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| POLICY TITLE: SEX OFFENDER MANAGEMENT | | PAGE 1 OF 7 |
| POLICY NUMBER: 9.7 - ACS | | |
| CHAPTER 9: SUPERVISION AND CASE MANAGEMENT | | |
|  | STATE of MAINE DEPARTMENT OF CORRECTIONS Adult Community Services | PROFESSIONAL STANDARDS: See Section VII |
| | Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner | |
| EFFECTIVE DATE: October 2, 2006 | LATEST REVISION: November 6, 2007 | CHECK ONLY IF APA [] |

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Adult Community Services

III. POLICY

It is the policy of the Department of Corrections that sex offenders under the supervision of Adult Community Services be supervised based on the level of risk for the purpose of protecting public safety and facilitating sex offender specific treatment. As resources permit and whenever possible, sex offenders classified at maximum or high risk (using the Department's approved risk and needs instruments) shall be supervised by Probation Officers who are Sex Offender Specialists.

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V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Identification as a Sex Offender

1. Every person placed under the supervision of Adult Community Services on or after the effective date of this policy shall be reviewed by Adult Community Services personnel for possible identification as a sex offender. A person shall be identified as a sex offender if any of the following apply:
 - a. The person has been convicted of an offense requiring registration as a sex offender (see Department of Corrections Policy 6.2, Adult Sex Offender Registration and Notification (State Bureau of Identification) or an offense under Title 17-A M.R.S.A. Section 255-A (1) (U) or (V) or Section 260 or an offense in another jurisdiction that includes the essential elements of one of these offenses;
 - b. The person has special conditions of supervision that are sex offender specific even if the conviction is for an offense not requiring registration as a sex offender (e.g., no possession of pornographic materials, no contact with children under 16, etc.); or
 - c. The official version of the offense (as related in police reports, grand jury minutes/indictments, or court records specific to the case turned over to the Department of Corrections) indicate that there were sexual overtones to the crime (e.g., a person convicted of murder who committed a sexual offense in connection with the killing but was not charged with the sexual offense, or an offender who plea bargained a sexual offense charge to another offense which does not reflect the sexual nature of the crime).

Procedure B: Safety Planning for Victims of Sex Offenses

1. A staff member of the Department of Corrections Office of Victim Services shall contact the victims of all sex offenders who are being released from a Department of Corrections facility forty-five (45) days prior to the release of the sex offender to offer a safety planning meeting. Team members at the safety planning meeting shall include staff from the Department's Office of Victim Services, the Sex Offender Specialist or supervising Probation Officer, and others as requested by the victim. Other team members may include law enforcement personnel, Victim Witness Advocate(s) the community based Sexual Assault Advocate, counselors and/or school personnel.

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Procedure C: Intake

1. Every person identified as a sex offender who is under the supervision of Adult Community Services shall be given a sex offender screening by a Probation Officer within thirty (30) days of placement on probation, parole, or supervised release for sex offenders, release to Supervised Community Confinement, or receipt through the Interstate Compact.
2. The initial sex offender screening shall include at a minimum:
 - a. Interview of the sex offender
 - b. Review of pre-sentence investigation and forensic evaluation reports, if available
 - c. Review of prior institutional and probation records, if available
 - d. Review of police reports, if available.
 - e. Completion of the Department's approved general community risk and needs assessment instrument (LSI-R).
 - f. Completion of the Department's approved sex offender specific risk assessment instrument (Static 99).
3. Every sex offender scoring high or maximum risk on the Static 99 as a result of the initial screening shall be assigned to a Probation Officer who is a Sex Offender Specialist, if the offender lives within the geographic coverage area of a Sex Offender Specialist whose caseload permits the assignment. A sex offender scoring moderate risk on the Static 99 shall be assigned to a Probation Officer who is not a Sex Offender Specialist, unless the Regional Correctional Administrator, or designee, determines that unique circumstances make supervision by a Sex Offender Specialist appropriate. If a sex offender is not assigned to a Probation Officer who is a Sex Offender Specialist, the Probation Officer to whom the person is assigned shall supervise the person in accordance with this Policy except as set out in Procedure D. 1. below.

Procedure D: Classification/Reclassification

1. The level of risk and the required contact standards shall be determined by the risk assessment instrument which produces the highest risk level. In other words, if the LSI-R risk level is higher than the static 99 risk level, then the person shall be supervised in accordance with the Department's general contact standards policy

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(Adult Community Services Policy 9.6, Community Risk/General Contact Standards). If the Static 99 risk level is higher than the LSI-R risk level, the person shall be supervised in accordance with this policy.

2. For the purpose of determining levels of risk based on the Static 99, the following ratings apply:
 - a. For a Static 99 score of 6 or greater: Maximum
 - b. For a Static 99 score of 4 or 5: High
 - c. For a Static 99 score of 3 or less: Moderate
3. Reassignment of a sex offender to a higher or lower risk level may be made when the supervising Probation Officer, in consultation with the sex offender treatment provider and the Regional Correctional Administrator, or designee, determines that a new level is more appropriate.
4. A sex offender may be transferred to a Probation Officer who is not a Sex Offender Specialist when the Regional Correctional Administrator, or designee, in consultation with the sex offender treatment provider and the supervising Probation Officer, determines that is more appropriate based upon an appropriate reduction in risk.
5. The supervising Probation Officer shall review the risk level of each sex offender every six (6) months at a minimum. Reassignment to a lower risk level or transfer to a Probation Officer who is not a Sex Offender Specialist may be based on the following risk reduction criteria:
 - a. Satisfactory participation in sex offender treatment;
 - b. Demonstrated ability to utilize relapse prevention concepts, avoids risky situations, and utilizes intervention strategies;
 - c. Acceptance of full responsibility for criminal behavior; and
 - d. Long-term involvement with a network of appropriate individuals, such as family members, employers, friends, AA or NA sponsors, neighbors, and landlords who are aware of the nature of the offender's criminal history.

If the offender has failed to fulfill the above criteria, the risk level may be raised to a higher level or the offender may be transferred to a Probation Officer who is a Sex Offender Specialist.

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Procedure E: Minimum Contact Standards

1. Minimum contacts standards for sex offenders based on the Static 99 risk level are as follows:
 - a. Maximum (scoring 6 or higher on Static 99)
 - Two face to face home visits monthly
 - Two additional face to face contacts monthly
 - Two collateral contacts monthly
 - b. High (scoring 4 or 5 on Static 99)
 - One face to face home visit monthly
 - Two additional face to face contacts monthly
 - One collateral contact monthly
 - c. Moderate (scoring 3 or less on Static 99)
 - One home visit within thirty (30) days of moving to a new residence or transferring to a new caseload
 - One face to face contact monthly
 - Two collateral contacts per monthly
2. If circumstances require, and with the approval of the Regional Correctional Administrator or Assistant Regional Correctional Administrator, a home visit may be made by a local law enforcement officer in lieu of the supervising Probation Officer. However, results of the home visit must be reported to the supervising Probation Officer and recorded in CORIS.
3. If, for any reason, the Probation Officer is unable to meet the contact standards for a sex offender classified maximum or high, the Probation Officer shall document the reasons in CORIS and directly notify the Regional Correctional Administrator or Assistant Regional Correctional Administrator.
4. The Regional Correctional Administrator or Assistant Regional Correctional Administrator shall review the stated reasons and, as resources permit, may make adjustments in workload, may assign another Probation Officer to make the contact, or take other appropriate action in order to assure that the contact standards are met. Under no circumstances may the time for making the required contact be extended by more than seven (7) days.

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5. Probation Officers shall enhance the supervision of maximum and high risk sex offenders by keeping appropriate law enforcement agencies informed regarding these persons as appropriate.

Procedure F: Containment Approach Model

1. Every effort shall be made to incorporate the use of the Containment Approach model for every “High Risk” probationer transitioning from a Maine Department of Corrections facility. For those probationers that do not come under the direct supervision of a Sex Offender Specialist, the Containment Approach shall be initiated by the appropriate Probation Officer with assistance/guidance from the Sex Offender Specialist.
2. Sex Offenders shall be supervised in the community using the Containment Approach model whenever possible. The Containment Approach model is designed to contain the deviant sexual behaviors of these offenders through the collaboration of a professional management team and community resources.
3. The Containment Approach model utilizes a team which may include, but is not limited to, the following members.
 - a. Probation Officer who is a Sex Offender Specialist – A Supervising Probation Officer who has received specialized training in sex offender management and whose caseload is comprised of only sex offenders represents the external control component of the model. The Sex Offender Specialist is the convener of the containment team. This Officer is responsible for holding the sex offender accountable to the conditions of probation, parole, supervised release for sex offenders, or Supervised Community Confinement. To maximize supervision of sex offenders, the caseload for this Officer shall not exceed thirty-five (35) sex offenders without the approval of the Regional Correctional Administrator. Probation Officers who are supervising sex offenders may also use the Containment Approach model to supervision with the assistance/guidance of the sex offender specialist.
 - b. Sex Offender Treatment Provider – This licensed community treatment provider, identified by the Department of Corrections as having special expertise in treating sex offenders, assists the sex offender in developing and managing internal controls. Specifically, the sex offender treatment provider works on helping the offender identify his or her individual pattern of abuse, i.e., the thoughts, actions, and events that precede the criminal sexual behavior and how the offender can respond differently to avoid re-offending.

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- c. Polygraph Examiner – This licensed individual conducts polygraph exams for the purpose of ensuring the offender’s compliance with court-ordered sex offender treatment. The polygraph examiner works closely with the supervising Probation Officer and the sex offender treatment provider in developing questions to monitor the offender’s compliance with court-ordered sex offender treatment. By law, the results of the polygraph examination is not admissible into evidence in a court proceeding. By law, the polygraph examiner is not permitted to ask any questions pertaining to sexual behavior of any type or any questions that could be construed as sexually oriented for any other purpose.
- d. Victim Advocate – This person represents the interest of the sex offense victim(s). At a minimum, this person assures that concern for the safety and privacy of known victim(s) and their families is a factor in the sex offender’s supervision. The victim advocate also works with victim(s) to ensure that they have adequate safety plans, assists in treatment referrals, and obtains information relative to the offense that may be helpful in the treatment of the offender. The victim advocate sits in on containment team meetings.
- e. Appropriate individuals, such as family members, employers, friends, AA or NA sponsors, neighbors, and landlords who are aware of the nature of the offender’s criminal history, and local law enforcement.

Procedure G: Response to Violations

1. The supervising Probation Officer shall respond to every violation of conditions of a sex offender’s probation, parole, supervised release for sex offenders, or release to Supervised Community Confinement, evaluating the nature of the violation and the offender’s violation history in order to respond in an appropriate manner. The response shall be documented in CORIS.
2. Graduated sanctions may be utilized when appropriate to address the offender’s behavior. Such sanctions may include, but are not limited to, increased contacts with therapists, placement in a residential facility, substance abuse treatment, electronic monitoring, and substance abuse testing as permitted by the conditions of the sex offender’s probation, parole, supervised release for sex offenders or release to Supervised Community Confinement as originally imposed or modified.
3. Revocation proceedings shall be initiated when graduated sanctions are deemed ineffective or otherwise inappropriate.

VII. PROFESSIONAL STANDARDS

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