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<b>Supervision of Sex Offenders</b>	<b>ACA Standards: 2-CO-4B-04, 4-APPFS-2A-01, 4-APPFS-2A-02, 4-APPFS-2A-03, 4-APPFS-2A-04, 4-APPFS-2A-05, 4-APPFS-2A-06, 4-APPFS-2A-07, 4-APPFS-2A-08, 4-APPFS-2B-11, 4-APPFS-2E-01</b>		
<b>Joe M. Allbaugh, Director</b> <b>Oklahoma Department of Corrections</b>		<b>Signature on File</b>	

## Supervision of Sex Offenders

The primary goal of the Oklahoma Department of Corrections (ODOC) in the supervision of sex offenders is the protection of victims, prevention of future victimization, reduction of continued criminal behavior and increasing offender accountability. (2-CO-4B-04, 4-APPFS-2A-01)

The ODOC has established a comprehensive approach to sex offender management by utilizing the containment model. The containment model is a collaboration among various disciplines involved in the management and supervision of sex offenders. (4-APPFS-2A-06, 4-APPFS-2A-07)

All terms and conditions of supervision will be in accordance with the sentencing documents as ordered by the Court. For the purpose of this procedure, the term “offender” applies to individuals under community supervision by the ODOC.

This procedure applies only to offenders currently on probation supervision for a crime that requires the offender to register in accordance with the Oklahoma Sex Offenders Registration Act and the registration period has not expired.

### I. Reception

#### A. Intake and Registration

Intake will be conducted in accordance with [OP-160201](#) entitled "Opening, Closing and Transferring Cases Under Supervision" and must be completed within three working days. (4-APPFS-2A-04)

1. An offender ordered for supervision for a current sex offense, as defined in [OP-020307](#) entitled "Sex and Violent Crime Offender Registration," will be supervised in accordance with the terms and conditions order by the court in the case requiring supervision. Offenders supervised for a current sex offense through Interstate Compact will be supervised in accordance with this procedure.
2. If applicable, registration will be completed in accordance with [OP-020307](#) entitled "Sex and Violent Crime Offender Registration" and the offender will be DNA tested, or referred for testing, per [OP-140401](#) entitled "DNA Testing."
  - a. The offender will sign and receive a copy of the "Oklahoma Sex Offender Registration Act-Notice of Duty to Register" ([DOC 020307B](#)).
  - b. The offender will be photographed (four sets) and fingerprinted (two cards). The completed forms, photographs and fingerprint cards will be forwarded to the Sex and Violent Offender Registration Unit.
  - c. If the offender is ordered by the court to be placed on GPS monitoring, orientation to, and activation of, equipment will normally be completed during intake or during the initial orientation with the officer.
3. Upon any change in the residential address of a registered sex offender, the supervising officer will ensure the Sex and Violent Offender Registration Unit is advised of the new address within one business day.
  - a. The actual residential address and the mailing address must be reported. A post office box may only be used when an actual physical address is included.
  - b. Residency restrictions are outlined in [OP-020307](#) entitled "Sex and Violent Crime Offender Registration."
4. If an offender is living in a restricted area, the offender will be provided written notice of the residential violation and will be advised that such violation will be reported to the sentencing court. Such notice will include the fact that the offender has been provided notice of the violation and will also include any information regarding any exceptions granted by local law enforcement.

- a. The supervising officer will assist the offender in accessing local resources to obtain appropriate housing.
- b. No sex offender will be refused registration due to the current residence being in violation of statute.

B. Officer Responsibility

Initial contact will be completed by the supervising officer within two days from an officer's receipt of a sex offender case. (4-APPFS-2A-04)

1. Global Position Satellite Surveillance Program (GPS)

Oklahoma Statute O.S. 22 § 991a(A)(12) provides that sex offenders designated as habitual or aggravated, as defined by Section 584 of Title 57 of the Oklahoma Statutes, shall be assigned to a global position satellite monitoring device for the duration of the required registration period, if so ordered by the court. Offenders will not be supervised or monitored on the GPS equipment beyond the term of their sentence. In addition to supervision, an offender paroled on or after May 17, 2005, who is subject to the Oklahoma Sex Offender Registration Act will be assigned to a GPS monitoring device for the duration of the supervision period in accordance with 57 O.S. §510.10.

- a. Upon the offender's reporting for supervision:
  - (1) The offender will be enrolled into the monitoring system;
  - (2) The GPS equipment will be activated; and
  - (3) The offender will sign the "Sex Offender GPS Orientation Guidelines and Procedures" ([Attachment G](#), attached).
- b. Passive monitoring equipment will be utilized and the offender will be assessed a monitoring fee of \$5 per day.
- c. A curfew will be established for the offender and any exclusionary zones will be identified and activated in the GPS tracking software.
- d. The supervising officer or designee will review the daily violation report (DVR) from the previous day (s) and no later than noon each business day. Once the alerts are reviewed, the supervising officer or designee will resolve all alerts within 24 hours. The team supervisor will ensure all alerts in the case management section of the monitoring software have been resolved. The team supervisor will have a contingency plan in place for monitoring and responding to the DVR whenever the

supervising officer is unavailable to review the report or respond to alerts or violations.

- (1) Low Battery Voltage-the officer will check the offender's battery violation and charging history. The officer will review with the offender how to fully charge the unit.
- (2) Motion No GPS- The officer will contact the offender to verify location during this period. If the offender works indoors, the officer may consider scheduling a Motion No GPS for the work schedule only.
- (3) Strap Removal or Tamperers-Immediately upon reviewing the DVR or as soon as the supervising officer becomes aware of a strap violation, the officer will contact the offender to determine if the violation is valid. The officer will visually ensure the strap has not been cut or tampered with. The officer will replace the strap.
- (4) Unable to Connect-The officer will determine if the alert is due to the offender's location inside of a structure that is unable to get a good signal. The officer will determine if there is an issue with cellular coverage in the area. The officer will determine if the alert is due to a dead battery. The officer will replace the unit if necessary.
- (5) Zone Alert-The officer will respond to zone alerts within 24 hours (excluding weekends, holidays and office closures). The officer will verify the address and that the zone is correct on the map. The officer will make sure the offender has a GPS signal and if not, have the offender go outside for 15 minutes. The officer will advise the offender to stay out of the area (exclusion).

Violations that do not pose a risk to public safety will be addressed informally by the supervising officer. The officer will record all informal steps in the case notes. Sanctions may be applied to include increased reporting, treatment participation, increased treatment participation, increased curfew, etc.

- e. Assignment, monitoring and maintenance of the GPS equipment shall be in accordance with [OP-161001](#) entitled "Specialized Programs Case Management."
- f. If the offender is approved for an interstate transfer and moves out of the State of Oklahoma prior to sentence discharge, the sentencing court/releasing authority will be notified by the supervising office and the offender will be removed from the

GPS monitor. The supervising office will notify the Sex and Violent Offender Registration Unit of the offender's move.

II. Classification (4-APPFS-2A-03, 4-APPFS-2A-06, 4-APP-2A-07)

A. Assessment of Needs and Risk

In order to assess general criminality and the risk and needs related to sexual behavior, the below referenced instruments will be used. To ensure proper completion, the arrest report from the instant offense shall be obtained and included in the file, unless a Pre-Sentence Investigation (PSI) was completed.

1. The LSI-R will be completed as outlined in [OP-160103](#) entitled "Supervision of Community Offenders" unless the LSI-R has been completed within the last 90 days as part of a PSI or community sentence qualification. Under those circumstances, the officer will review the LSI-R and update as needed for initial classification.
2. All male sex offenders will have a Static 99-R completed within 45 days of the onset of supervision. The Static 99-R is designated to predict sexual and violent recidivism among adult males who have already been convicted of at least one sexual offense against a child or a non-consenting adult. The scale contains ten items: prior sexual offenses, prior sentencing dates, any convictions for non-contact sex offenses, current convictions for non-sexual violence, prior convictions for non-sexual violence, unrelated victims, stranger victims, male victims, young victims and single victims.
3. All sex offenders will have a Stable and Acute Assessment completed within 45 days of the onset of supervision. These assessment tools are designed to evaluate risk among sexual offenders by looking at dynamic variables. Dynamic variables include stable and acute risk factors.
  - a. Stable risk factors include: significant social influences, intimacy deficits, sexual self-regulation, attitudes supportive of sexual assault, rejection of supervision, rejection of treatment and general self-regulation. Although stable risk factors remain relatively constant, an offender's circumstances, thoughts, and behaviors are ever-changing. Therefore, this assessment should be reviewed every six months.
  - b. Acute risk factors include: victim access, emotional collapse, collapse of social supports, hostility, substance abuse, sexual preoccupations, non-compliance with supervision, and any other factor unique to each offender. Acute risk factors evaluate short term risk. Since acute variables can change in

a relatively short period of time, this assessment should be reviewed on a monthly basis.

- c. The sex offender specific assessments will be used to determine risk, needs and responsibility and will assist to determine the intensity of treatment and supervision.
- d. A detailed case note will be made in the Offender Management System (OMS) summarizing the results of all information obtained from the assessments. The results will also be explained to the offender as they relate to the offender's supervision and the transition plan. During the completion of assessments and throughout the supervision period, the officer should work with the offender to assess change readiness and appropriate treatment services.

B. Supervision (4-APPFS-2A-02)

The offender will be required to complete the "Sex Offender Autobiography" ([Attachment A](#), attached) within 30 days of initiated supervision. Supervision will be conducted per [OP-160103](#) entitled "Supervision of Community Offenders" with the following exceptions:

1. Classification

- a. Upon initial reception, and for the first six months of supervision, all sex offenders will be classified and supervised at the High supervision level.
  - (1) After the initial six months of supervision, sex offenders may be considered for Moderate supervision level as outlined in this procedure.
  - (2) If an offender is reclassified as an absconder, he/she may be assessed to an administrative status.
- b. The offender's supervision level will be reviewed at a minimum of every six months. This review may include the input of the containment team when available. The review of the classification level must be documented in the case notes.
  - (1) In order for an offender to promote from High to Moderate supervision level, the offender must be in compliance with the transition plan and all special conditions. Promotion to a lower level of supervision requires concurrence from the supervising officer, team supervisor and the treatment provider, if available. The team supervisor will have final approval.

- (2) Factors to consider when determining a lower level of supervision are compliance with treatment and polygraph requirements, risk factors, employment, stability of residence, positive support groups and pro-social activities.

2. Supervision Standards (4-APPFS-2A-08)

Sex offenders shall be required to comply with rules and conditions ordered and signed by the court. If so ordered and signed by the court, sex offenders will be required to comply with sex offender specific rules and conditions of supervision established by ODOC as outlined in [Attachment H](#) entitled "Special Supervision Conditions for Sex Offenders" (attached). The offender shall be required to comply with the "Oklahoma Computer Use Agreement for Sex Offenders" ([Attachment I](#), attached) if the court orders as a rule and condition of probation, that the sex offender obtain approval from his or her probation officer prior to using any computer or accessing the internet.

If the "Special Supervision Conditions for Sex Offenders" (Attachment H) were not signed in court, the officer will not require the offender to comply with the Special Supervision Conditions for Sex Offenders (Attachment H). The officer shall submit a Special Report to the court informing the court that the rules were not signed as required by 22 O.S. § 991a and requesting the rules be signed by court, filed and a copy provided to the officer. If no response is received, the offender will be supervised in accordance with the rules issued by the court.

a. High

- (1) The officer will ensure that rules and conditions are followed and that all violations are addressed. The officer will maintain reasonable limits with the offender at all times in regard to residence, employment, treatment and after work activities. The officer will monitor progress in regard to identified need areas by developing a specific and focused transition plan with the offender. Based on the developed transition plan, the officer will provide referrals to the offender as outlined in the transition plan.
- (2) The officer will have two face-to-face visits per month with the offender. At least one of the face-to-face visits must occur in the offender's home. The focus of contacts should be for monitoring compliance with special conditions as well as evaluating the offender's progression toward supervision objectives identified in the transition plan.

- (3) If the offender has been identified as being in the pre-contemplation, contemplation or preparation stage, increased contact and support should be directed toward the offender to ensure movement to the action stage. Offenders will not be moved to the Moderate supervision level until they have progressed into the action stage.
- (4) All sex offenders who register as transient will be classified as high. Contacts in the field will be conducted at the location the offender reports sleeping. Office contacts will increase to at least weekly. After one week of reported homelessness, the supervising officer will conduct a case conference with their chain of command to determine whether the offender displays a need to be placed Global Positioning Satellite (GPS) device. The offender will then be placed on the GPS device immediately when equipment is made available.

b. Moderate

- (1) After the initial six month supervision period, the offender may be considered for the Moderate supervision level. Moderate supervision will only be approved for offenders who are complying with all special conditions and are progressing with the objectives negotiated in the transition plan. The offender must have also taken a maintenance/monitoring polygraph test in which the polygraph examiner and the treatment provider report that the results indicate the offender has made sufficient progress to proceed to a lower level of supervision. The team supervisor has final approval.
- (2) The officer will have one face-to-face contact per month with the offender. The officer will also have at least one face-to-face contact in the offender's home every two months. The focus of contacts should be for monitoring compliance with special conditions as well as evaluating the offender's progression toward supervision objectives identified in the transition plan.

3. Transition Plan

The transition plan will be negotiated to address all criminogenic need areas identified in completion of the LSI-R, as well as any needs relating to the offense in order to reduce the likelihood of re-offending. The transition plan will be developed utilizing COMIT or the "Transition Plan" ([Attachment B](#), attached). Supervision objectives of



the transition plan may include but are not limited to: sex offender treatment; substance abuse treatment; cognitive behavioral programs; family/marital/companions; leisure/recreation; accommodation; employment; and polygraph examinations.

C. Treatment (4-APPFS-2A-06)

If ordered by the court, or if determined to be a criminogenic need, sex offenders will be referred for a treatment program designed specifically for the treatment of sex offenders, if available. If not available, the supervising officer will conduct a case conference with their chain of command to determine an appropriate cognitive behavioral therapist in the area. The cognitive behavioral therapist shall be licensed as required by the regulating agency responsible for oversight of such providers. The offender will be referred to the appropriate treatment provider by use of the "Transition Plan" ([Attachment B](#)) within 45 days of initiating supervision and after all assessments have been completed.

1. All treatment providers who conduct sex offense specific treatment shall be licensed as required by the regulating agency responsible for oversight of such treatment providers. Any treatment provider not willing to follow the standards set out in this procedure will not be an approved treatment provider for sex offenders (See [Attachment E](#) entitled "Treatment Standards").
2. The treatment program shall include polygraphs specifically designed for use with sex offenders for the purpose of supervision and treatment compliance. All sex offenders, as ordered by the Court, shall submit to polygraph examinations not less than each six months during the period of supervision.
3. All polygraph examiners must be certified, licensed and willing to adhere to the standards outlined in the "Standards of Polygraph Examinations-Standards of Practice for Sex Offender Clinical Polygraph Examiners" form ([Attachment F](#), attached).
4. The supervising officer will monitor the offender's progress toward treatment objectives, at least monthly, through open and active interaction with the members of the sex offender containment team or with the treatment provider. The offender shall sign the "Authorization for Release of Protected Information" form ([Attachment E](#), of OP-160103). In the event the offender is not able to pay for treatment services and polygraph examinations, or if the offender is otherwise unable or unwilling to participate in treatment or submit to polygraph examinations, the supervising officer will notify the sentencing court. The offender's supervision level may be evaluated through case conference with the team supervisor and treatment provider to identify any appropriate increase in supervision until the offender is able to participate.

D. Treatment Completion/Reinstatement

The containment team will be consulted regarding an offender's completion of treatment. The decision to end treatment will be considered after the offender has satisfactorily completed the treatment requirements associated with the offender's specific program. Additionally, the offender will be required to have completed a maintenance polygraph within the past 120 days in which a determination of "no deception" was indicated and there were not admissions of sexually deviant behavior.

1. Those offenders who pose an ongoing threat to the community even while demonstrating progress in treatment may require ongoing sex offender specific treatment to manage risk.
2. All sex offenders that have successfully moved to the maintenance/aftercare stage of treatment but who remain on supervision, will submit to a polygraph examination not less than each six months during the period of supervision. A failed polygraph or any indications of problems may result in the offender being evaluated for more intensive treatment with a sex offender specific treatment provider.
3. Any exceptions made to any of the requirements for treatment completion or maintenance/aftercare stage must be made after approval of the containment team. In this case, the containment team will document the reasons for the determination that treatment completion or maintenance/aftercare is not appropriate and note the potential risk to the community.
4. Offenders who are medically unable to provide a polygraph exam, will have a letter from the polygraph examiner documenting such.

E. Intermediate Sanctions and Incentives (4-APPFS-2E-01)

Intermediate sanctions and incentives will be utilized in accordance with [OP-160103](#) to encourage/motivate compliance with supervision.

Infractions where intermediate sanctions would be appropriate may include, but are not limited to:

1. Failed polygraph;
2. Inconsistent treatment attendance;
3. Unauthorized contact with potential victims;
4. Failure to report as directed;

5. Substance abuse;
6. Violation of treatment provider rules;
7. Dishonesty in treatment; and
8. Entering exclusionary zones, or other violations as determined by GPS equipment.

F. Sex Offender Containment Teams

1. Team Members and Roles

The members of the sex offender containment team may include a probation and parole officer, a sex offender specific treatment provider, a clinical polygraph examiner, a victim advocate, and local law enforcement.

Roles of the sex offender containment team members are as follows.

- a. The Probation and Parole Officer will:
  - (1) Maintain regular contact with offender per the offender's identified risk and needs;
  - (2) Continually review supervision objectives and progress toward those objectives;
  - (3) Monitor lifestyle through home visits;
  - (4) Participate in monthly staffing with the containment team;
  - (5) Monitor registration compliance;
  - (6) Monitor compliance of the rules and conditions of supervision; and
  - (7) Provide local law enforcement with a current list of offenders identified as high risk for re-offending. The said list would include: the offender's name, address and any significant special conditions, (i.e. stay away from parks, no unsupervised contact with minor children) etc.
- b. The Treatment Provider will:
  - (1) Complete evaluations as needed;

- (2) Conduct initial and ongoing assessments of treatment needs;
  - (3) Provide group treatment sessions that are cognitive-behavior based;
  - (4) Facilitate the scheduling of polygraph examinations;
  - (5) Ensure offenders are not promoted to an aftercare group without passing a polygraph test; and
  - (6) Participate in monthly staffing with the containment team.
- c. The Polygraph Examiner will:
- (1) Conduct sex offender specific polygraph examinations;
  - (2) Provide timely and specific reporting of results; and
  - (3) Participate in staffing with the containment team as needed.
- d. The Victim's Advocate will:
- (1) Serve to represent the interest of the victim (general or specific interests);
  - (2) Assist the supervising officer in obtaining a more detailed victim impact statement for pre-sentence investigations;
  - (3) Participate in monthly staffing with the containment team; and
  - (4) Serve as liaison between victim and probation officer in answering questions toward the court process, supervision and the offender's conduct. (4-APPFS-2A-05)

### III. Case Transfers

Cases transferring between offices will require acceptance from the receiving office to ensure the residence is in compliance with registration requirements/ residency restrictions and the offender's rules and conditions. All transfers of sex offenders will be submitted through the team supervisors of the sending and receiving offices. Cases that are not on supervision for a current sex offense, yet required to register, will be transferred in accordance with the below procedures.

- A. The sending office will forward a “Sex Offender Case Transfer Form” ([Attachment D](#), attached) to the receiving office.
- B. The receiving office will have five working days to approve or deny the request and return the “Sex Offender Case Transfer Form” to the sending office.
- C. Upon approval, the “Case Transfer Notice” ([OP-160201](#), [Attachment E](#)) will be completed and the offender will be given reporting instructions. Any denials must be approved by the team supervisor.

#### IV. Travel Permits

Officers have the authority to issue a “Travel Permit” ([DOC 160103B](#)) to any sex offender for a period not to exceed fourteen (14) days unless a longer period is approved through a case conference with the team supervisor.

- A. Prior to issuing a travel permit, the officer will contact local law enforcement to verify the address to which the offender is traveling is not a restricted area for sex offenders.
- B. If extended travel is approved during the required case conference, the offender will be required to report to the local jurisdiction to determine sex offender registry statutes.
- C. The offender will be required to have the travel permit signed by the local law enforcement during said contact. Offenders may be denied a travel permit based upon any concerns noted by the officer or the containment team.
- D. If a travel permit is granted, the supervising officer will complete the travel permit, give the original to the offender and retain one copy for the file.

#### V. References

Policy Statement No. P-160100 entitled “Purpose and Function of Probation and Parole”

OP-020307 entitled “Sex and Violent Crime Offender Registration”

OP-140401 entitled “DNA Testing”

OP-160103 entitled “Supervision of Community Offenders”

OP-160201 entitled “Opening, Closing and Transferring Cases Under Supervision”

OP-161001 entitled “Specialized Programs Case Management”

22 O.S. § 991a.

57 O.S. §510.10

57 O.S. § 584

VI. Action

The deputy directors are responsible for compliance with this procedure.

The director of Probation and Parole Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-160601 entitled "Supervision of Sex Offenders" dated April 26, 2018

Distribution: Policy and Operations Manual  
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 020307B</a>	“Oklahoma Sex Offender Registration Act-Notice of Duty to Register”	<a href="#">OP-020307</a>
<a href="#">DOC 160103B</a>	“Travel Permit”	<a href="#">OP-160103</a>
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment E</a>	“Case Transfer Notice”	<a href="#">OP-160201</a>
<a href="#">Attachment A</a>	“Sex Offender Autobiography”	Attached
<a href="#">Attachment B</a>	“Transition Plan”	Attached
<a href="#">Attachment D</a>	“Sex Offender Case Transfer Form”	Attached
<a href="#">Attachment E</a>	“Treatment Standards”	Attached
<a href="#">Attachment F</a>	“Standards of Polygraph Examiners-Standards of Practice For Sex Offender Clinical Polygraph Examiners”	Attached
<a href="#">Attachment G</a>	“Sex Offender GPS Orientation Guidelines and Procedures”	Attached
<a href="#">Attachment H</a>	“Special Supervision Conditions for Sex Offenders”	Attached
<a href="#">Attachment I</a>	“Oklahoma Computer Use Agreement for Sex Offenders”	Attached