

**PROBATION DEPARTMENT
ADULT MANUAL**

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SEX OFFENDER SUPERVISION

I. Caseload Composition

The sex offender caseloads consist of probationers who have a current or prior conviction for a sex offense for which they are required to register pursuant to §290 of the Penal Code, the circumstances of the current offense are sexual in nature, they are required to participate in sex offender therapy, or they are Court-ordered to undergo an assessment to determine the necessity of sex offender therapy. These cases will receive an override in COMPAS to a high supervision level. All clients who are required to register pursuant to §290 PC will remain on the sex offender caseload for the entirety of their probation grant, notwithstanding deportees who are residing outside of the country, who can be transferred to a central caseload. Clients who are not required to register pursuant to §290 PC will not be transferred to a lower level of supervision without completing therapy or receipt of a letter from the therapist indicating that the client is progressing well and is at low risk to re-offend.

II. Misdemeanor Intake

When a misdemeanor §290 PC referral is received from the Court for supervision, an Administrative Office Professional (AOP) shall prioritize the case for IMPACT entry. The case shall be submitted directly to the Supervising Probation Officer (SPO) of the unit supervising sex offender cases in that area office, in lieu of sending the case to the misdemeanor intake Deputy Probation Officer (DPO). The supervision DPO shall complete an intake appointment with the client within 10 business days of receiving the case. The client will be given all of the relevant forms from the sex offender intake packet, including registration directives and referral to treatment. The assigned supervision DPO will complete a STATIC-99R in IMPACT within 45 days of receiving the case. The Static-99R certified SPO/Sr. DPO will review the assessment and approve within two business days.

III. Static-99R

Pursuant to Manual Section 3113, all eligible male clients who are required to register pursuant to §290 PC, will be assessed utilizing the Static-99R, the results of which will be included in the collateral information section of either a pre-sentence or pre-plea report. In the case of a misdemeanant, a memorandum will be filed with the court within 10 days of the Static-99R scoring.

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Should a misdemeanor client score high on the Static-99R, requiring continuous electronic monitoring while on probation pursuant to §1202.8 PC, a GPS (Global Positioning System) Request shall be completed. If the client has a term and condition of probation allowing GPS monitoring, he shall be placed on GPS as soon as practicable. Absent a term and condition of probation allowing GPS monitoring, the matter should be placed on calendar in the courtroom in which the client was sentenced. A memorandum report shall be filed with the Court, advising the parties of the Static-99R score, and requesting that probation be modified to allow for GPS monitoring, and including any additional terms needed to effectively supervise the client.

Pro 684

IV. Facts of Offense Sheet

Pursuant to Manual Section 3113, a Facts of Offense Sheet (FOS) shall be prepared on all clients who are required to register pursuant to §290 PC and those required to register as a sex offender as a term and condition of probation. In the event the case is a felony in which either a pre-sentence or pre-plea report has been prepared, it is the responsibility of the Court Services Unit to submit the FOS to the Department of Justice (DOJ); if the case is a misdemeanor, it is the responsibility of the assigned supervision officer to complete and submit the FOS. The FOS is to be submitted to DOJ after the client has been sentenced, along with a sentencing docket, and the scoring sheet for the Static-99R.

Pro 700
Pro 700a

V. GPS Supervision

Any client who scores a six or higher on the Static-99R will be placed on GPS pursuant to §1202.8 PC for the duration of the probation grant. Sex offenders who are not mandated to GPS supervision based on their Static-99R score may qualify for GPS when they require additional periods of stability and/or intensive monitoring of compliance with particular conditions of probation. If not a term and condition of probation, the DPO will file a memorandum report with the court to modify probation and add the term. In these instances, approval for GPS must be secured from the Probation Manager who oversees matters related to the sex offender population.

Pro 684-B

Pro 684-A

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If approval for non-mandatory GPS is granted, the assigned GPS Deputy Probation Officer will subsequently initiate reviews of the case in 90-day increments. Prior to each 90-day GPS review, the client's DPO will meet with the Sex Offender Treatment Team to discuss the case, address any issues that may have arisen, and deliberate on the appropriateness of removing or continuing GPS. The outcome of these discussions will be reflected by the DPO on the GPS *90-day* review form (PRO-684A) under "DPO Comments", which require SPO and Manager review.

If the DPO and the Sex Offender Treatment Team conclude that the client has demonstrated stability and no longer requires GPS supervision, the DPO will indicate this on a completed PRO-684A and alert the SPO. **Prior to removing a non-mandated sex offender from GPS, approval is required by the Probation Manager.** The Probation Manager will consider the content of the PRO-684A, include his/her determination on the form, and notify the client's DPO. The DPO will then proceed accordingly.

Clients who are on mandatory GPS pursuant to §1202.8 PC do not require 90-day reviews to be completed.

VI. Containment Model

Pursuant to §1203.067(b) PC, persons placed on probation on or after July 1, 2012, for an offense that requires registration pursuant to §290 PC are subject to the following terms and conditions, known as the Containment Model:

1. They shall participate in an approved sex offender management program for a period of not less than one year, and up to the entire period of probation. The length of the period in the program is to be determined by the certified sex offender management professional in consultation with the probation officer and as approved by the court.
2. They shall waive any privilege against self-incrimination and participation in polygraph examinations, which shall be part of the sex offender management program. An initial polygraph will be conducted once a client has participated in treatment for a minimum of 90-120 days. Maintenance exams should be conducted six months thereafter. The type of polygraph, i.e., index offense, sexual history, issue specific, or maintenance, will be determined via a consultation by the sex offender management professional

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and probation officer, with any specific questions or areas of questioning provided to the polygraph examiner in advance. The client is required to pay the cost of his/her polygraph exam.

Specific to the polygraph examination, on March 20, 2017, the California Supreme Court upheld the use of polygraph examinations as part of the sex offender Containment Model. Specifically, the Court held that clients cannot invoke the Fifth Amendment to refuse to answer questions during polygraph examinations. The Court also declared a rule of immunity for clients who make incriminating statements during polygraph; they cannot be prosecuted in a new criminal proceeding based on these statements. However, an admission of illegal conduct which occurred during the current supervision period can result in revocation, which is not a criminal proceeding. The Court also said it is constitutional to require the client to waive the psychotherapist-patient privilege so information can be shared among the treatment provider, probation officer or parole agent, and polygraph examiner (the Containment team).

3. They shall waive any psychotherapist-patient privilege to enable communication between the sex offender management professional and DPO, pursuant to §290.09 PC. Pursuant to §290.09(c) PC, the certified sex offender management professional shall communicate with the client’s DPO on a regular basis, but at least once a month, about the client’s progress in the program and dynamic risk assessment issues, and shall share pertinent information with the certified polygraph examiner as required.
4. Any client ordered to be placed in an approved sex offender management program shall be responsible for paying the expense of his or her participation in the program as determined by the court. The court shall take into consideration the ability of the client to pay and no client shall be denied probation because of his or her inability to pay.

While not mandated under §1203.067(b) PC, the containment model philosophy can and should be utilized for clients on standard probation or post release community supervision (PRCS) for a sex offense not requiring registration, or who are historical §290 PC registrants whose underlying sex offense occurred within the preceding ten years. Such cases should be staffed with the Supervising Probation Officer (SPO) for inclusion in

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containment model supervision, as it provides an enhanced and more comprehensive level of supervision. Such clients, commensurate with either their probation terms and conditions or Special Conditions of Post-Release Community Supervision, who are selected for inclusion in containment model supervision, should undergo an assessment by an approved sex offender management program to determine the appropriate level of treatment they require, as well as participate in polygraph examinations as previously elucidated.

Pro 110

VII. SARATSO Dynamic Tool (STABLE 2007) and Future Violence Tool(LS/CMI)

Pursuant to §290.09 PC, the sex offender management professionals certified by the California Sex Offender Management Board (CASOMB) who provide sex offender management programs shall assess each registered sex offender on formal probation using the State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) dynamic tool (STABLE 2007) within 90-120 days from commencement of treatment and once every 12 months after that, and prior to discharge of treatment. The sex offender management professional shall also assess the sex offenders in the program with the SARATSO future violence tool (LS/CMI). The certified sex offender management professional shall, as soon as possible but not later than 30 days after the assessment, provide the person's score on the STABLE 2007 and LS/CMI to the clients assigned DPO. Within five working days of receipt of the score, the DPO shall send the score to the Department of Justice, via the Pro-701, and the score shall be accessible to law enforcement through the Department of Justice's Internet website for the California Sex and Arson Registry (CSAR).

Pro-701

VIII. Search of Electronic Devices

In cases in which the client has a signed Fourth Amendment Waiver and ECPA (Electronic Communication Protection Act) Search/Seizure Consent on file, or has a term and condition of probation specific to the search of electronic devices, twice per year, computer and other electronic memory devices, such as iPods, cell phones, digital cameras, and gaming systems should be searched for pornography. Should evidence of pornography be located, the DPO should notify the SPO, who will coordinate with law enforcement or District Attorney Investigators for forensic review. Probation Department Information Technology (IT) staff should not be

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used to assist with retrieval of evidence. If there is an unusual situation in which it is believed IT staff could assist, it should be staffed with a Manager via the chain of command prior to contacting IT staff.

IX. Supervision Guidelines

High Priority Tasks

- A minimum of one field visit a month per client.
- A minimum of one field visit per client during non-business hours each quarter.
- Search of residence once every 3 months.
- For those with ECPA Waivers or a search term specific to electronic devices, search computer and other electronic memory devices such as iPods, cell phones, digital camera search for pornography twice a year.
- Program referrals.
- Polygraph referral, as needed.
- Residence verification for §1203.9 PC, Interstate for Sex Offenders.
- GPS track reviewing daily and as appropriate.
- SARATSO STATIC 99R Assessment – Submit memo to Court within 30 days with facts of offense (FOS) sheet for qualifying misdemeanor cases and submit FOS to DOJ.
- Submit SARATSO dynamic risk assessment STABLE 2007 to DOJ within 5 days of receipt from treatment provider.
- Review and refer client to GPS as appropriate and ensure compliance with mandatory GPS for High Risk Sex Offenders (HRSO).
- Monthly sex offender team meetings with treatment providers as required for containment model compliance.
- Ensure clients are current in annual or transient §290 PC registration and when there is a change of residence.

Medium Priority Tasks

- Drug/alcohol testing and referrals to drug treatment when appropriate.
- An additional client contact beyond the one priority field contact. The second contact may be in the office, field or other venue.

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Low Priority Tasks

- Maintain contact and collaboration with sex offender management and treatment organizations/agencies outside of Santa Barbara County.
- Refer to Probation Reporting and Resource (PRRC) and/or assistance agencies such as employment, parenting, etc. as needed.