

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References	Subject	
501 KAR 1:070, KRS 196.035, 439.265, 439.330, 439.348, 439.480(3), 532.043, 532.045, 532.060, 533.030	<b>SEX OFFENDER SUPERVISION</b>	
	27-30-02	4
	July 11, 2012	November 2, 2012

## I. DEFINITIONS

“Collateral contact” means contact regarding a specific offender with anyone other than the person on supervision.

“Comprehensive Sex Offender Presentence Evaluation” or "CSOPE" means the evaluation required by KRS 532.050(4).

“Conditions of supervision” means general and specific directives given to an offender placed on supervision by the releasing authority or the Division of Probation and Parole.

“Initial interview” means the first meeting between the officer and the offender.

“Level of supervision” means the frequency and type of contact between the officer and the sex offender under supervision.

“Personal contact” means face-to-face contact between the officer and the offender.

“Record check” means a local criminal record check which may be completed using the Administrative Office of the Courts automated system.

“Risk and needs assessment” is defined by KRS 446.010(35).

“Sex offender” is defined by KRS 17.500(9) or by the releasing authority.

“Sex offender conditional discharge” means the period of supervision required by KRS 532.043.

“Sex offender postincarceration supervision” means the period of supervision required by KRS 532.060.

“Sex offender treatment program” means a specialized mental health treatment program developed for sex offenders, as defined by KRS 197.400 through 197.440.

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“Supplemental conditions of supervision for sex offenders” means additional directives given to an offender placed on supervision by the releasing authority or the Division of Probation and Parole.

## II. POLICY and PROCEDURE

- A. An offender on supervision shall be reviewed and scored by means of a risk and needs assessment. See CPP 29.1 Risk and Needs Assessment.
- B. A sex offender shall be supervised at the level indicated by the risk and needs assessment score. This determination shall include consideration of the risk and needs assessment and any information obtained from sex offender treatment providers.
- C. An override to the next supervision level shall be approved by the supervisor.
- D. In addition to the standard conditions of supervision outlined by CPP 27-12-04, any offender on parole, probation, shock probation, sex offender conditional discharge, or sex offender postincarceration supervision for a sexual offense shall be subject to the supplemental conditions of supervision for sex offenders.
- E. If granted by the supervising officer or releasing authority, a sex offender may use a computer under the guidelines set forth by a computer use monitoring agreement. The agreement shall be signed and dated upon the officer’s approval.
- F. Requirement of a Sex Offender Treatment Program shall be as follows:
  - 1. The officer shall refer a sex offender who is probated, shock probated, or subject to either type of post incarceration supervision to a sex offender treatment program. (KRS 532.045(4))
  - 2. Any other probationer or shock probationer shall be referred to a sex offender treatment program if required by the releasing authority.
  - 3. Any sex offender on parole shall be referred to a sex offender treatment program. (KRS 197.400, 439.340(12))
  - 4. Any parolee shall be referred to a sex offender treatment program if required by the Parole Board. (KRS 439.346)
  - 5. If an officer determines that an offender not covered by F.1-4 above may benefit from the Sex Offender Treatment Program, the officer may request that this condition be added by way of an amended order from the releasing authority.

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G. The officer shall determine if a sex offender is required to register pursuant to KRS 17.510 and shall check the registry to determine if the:

1. Offender has registered, and
2. Registered address is correct.

See CPP 27-30-01 (Sex Offender Registration)

H. Sex offenders who fit the criteria in KRS 532.043(1) and (6) shall be supervised by the Division of Probation and Parole. See KRS 532.043(2) for the period of supervision.

1. If the sex offender's home placement is located outside the Commonwealth of Kentucky, the proper Interstate Compact documents shall be submitted in accordance with CPP 27-14-01.
2. One hundred eighty (180) days prior to release, the sex offender shall provide home placement information in writing to the institutional designee showing the sex offender's planned residence while on conditional discharge. If the sex offender's home placement is located outside the Commonwealth of Kentucky, the proper Interstate Compact documents shall be submitted in accordance with CPP 27-14-01. The sex offender shall sign a release of information to allow information from the CSOPE to be forwarded by Interstate Compact staff if requested by the receiving state in order to transfer to the receiving state.
3. The sex offender's home placement shall be investigated by an officer in the county the sex offender plans to reside. If the sex offender's residence is approved, the officer shall enter the approval in the offender management system. If rejected, the officer shall enter the rejection in the offender management system. The caseworker may contact the officer assigned to investigate the home placement to assist in finding suitable placement. The institutional designee shall ask the sex offender whether the offender has knowledge of any schools or licensed daycare facilities that are within 1000 feet of the proposed home placement, pursuant to KRS 17.545.
4. Prior to being released from the institution, the sex offender shall sign an acknowledgment that the sex offender was given instructions and the address of the Probation and Parole office to report to in the county of the offender's residence. A copy of the home placement document, the criminal offender registry form, and the registrant responsibility form shall be entered in the offender management system.

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5. If convicted of an eligible sex offense on or after July 15, 1998, a parolee who receives a final discharge from parole shall be retained on an officer's active caseload. The designation of the offender shall be "sex offender postincarceration supervision." The officer shall read the conditions of supervision and provide the offender with a copy of the conditions of supervision and any special conditions imposed. If the conditions remain the same as when the offender was on parole, the offender shall be so notified.
  6. Sex offender postincarceration supervision shall be governed by the same requirements governing the supervision of a person placed on parole. Violations shall be processed following the steps outlined in CPP 27-19-01 (Preliminary Revocation Hearing).
  7. If the offender is reincarcerated for a violation of his postincarceration supervision conditions of supervision, the officer shall submit an external movement.
- I. Deoxyribonucleic Acid (DNA) samples shall be collected pursuant to KRS 17.170 within the first 60 calendar days of supervision, if an offender has not provided a DNA sample during his incarceration. The supervising officer shall determine if an offender met this requirement while incarcerated.
  - J. Officers supervising a sex offender caseload shall receive specialized training as designated by the Sex Offender Program Administrator or designee.
  - K. Officers shall work directly with appropriate Sex Offender Treatment Program staff and other staff as outlined by CPP 13.6.