trained and knowledgeable in sex offender supervision practices.
 - a. The investigating P&P Officer must physically visit and cross the threshold of the proposed home plan.
 - b. The *Sex Offender Home Plan Checklist 735_F16* must be incorporated into the home plan investigation and when completed, uploaded into the VACORIS notes.
5. The leaseholder of the residence must provide verification or documentation that the sex offender is allowed to live there by the owner of the residence or rental office only. (Note: Virginia is a passive notification state. Therefore, verification must not be obtained from any source that may notify others of the probationer's/parolee's supervision status; see Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*, for confidentiality requirements.)
6. Information needed for home plan investigation purposes may include, but not be limited to:
 - a. Presentence Investigation (PSI)
 - b. Offense reports
 - c. Sex offender assessments
 - d. Polygraph examination results
 - e. Treatment records
 - f. Institutional records
 - g. Supervision notes
 - h. If a home plan is deemed safe and minors reside in the home, the P&P Officer must complete a *Sex Offender Family Safety Contract 735_F15*.

E. Employment

1. As part of the review and approval process, P&P Officers will:
 - a. Verify with the employer to ensure the jobs would not place them in high-risk situations according to their offense pattern.
 - b. Verify and ensure the employment is not in violation of any Virginia code section.
2. The P&P Officer will maintain communication with the employer to minimize the potential of working in high-risk situations.

F. Chaperone

1. A responsible adult may be designated as a chaperone to accompany the probationer/parolee in designated social contacts such as faith-based activities, family reunification visits, etc.
2. The chaperone and their duties must be listed on a *Sex Offender Faith Based Safety Contract 735_F13*, *Sex Offender Family Safety Contract 735_F15*, or similar document.
3. Chaperone criteria and responsibilities:
 - a. The chaperone must be aware of the probationer's/parolee's offense cycle.
 - b. The probationer/parolee has developed, with the therapist, supervising P&P Officer, and chaperone a *Safety Contract*.
 - c. The chaperone will, when asked, share all details of all visits.
 - d. The chaperone must report any violation of the *Safety Contract* to the supervising P&P Officer and the Therapist immediately.

G. Community Activities

1. Involvement in community activities is a stabilizing factor and efforts will be made to help probationers/parolees reintegrate safely into community activities.
2. Restrictions from community activities will be done on an individual basis, and not blanket restrictions.

H. Faith Based Activities

1. Probationer/Parolee safety requires that, at a minimum, probationers/parolees be expected to complete a safety plan (documented on a *Sex Offender Faith Based Safety Contract 735_F13*) with faith-based officials, family (if family is involved), a designated Chaperone, and the supervising P&P Officer.
2. Once the plan has been executed and approved, the probationer/parolee will be allowed to attend faith-based activities according to the *Sex Offender Faith Based Safety Contract 735_F13*.

I. Library, Parks, and Recreation Areas - A probationer's/parolee's pattern of criminality prior to supervision and while under supervision will dictate a restriction on visits to parks and recreation areas. Those probationers/parolees who are afforded the opportunity will have a safety plan.

J. Computer Access

1. The goal with computer management is to set responsible conditions and routinely monitor compliance with these conditions.
2. If computer and/or internet usage is approved, the P&P Officer will implement the use of computer monitoring software; see *Sex Offender Special Instructions 735_F18*.
3. Total prohibition will be reserved for those probationers/parolees whose offense dictates such a restriction.

K. Travel Requirements

1. Travel outside of the probationer's/parolee's travel area, but still within the state, requires the approval of the supervising P&P Officer and will be appropriately documented. Any individuals accompanying the probationer/parolee should be aware that the probationer/parolee is a convicted sex offender and may be designated as a chaperone.
 - a. The supervising P&P Officer must notify the impacted P&P District's email account if travel out of the area is approved for overnight.
 - b. Out-of-state travel may be permitted and if allowed, the following must occur:
 - c. Travel must be in accordance with Operating Procedure 920.4, *Interstate Transfer of Supervision*, and approved by Chief P&P Officer or designee on a *Travel Permit - Out of State 920_F3*.
 - d. In compliance with *Supervision Conditions*; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*, and any special instructions; see *Sex Offender Special*

Instructions 735_F18.

- e. If on GPS Electronic Monitoring; see Operating Procedure 435.5, *Electronic Technology Supervision Programs*.
 - f. If in a treatment group, travel plans have been processed by the group.
 - g. A *Safety Contract* will be developed, and the probationer/parolee will be instructed to share the plan's details with any accompanying individuals and signed by the applicable local law enforcement entity of that jurisdiction.
 - h. The probationer/parolee is required to submit an executed notification letter upon return if travel is out of state; see *Sex Offender Travel Notification 735_F17*.
2. Sexually Violent Predators on Conditional Release supervision may not travel out of state unless out of state travel is documented in the Conditional Release Order and/or approved in a Court order.
 3. Sexually Violent Predators on Conditional Release supervision may not transfer out of state.

IV. Transfer of Supervision between P&P Districts

- A. Interstate transfers must follow current Interstate Compact Rules; see Operating Procedure 920.4 *Interstate Transfer of Supervision*.
- B. Transfer between P&P Districts (intrastate) of any probationer/parolee being supervised as a sex offender case must follow Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer* and Operating Procedure 435.5, *Electronic Technology Supervision Programs*.
- C. Any home plan must be investigated by an Officer who is trained and knowledgeable in sex offender supervision practices.
- D. The investigating Officer must physically visit and cross the threshold of the proposed home plan.
- E. The *Sex Offender Home Plan Checklist 735_F16* will be incorporated into the home plan investigation and when completed, uploaded into the VACORIS notes; see the *Housing Requirements* section of this operating procedure.
- F. The leaseholder of the residence must provide verification or documentation that the sex offender is allowed to live there by the owner of the residence or rental office only. (Note: Virginia is a passive notification state. Therefore, verification must not be obtained from any other source that may notify others of the probationer's/parolee's supervision status; see Operating Procedure 050.1 *Inmate and Probationer/Parolee Records Management* for confidentiality regulations.
- G. All denials of transfer requests must be approved by the Chief P&P Officer or designee as outlined in Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*. Denials must be documented in VACORIS *Log Notes* as a conference and reviewed by the Chief P&P Officer or designee. The formal transfer investigation is to be completed within seven working days of case assignment.

V. Risk Assessment, Evaluation, Treatment, and Psycho-Education

- A. Treatment is an essential element of supervision with the goal of assisting probationers/parolees in the development of internal behavioral controls. Group treatment is the preferred treatment modality. In cases where the probationer/parolee is not amenable for group treatment, individual treatment can be utilized once approval is obtained from the Chief, Sex Offender Programs and Monitoring Unit (CSOPMU).
- B. Any probationer/parolee on supervision for a qualifying sex offense will have the following risk assessment tools completed: STATIC-99R (or most updated version of the STATIC-99R), Stable 2007, and Acute 2007. If a probationer/parolee begins supervision without a STATIC-99R risk score, a referral for the STATIC-99R will be done at the initial interview. The Acute-2007 will be administered at each meaningful personal contact. The Stable-2007 will be scored during the month of the six-month case review. For cases that have been reduced to Medium, the Stable will be scored a minimum every 12

months.

- C. At a minimum, probationers/parolees who present as high risk, either by STATIC-99R score or the nature of the offense, will be referred for a sex offender evaluation within 45 days of case assignment provided there is ample time for a probationer/parolee to complete treatment. Other probationers/parolees who present with a significant risk of re-offense will be evaluated at the discretion of the P&P Officer using the *Sex Offender Assessment Referral 735_F21*.
- D. When an evaluation is done and treatment is recommended, a referral to a treatment provider on the DOC Contract must be made within two working days of receiving the recommendation using *Sex Offender Treatment Referral 735_F20*. If space or funding is not available, the probationer/parolee will be placed on a wait list.
- E. If a probationer/parolee successfully completed *Sex Offender Awareness Program, Version 3 (SOAP-V3 July 2018)* while incarcerated, they do not need to take SOAP-V3 in the community. Those probationers/parolees beginning supervision, who have not had SOAP-V3, will be considered for referral.
- F. Once the probationer/parolee has completed the SOAP-V3, the sex offender team and the treatment provider will conference the case to determine if additional treatment is recommended. The probationer's/parolee's risk assessment scores, treatment responsiveness, and Court obligations will be considered.

VI. Polygraph Testing

- A. Based on their ability to pay, each probationer/parolee will be charged a co-payment fee for polygraph services. See Attachment 1, *Polygraph Protocol*, for detailed descriptions and purpose of polygraphs.
- B. Instant Offense (IO)/Crime of Conviction Polygraph Examination
 - 1. The IO polygraph examination should be limited to those probationers/parolees whose self-reported description of the instant offense significantly differs from the official report.
 - 2. This examination will be conducted after an assessment, but no later than 90 days after the start of treatment.
- C. The probationer/parolee is expected to disclose a comprehensive report of all their victims, as well as all deviant sexual activity up to the start of supervision using the *Sexual History Disclosure 735_F23*.
 - 1. Preparation for this examination begins after completion of the assessment or when treatment begins.
 - 2. The P&P Officer will provide the probationer/parolee with a copy of the *Sexual History Disclosure 735_F23* and enough copies of the *Sexual History Disclosure - Victim Form 735_F23A* for the probationer/parolee to complete a separate *Victim Form* for each victim.
 - 3. The P&P Officer will review the directions for the *Sexual History Disclosure* with the probationer/parolee and set a time for completion.
 - 4. The *Sexual History Disclosure* should be completed and the probationer/parolee prepared to take the sexual history examination within 90 days of the start of treatment, or as soon as practicable.
 - 5. The probationer/parolee will review the contents of the *Sexual History Disclosure* with the P&P Officer.
 - 6. The P&P Officer will make a copy of the completed *Sexual History Disclosure* for the treatment provider.
 - 7. The probationer/parolee will review their *Sexual History Disclosure* with their group members.
 - 8. When the P&P Officer, treatment provider, and group members are satisfied that the *Sexual History Disclosure* is complete, the P&P Officer will schedule the *Sexual History Disclosure* polygraph examination.
 - 9. Prior to the examination, the P&P Officer will provide copies of the *Sexual History Disclosure*, PSI,

sexual offender evaluation, and other relevant documents to the examiner one week before the exam.

10. The P&P Officer will send the offender a *Sex Offender Polygraph Appointment Letter 735_F22*, with the date, time, location, and cost of the polygraph examination.
11. The probationer/parolee will be expected to forward payment to the examiner no later than one week prior to the examination. If the examiner has not received payment, or notification of DOC's intent to pay for the examination, the examination will be cancelled.
12. It will be the examiner's responsibility to notify the supervising P&P Officer if payment has not been received.
13. If the results of the *Sexual History Disclosure* are deemed deceptive or inconclusive, the probationer/parolee will return to group and once again review the contents of the *Sexual History Disclosure*. A second examination may be scheduled and completed within 60 days. A second deceptive examination becomes a treatment issue.

D. Maintenance and Monitoring Examination

1. This examination enables the supervising P&P Officer to assess compliance with supervision and provides the Therapist with information on compliance with treatment directives. This enables the supervising P&P Officer to be proactive in identifying precursors to possible relapse behavior.
2. Scheduling and/or frequency of the maintenance/monitoring examinations will be determined by the treatment team.
3. When a determination to test is made, the P&P Officer will send the probationer/parolee a *Sex Offender Polygraph Appointment Letter 735_F22* with the date, time, location, and cost of the polygraph examination.
4. The probationer/parolee will be expected to forward payment to the examiner no later than one week prior to the examination. If the examiner has not received payment, or notification of DOC's intent to pay for the examination, the examination will be cancelled.
5. It will be the examiner's responsibility to notify the supervising P&P Officer if payment has not been received.
6. Prior to the examination, the P&P Officer will forward the examiner a referral using *Sex Offender Polygraph Referral 735_F19*. The referral form will outline issues to be addressed in the examination.
7. Deceptive polygraph results become a treatment issue and will be addressed in group by the Therapist.
8. Deceptive polygraph results will not be used in revocation hearings.

VII. Family Reunification

A. Reunification Factors

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

B. Family Readiness Requirements

1. Ensure appropriate adjustment to supervision.
2. Victims living in the home must be in treatment, feel supported by all family members, and ready for

reunification. If the victim is in treatment, consultation with the Therapist/Counselor should be considered.

3. Ensure no one in the household blames the victim.

C. Rules for probationer/parolee visits (i.e., home and overnight) are outlined in *Sex Offender Family Safety Contract 735_F15*.

D. Chaperone, designated by *Sex Offender Family Safety Contract 735_F15*, criteria and responsibilities.

1. The chaperone must be aware of the probationer's/parolee's offense cycle.

2. The probationer/parolee has developed a *Family Safety Contract* with the Therapist, supervising P&P Officer, and chaperone.

3. The chaperone will, when asked, share all details of all visits. The chaperone must report any violation of the *Sex Offender Family Safety Contract* to the supervising P&P Officer and the Therapist immediately.

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

1. The supervising P&P Officer will be part of a team in the reunification of a family.

2. The supervising P&P Officer will approve all team decisions that involve contact between the probationer/parolee and the family.

VIII. Commitment and Conditional Release of Sexually Violent Predators

A. The DOC is responsible to identify those probationers/parolees who are currently serving time for one or more of the predicate offenses for commitment and conditional release of SVP's; see Attachment 2, *Predicate Offenses for Commitment and Conditional Release of Sexually Violent Predators*.

B. The Sex Offender Screening and Assessment Unit must review the probationers/parolees using an evidence-based assessment protocol approved by the Director and the Commissioner. They will refer those who appear to meet the definition of a sexually violent predator to the Commitment Review Committee (CRC) for further evaluation. The CRC will request a full evaluation in accordance with COV §37.2-904, *CRC assessment of prisoners or defendants eligible for commitment as sexually violent predators; mental health examination; recommendation*, on referred probationers/parolees to determine if the probationer/parolee meets the definition of an SVP.

C. The CRC will review evaluations and make non-binding recommendations to the Office of the Attorney General (OAG). These recommendations are to Civilly Commit, Conditionally Release, or release the probationer/parolee.

D. The OAG then has 90 days to file motions in Court, or up until the probationer's/parolee's release date, whichever is later.

E. SVP is a Court designation based on a finding of "clear and convincing evidence" that the probationer/parolee: (COV §37.2-900, *Definitions*)

1. Is convicted of and serving incarceration for a predicate crime or is charged with a predicate crime but unrestorably incompetent to stand trial.

2. Has a personality disorder or mental abnormality which makes it difficult to control their behavior and likely to engage in sexually violent acts.

F. Commitment

1. When a probationer/parolee has been committed to the Virginia Center for Behavioral Rehabilitation (VCBR), the sentencing P&P District will:

a. Determine if that probationer/parolee has a probation/parole or post-release obligation.

b. Upload relevant documents in VACORIS, including the Court order.

- c. Enter supervision conditions under the Conditions Tab in VACORIS, if applicable.
2. When the probationer's/parolee's obligation is released to the sentencing P&P District in VACORIS, and if the probationer/parolee has a supervision obligation, the P&P District will administratively transfer the case to "Sex Offender Programs - Community." If there is no supervision obligation, the P&P District will close the case.
3. Once the case is transferred to the Sex Offender Programs - Community, the CSOPMU or designee will place the case in Low Level supervision and assign the case to the VCBR P&P Officer.
4. The VCBR P&P Officer will meet with the probationer/parolee at the quarterly orientation session. The VCBR P&P Officer will review all paperwork and have the probationer/parolee execute all necessary documents. These are Low Level supervision cases and do not require a COMPAS-R Community Corrections.
5. After the initial interview, the VCBR P&P Officer will meet with the probationer/parolee when the probationer/parolee submits a request. These contacts will be documented in VACORIS *Case Notes*.
6. The VCBR P&P Officer will be responsible for initiating the issuance of a *P&P Officer's Arrest Authority* PB 15 when indicated, and follow-up with the Major Violation Report (MVR) and Sentencing Guidelines. The VCBR P&P Officer will also notify the sentencing P&P District when cases achieve their expiration dates and close interest in the case.

G. Conditional Release

1. When a *Conditional Release Plan (CRP)* has been ordered for a probationer/parolee housed at the VCBR or has been ordered by the Court and the probationer/parolee has submitted a *Home Plan*, the CSOPMU will establish a *Sexually Violent Predator Investigation* in VACORIS.
 - a. The investigation information will include a contact, address, and telephone number.
 - b. Additionally, the CSOPMU will forward to the assigned P&P Officer the SVP evaluation and other relevant documentation.
 - c. The *Sex Offender Home Plan Checklist 735_F16* will be attached as an external document in VACORIS notes.
2. This investigation is to be completed within 10 days of assignment.
3. The investigating P&P Officer will conduct a home visit and address the questions on the *Sex Offender Home Plan Checklist*. The investigating P&P Officer will upload the *Sex Offender Home Plan Checklist 735_F16* into VACORIS *Case Notes* and e-mail a copy to the CSOPMU.
4. The VDBHDS will develop a *Conditional Release Plan (CRP)* to be forwarded to the CSOPMU. The CSOPMU will forward the CRP to the investigating P&P Officer for review.
5. If the probationer/parolee is granted Conditional Release, the investigating P&P Officer will enroll the probationer/parolee on GPS, review the CRP and make the appropriate referrals.
6. Conditional Release cases are supervised according to the CRP. Any deviations from the CRP must be approved by the Court, or in some instances, with the approval of the VDBHDS and the OAG.
7. As outlined in COV §37.2-912, *Conditional release; criteria; conditions; reports; penalty*, the *Sexually Violent Predator Progress and Adjustment Report* is due every six months to the VDBHDS and the CSOPMU no later than the 15th of the month. VDBHDS will be responsible for ensuring that all parties receive a copy of the report; see *Sexually Violent Predator Progress and Adjustment Report 735_F12*.
8. All major and minor violations must be reported to the VDBHDS and the OAG.
9. SVPs on Conditional Release supervision may not travel out of state unless out of state travel is documented in the Conditional Release Order or approved by a Court order.

H. Conditional Release Violation Procedure

1. When a probationer/parolee on Conditional Release with a supervision obligation(s) violates the terms

and conditions of release, the supervising P&P Officer will issue a *P&P Officer's Arrest Authority* PB 15 initially and the Emergency Custody Order (ECO) and Petition will follow. The ECO must be signed by either a Circuit Court Judge or Magistrate. The ECO and Petition will be served on the probationer/parolee by local law enforcement.

2. If no supervision obligation exists, the supervising P&P Officer will execute an ECO and the accompanying Petition. The ECO must be signed by either a Circuit Court Judge or Magistrate. The ECO and Petition will be served on the individual by local law enforcement.
 3. Once the ECO and Petition have been completed, copies are e-mailed to the VDBHDS and the CSOPMU.
 - a. VDBHDS will ensure that the other agencies receive copies and are aware of the probationer's/parolee's status.
 - b. The supervising P&P Officer will complete an MVR; see Operating Procedure 920.6, *Violation of Supervision Conditions*.
 - c. Once the MVR has been completed, e-copies will be emailed to VDBHDS and the CSOPMU.
 4. The supervising P&P Officer will keep the CSOPMU and the other agencies updated on any criminal proceedings.
- I. Sex Offender and Crimes Against Minors Registration
1. Registration is required for probationers/parolees/SVPs convicted on or after July 1, 1994, of any sex offense listed on the Virginia State Police (VSP) Registry; see Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*.
 2. Upon conviction or release from any detention facility, jail, or institution, the supervising P&P Officer is to refer the probationer/parolee/SVP to local law enforcement or the VSP to execute the *Virginia State Police Registration Form* (SP236) with current identifying information, fingerprints, palm prints, and photograph. The probationer/parolee/SVP has three days to comply with this law.
 3. When the supervising P&P Officer becomes aware of any change in status as listed below, the P&P Officer must forward that information forthwith to the SOR by executing the *Change of Address by Registered Sex Offender (SP-236C) 735_F24*:
 - a. Starting supervision, ending supervision or incarceration
 - b. Change of name
 - c. Change of address
 - d. Change in employment
 - e. Enrollment or unenrollment in school
 - f. Change in owned vehicle registration (including aircraft and watercraft)
 - g. Change of the electronic mail address information, any instant message, chat or other Internet communication name or identity information
 4. VSP needs fingerprints, so the original SP-236C must be mailed to them. Additionally, the starting and ending date of VADOC supervision will be updated in the VSOMS.
 5. Probationers/Parolees/SVPs have three days to execute an updated SP-236 when there has been a change in name, address, employment, school enrollment, or vehicle. Probationers/Parolees/SVPs have 30 minutes to execute a change in electronic mail address information, any instant message, chat, or other Internet communication name or identify information that the person uses or intends to use, whether within or without the Commonwealth of Virginia. They should send an email to sor.electronic@vsp.virginia.gov. Changes require the execution of an updated SP-236; see Attachment 3, *Sex Offender and Crimes Against Minors Registry Guidelines*.
 6. If a person required to register does not have a legal residence, such person must designate a location that can be located with reasonable specificity where they reside or habitually locates themselves. For the registry, "residence" must include such a designated location.

7. Registered sex offenders who enter any place or facility that is designated as an emergency shelter and operated in response to a state or local emergency, as soon as practicable after entry, must notify a member of the shelter's staff who is responsible for providing security at the shelter that they are a registered sex offender.
8. Probationers/Parolees moving out of the Commonwealth of Virginia must notify the SOR of their move 10 days prior to leaving.
9. The DOC is required to verify, or cause to be physically verified, registration information within 30 days of the initial registration or change of address, employment, school, and vehicle. The due dates for verifications can be found in VSOMS. Probationer/Parolee home address information is verified semi-annually thereafter. The date of the verifications will be entered into the VSOMS once the verification has been completed. P&P Officers must review any open verifications and take necessary action to resolve any past due verifications.
10. Physical verification includes professionally discreet and confidential efforts to determine the truth and accuracy of the *Registry* information, which must be documented and may include one or more of the following:
 - a. Written documentation of residence, employment, or school and a personal visit with the registrant at the location.
 - b. Written documentation of residence, employment, or school corroborated by a credible third party.
 - c. Personal visit to the location with the registrant.
 - d. Personal visit to the location with the reported information corroborated by a credible third party.
11. The DOC must inform Tier I, Tier II, and Tier III sex offenders of their registry requirements when explaining the registry guidelines, preferably at the initial case opening or soon thereafter. The supervising P&P Officer is required to give probationers/parolees/SVPs a copy of the Virginia State Police's Sex Offender Registry Pamphlet.

Any person required to register, other than a person who has been convicted of any (i) Tier III offense, (ii) two or more offenses for which registration is required, (iii) a violation of former COV §18.2-67.2:1, or (iv) murder, may petition the Circuit Court in which they were convicted or the Circuit Court in the jurisdiction where they reside for removal of their name and all identifying information from the Registry. A person who is required to register for a single Tier I offense may petition the Court no earlier than 15 years from the later of the date of initial registration or the date of their last conviction for (a) a violation of COV §18.2-472.1 or (b) any felony. A person who is required to register for a single Tier II offense may petition the Court no earlier than 25 years from the later of the date of initial registration or the date of their last conviction for (1) a violation of COV §18.2-472.1 or (2) any felony.
12. Any individual convicted of failing to register on or after July 1, 2006, are subject to GPS monitoring; see Operating Procedure 435.5, *Electronic Technology Supervision Programs*.
13. Any community tips received for probationers/parolees/SVPs in VSOMS should be reviewed and followed up as appropriate.

REFERENCES

COV §18.2-67.2:1, *Repealed*.

COV §18.2-370.3, *Sex offenses prohibiting residing in proximity to children; penalty*.

COV §18.2-472.1, *Providing false information or failing to provide registration information; penalty; prima facie evidence*.

COV §37.2-900, *Definitions*.

COV §37.2-904, *CRC assessment of prisoners or defendants eligible for commitment as sexually violent predators; mental health examination; recommendation*.

COV §37.2-912, *Conditional release; criteria; conditions; reports; penalty*.



Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*

Operating Procedure 102.4, *Compensation*

Operating Procedure 435.5, *Electronic Technology Supervision Programs*

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

Operating Procedure 841.5, *Substance Use Testing and Treatment Services*

Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*

Operating Procedure 920.4, *Interstate Transfer of Supervision*

Operating Procedure 920.6, *Violation of Supervision Conditions*

ATTACHMENTS

Attachment 1, *Polygraph Protocol*

Attachment 2, *Predicate Offenses for Commitment and Conditional Release of Sexually Violent Predators*

Attachment 3, *Sex Offender and Crimes Against Minors Registry Guidelines*

Attachment 4, *Change of Address by Registered Sex Offender (SP-236C) - Instructions*

FORM CITATIONS

Sexually Violent Predator Progress and Adjustment Report 735_F12

Sex Offender Faith Based Safety Contract 735_F13

Sex Offender Motel Contract 735_F14

Sex Offender Family Safety Contract 735_F15

Sex Offender Home Plan Checklist 735_F16

Sex Offender Travel Notification 735_F17

Sex Offender Special Instructions 735_F18

Sex Offender Polygraph Referral 735_F19

Sex Offender Treatment Referral 735_F20

Sex Offender Assessment Referral 735_F21

Sex Offender Polygraph Appointment Letter 735_F22

Sexual History Disclosure 735_F23

Sexual History Disclosure - Victim Form 735_F23A

Change of Address by Registered Sex Offender (SP-236C) 735_F24

Reduction Request for Former Sexually Violent Predator 735_F25

Travel Permit - Out of State 920_F3