

Brave New World

*Guiding Your Client Through Sex
Offender Probation*

Presented by:
Kathleen Stilling
Buting and Williams, S.C.

I. The Discussion Before the Plea

A. Guilty Plea Questionnaire

B. Beyond the Guilty Plea Questionnaire

1. Discuss the special rules client will face. **Index 1.**
2. Discuss the philosophy of the department re: Sex Offenders. **Index 2.**
3. Discuss the importance of exact and precise compliance.
4. Discuss the high likelihood of being caught and revoked for minor rules violations. **Index 2.**
5. Become familiar with - "Supervision of Sex Offenders - A Handbook for Agents"(498 pages covering a wide range of topics) on the DOC web site at:
<http://www.wi-doc.com/04-12-2004/Sex%20Offender%20Manual.pdf>
6. Discuss the Sex Offender Questionnaire and Intake.
7. Make sure that your client is aware that the judge is likely to order a PSI which may affect the plea agreement.
8. Discuss the collateral consequences:
 - a. Living arrangements Sex Offender Free Zones
 - b. Registration **Index 3**
 - c. Work/volunteer restrictions
 - d. G.P.S.
 - e. Polygraphs
 - f. Treatment
9. Make sure the client knows that what ever you say about the collateral consequences may change over time.
10. Family Involvement
11. Personal Protection
 - a. Daily Diary
 - b. Behavior of household members must conform
 - c. Don't get too relaxed
 - d. Hyper vigilance
 - e. Copy of rules on person at all times
 - f. Monitoring and managing the triggers as a daily task.

C. Preparing for the Plea

1. Have client prepared to plead guilty if at all possible
2. Have client prepared to state facts to support the plea.
3. Prepare client and family for contact with victim's family

II. Getting Ready for Sentencing

A. The Pre-sentence Investigation Index 4

1. Preparing the client for the interview. **Index 5**
2. Preparing the treatment provider for the call.
3. Preparing the family and friends for the call. **Index Nos. 6 & 7**
4. Anticipate difficult issues and prepare to correct/rebut.
5. Get written victim impact statements for a preview.
6. Prepare client for risk assessment and sexual history questions. **Index 8.**
7. Sex Offender Assessment **Index 9**

B. Reviewing and Rebutting the Pre-sentence Report

1. Get it as soon as it is ready.
2. Ask for adjournment, if necessary to rebut information.
3. Get polygraph on key issues even when not elements: force, consent, circumstances.
4. Pull out statements from police reports and own investigation to rebut victim's version. **Index 10**
5. Draft sentencing memorandum and argue the points about the incorrect information, background, and other issues you want to highlight.
6. Turn in 1-2 days early if possible.

C. Sex Offender Probation Intake Process

1. The interview.
2. Collateral interviews
3. Sex Offender Risk Assessment

Index 1.

Special Supervision Rules (Excerpts Section 9.10)

In addition to the **Standard Sex Offender Rules**, other special rules may be imposed consistent with criteria described earlier in this chapter and based on the facts and circumstances of the case.

The rules included below are listed in groups as related to the following:

- Drugs/alcohol
- Conduct
- Contraband
- Relationships
- Residence
- Travel
- Miscellaneous

Drugs/Alcohol

1. You shall not possess nor consume any alcohol without prior agent approval. You shall not enter any establishment whose primary purpose is the sale of alcohol including, but not limited to, bars, taverns, and liquor stores, without prior agent approval.
2. You shall not possess, consume, nor use any over-the-counter medications without prior agent approval.
3. You shall not possess, consume, nor use any nonprescribed inhalants without prior agent approval.
4. You shall not purchase, possess, nor use any item commonly used in the manufacture and/or sale and/or use of illegal drugs.
5. You shall not be around any person engaged in the use of illegal substances.
6. You shall not possess any drug paraphernalia, including but not limited to pipes, papers, tubes, bindles, baggie corners, chore boys, syringes, scales, etc.

Conduct

1. You shall not initiate nor maintain any membership or affiliation with any community organization or group without prior permission of your agent.
2. You shall not attend meetings, functions, nor activities of any group or organization, including but not limited to AA/NA type programs, fund-raisers, school-sponsored athletic events, etc., without prior permission of your agent.
3. You shall not join nor be on nor around the premises of any health club or other athletic facility without prior permission of your agent.
4. You shall not participate in any child-sponsorship-type organizations (i.e., "Save the Children").
5. You shall be responsible for your appearance at all times. This includes wearing undergarments and clothing in places where another person may be expected to view you.
6. You shall not wear clerical garb without prior permission of your agent. Clerical garb is defined as any articles and/or clothing that would signify religious affiliation.
7. You shall not perform any functions of pastoral ministry without prior approval of your

agent.

8. You shall not have, possess, keep, care for, nor live with any animal or pet without prior approval of your agent.

9. You shall not purchase, possess, nor use any computer without prior permission of your agent.

10. You are explicitly prohibited from accessing any Internet server account. (In establishing this rule, the agent should consider the offender's possible legitimate need for E-mail access.)

11. You shall not purchase, possess, nor use any photography equipment without prior permission of your agent.

12. You shall not use 900 or 970 phone numbers to any business for the purpose of sexual dialogue without prior approval from your agent.

13. You shall not place nor respond to advertisements of any type without prior permission of your agent.

14. You shall not enter nor be around the premises of any exotic dance club, massage parlor, nor any place that allows you to view sexually explicit material or obtain sexually explicit services.

15. You shall not order any item or service by mail without prior approval of your agent.

16. You shall not send, loan, give nor donate money to any individual or organization without prior approval of your agent.

17. You shall not attend any movie shown in a public facility without prior permission from your agent.

18. You shall not be in, at or near any place frequented by anyone under the age of 18, including but not limited to fairs, schools, playgrounds, beaches, malls, pools, daycare centers, parks, etc.

19. You shall not alter your physical appearance, nor shall you in any manner attempt to conceal your identity without prior approval from your agent.

20. You shall not expose your genitals in public, in your car, nor any place others may be expected to see you.

21. You shall not participate in nor attend any volunteer/vocational/social activity that brings you into contact with anyone under the age of 18/physically or emotionally disturbed/other vulnerable populations without prior agent approval. This includes but is not limited to youth group activities, nursing home activities, scouting, child care, model train shows, Special Olympics, etc.

22. You shall not join nor maintain a membership, be a part of a mailing list, nor associate with any group or club whose primary purpose is to promote, discuss, or participate in sexual activity, including but not limited to North American Man Boy Love Association (NAMBLA), DPF, Internet chat rooms, etc.

Contraband

1. You shall not enter nor be around any establishment whose primary function is the sale/rental/display of any sexually explicit materials.

2. You shall not possess photographs nor other pictures of anyone under the age of 18.

3. You shall not purchase nor possess items designed to appeal primarily to minors, including but not limited to clothing, toys, games, dolls, stuffed animals, books, videos, etc.

Relationships

1. You shall not engage in any activity commonly understood to be sexual in nature with anyone without prior permission from your agent. This includes but is not limited to kissing, hugging, hand holding, sleeping in the same bed, viewing nudity or sexual behavior, or exposing yourself/engaging in sexual activity in the presence of another without prior permission from your agent.
2. You shall not establish, pursue, nor maintain any type of relationship, nor have more than incidental contact with any person who has regular contact with anyone under the age of 18, either in their personal life or professionally, without prior permission from your agent.
3. You shall not associate with any person convicted of a sexual offense outside of treatment without prior permission from your agent.

Residence

1. You shall not reside near parks, schools, daycare centers, swimming pools, nor any other place that children congregate. Near is defined as within _____ feet.

Employment

1. You shall not be employed, either as a volunteer or as a compensated worker, at any place that serves or employs anyone under the age of 18 without prior permission of your agent.
2. You shall not be employed, either as a volunteer or as a compensated worker, in any activity that involves routine physical contact with others. This includes but is not limited to attendant care work, massage, etc.
3. You shall not engage in activities that brings you into regular contact with a member of a vulnerable population, including but not limited to the elderly, the physically and/or intellectually and/or emotionally disabled, and anyone under the age of 18.
4. You shall not work in or near parks, schools, daycare centers, beaches, pools, malls, nor any other places where children congregate. Near is defined as _____ feet.
5. You shall not attempt to engage in any occupation nor participate in any volunteer activities that place you in direct contact with children under the age of 16.

Travel

1. You shall not leave the city of _____/county of _____ without prior permission of your agent.
2. You shall not hitchhike nor shall you pick up hitchhikers.
3. You shall not operate any motor vehicle without prior permission of your agent. Permission to operate one motor vehicle does not give you permission to operate any others.
4. You shall keep a written log of any driving you have done, including exact dates, times, routes, mileage, destination, etc.
5. You shall have a face-to-face contact with the local law enforcement agency in any jurisdiction in which you stay overnight. This contact is to be completed immediately upon your arrival.

Miscellaneous

1. You shall report and provide any required information to local Law Enforcement Authorities within ten (10) calendar days of any change, permanent or temporary, in your residence.

2. You shall comply with rules and conditions of electronic monitoring as directed by your agent. You shall not leave your residence without an approved EMP schedule.
3. You shall immediately report any incidental contacts you have with any prohibited persons, as defined in Rule(s) _____.
4. You shall comply with all the requirements of pharmacological intervention as set forth by the Department of Corrections.
5. You shall not use a post office box without prior approval of your agent.

REQUESTS FOR OFFENDER ACTIVITIES REQUIRING AGENT APPROVAL

The rules and conditions imposed on sex offenders often significantly restrict the offender's movement and activities. Frequently, the offender is required to obtain agent approval prior to engaging in a variety of activities. Examples of activities, which typically require agent approval, include but are not limited to the following:

- Change of residence
- Change of employment
- Travel out of state or county
- Contact with individuals under the age of 18
- Attendance at gatherings/events such as weddings or family reunions where children will be present
- Establishing dating or sexual relationships
- Participation in activities extending beyond the hours of offender's assigned curfew

The **DOC-2129 Sex Offender Activity Request** may be used to process these types of offender requests.

Note: **Appendix 9.2 DOC-2129 Sex Offender Activity Request** provides a copy of this form.

The recommended procedures for processing offender activity requests are as follows:

During intake process, agent provides offender with a copy of form and an explanation of use of form.

Offender is required to complete **DOC-2129** providing full and accurate details and submit form to agent a minimum of seven calendar days prior to the date of the proposed activity or within an alternate length of time specified by agent.

Request is reviewed/investigated by agent and then staffed with supervision network/supervision team and/or unit supervisor.

Pertinent comments/notes and decisions are recorded on **DOC-2129**.

DOC-2129 is maintained in file and decision noted in chronological log.

Requests submitted with incomplete, insufficient, or inaccurate information are denied. Requests which are not submitted in a timely manner are also denied.

The process described above can be a useful supervision tool for the following reasons:

Responsibility for gathering and recording pertinent data in a timely manner is placed on the offender rather than the agent.

Provides a systematic, efficient approach to decision-making and documentation relative to these types of requests.

Staffing requests ensures objectivity and careful review of requests, provides support

to agent in denial of offender requests, and offers unified approach in confrontational situations with offenders.

Index 2.

SUPERVISION OF SEX OFFENDERS (Page 9.3)(Emphasis added) **OVERVIEW**

Public safety is to be the primary objective of sex offender supervision. The offender's potential for reoffense must remain paramount in the minds of staff responsible for the supervision of sex offenders. The implications of reoffense and further victimization are extremely serious given the nature of these types of offenses.

Sex offenders are not like other offenders in that factors such as stable employment, financial stability, offender compliance, and a prosocial lifestyle may not necessarily indicate a reduced level of risk. Behaviors serving as precursors to reoffense are often subtle and seemingly unrelated to sexual deviance.

Critical elements of effective supervision include the following:

Level of supervision is to be directly related to risk offender presents to others

Early intervention and immediate response to violations to control risk

Use of personal/community and professional supervision networks to help monitor, modify, and control offender's behavior

Offender not allowed to remain anonymous

Regular contact with individuals who interact with the offender on a routine basis is a critical element of case plans for sex offenders. Family members, employers, friends, AA/NA sponsors, treatment providers, etc., may provide insight into offender behaviors indicative of possible relapse. These individuals can also assist in monitoring the offender's behavior and in supporting rehabilitative activities.

Close coordination with law enforcement and other community agencies is another important element of supervision. Active, coordinated supervision and participation in treatment/correctional programming can provide increased offender accountability as well as opportunities for the offender to obtain knowledge and skills to prevent relapse and avoid reoffense.

Case plans for sex offenders should include activities and restrictions which reduce offender access to potential victims, provide the means to closely monitor offender activities, and which provide opportunities for the offender to learn to manage and control sexually deviant behavior.

Finally, prompt response to all violations is essential. Violations, which might be considered minor for other types of offenders, are frequently serious for sex offenders. Seemingly insignificant violations may support or be closely related to the offender's pattern for sexually deviant behavior. *For sex offenders, even "minor" rules violations often warrant revocation.*

Index 3.

SEX OFFENDER REGISTRATION:

QUICK REFERENCE GUIDE TO RESPONSIBILITIES FOR FIELD AND INSTITUTION STAFF (Excerpt Page 7.17)

NOTE: **Appendices 7.3 through 7.6** include copies of the following forms referenced in this section:

7.3 DOC-1759 Sex Offender Registration Form

7.4 DOC-3 Face Sheet

7.5 DOC-80 Offender Report form

7.6 DOC-1796 Sex Offender Registration—Annual/90-Day Registration Update

Additionally, **Appendix 7.7 Quick Guide to Completion of Registration Forms** provides information on forms

required at intake and discharge as well as to report changes during the term of supervision.
COMMUNITY SUPERVISION

INTAKE

1. Inform offender of responsibilities for registration with DOCSORP and for face-to-face contact with law enforcement.
2. With offender present, complete **DOC-1759 Part 1** and have offender sign form.
3. Distribute copies of form as follows: original to DOC-SORP, one copy to offender, and one copy to offender case file.
4. Complete **DOC-3** and instruct offender how and when to make contact with law enforcement.
5. When preparing special rules of supervision, include rules pertaining to registration and face-to-face contact with law enforcement. **Note:** Refer to **Chapter 9 Supervision of Sex Offenders** for examples.
6. Without offender present, complete **DOC –1759 Part 2**. Forward original to DOC-SORP and make one copy for offender case file. Offender does not receive a copy of this portion of the form.

WISCONSIN DEPARTMENT OF CORRECTIONS

Supervision of Sex Offenders: A Handbook for Agents

CHAPTER 7 S.O. Registration and Community Notification 04/06/04

CHANGES

1. To report changes in offender status, forward a completed **DOC-1796** or a **DOC-8** signed by the offender to DOC-SORP. The time lines for reporting changes are as follows: For offenders on probation changes must be reported to SORP within 10 days after change occurs. For offenders on parole or extended supervision changes must be reported to SORP before the change occurs or, in the case of an emergency, within 24 hours after the change occurs. Changes relative to the following data must be reported: residence, employment, and school attendance information.

Note: The DOC-1796 or DOC-8 must be submitted to SORP using the process described above even if change has been entered in the computer database.

2. If offender moves to new jurisdiction, complete **DOC-3** form. Instruct offender on how and when to make contact with law enforcement.

LETTERS

1. Instruct offender to reply to all letters received from DOC-SORP by completing the requested information and returning forms to DOC-SORP. Offender will receive **multiple** letters from DOC-SORP during the term of supervision and after discharge.

2. Notify offender that failure to answer these letters will cause the offender to be in **noncompliance** with the Sex Offender Registry. Noncompliance with registry requirements is a law violation. The penalty for a first offense is a Class A misdemeanor, and for second and subsequent offenses, the penalty is a class H Felony.

DISCHARGE

1. Inform offender about requirements for continuing registration (**15 years after discharge or life**)

2. With offender present, complete **DOC-1759 Part 1** and have offender sign form.

3. Give offender copy of signed form and review backside that describes process for reporting changes in status. Advise offender of **toll-free number 1-888-963-3363** to be used to report changes.

4. Without offender present, complete **DOC-1759 Part 2**. Forward originals of Part 1 & 2 to DOC-SORP. Maintain copies in offender case file. Offender does not receive a copy of Part 2 of this form.

Index 4.

SOURCES OF INFORMATION (for PSI)(Excerpt Section 5.3)

Offender
Victim
Offense Reports
Criminal Complaint
Police Reports
Victim Statements
Witness Statements
Medical Records
Any other relevant information
Record of Offender's Criminal History
Prior DOC records
CIB, NCIC, FBI, CCAP
Local record checks
Historical Society Records (where available)
Sex Offender Risk Assessment Instruments
Collateral Sources
Family members (including persons from present and prior relationships)
Present and past partners
Employment
Education**
Companions
Military
Treatment providers**
Victim's family members
Victim/Witness Coordinator
Sexual assault service provider**
Investigators
Social Services**
Neighbors

** Requires signed DOC-1163 Confidential Information Release Authorization

REVIEW OF RECORDS

Documents to be reviewed in preparation for completing the PSI fall into the following four categories:

Reports related to offense
Offender's criminal history/offense record
DOC Records—Offender's current/prior correctional experience
Miscellaneous records/reports

Index 5.

GUIDELINES FOR CONDUCTING OFFENDER INTERVIEW (S)

Describe the interview process and purpose

Describe who will have access to information included in report and why

Explain limits of confidentiality

Briefly describe agent role in this process

Present self as a professional who will not be shocked nor surprised by content of information discussed

Use behaviorally specific or commonly understood vocabulary

Describe offenses and paraphilias in behavioral rather than criminal terms

Offer a brief description, then ask when the offender has engaged in this type of behavior

Example: Rather than using the term sexual assault or rape—“Sometimes a man finds himself in a situation when he wants to have sex with a woman who acts like she doesn’t but he has sex with her anyway. Tell me about times you have done that.”

Maintain control of the interview

Redirect the offender to relevant issues as necessary

Remain firm and unintimidated by offender’s display of power or manipulation

Ask open-ended, direct questions in a straightforward manner

Be familiar with data included in victim’s reports/statements. Elicit information from the offender by referring to details reported by victim.

Continue to clarify information by repeating the same questions or asking for the information in another way.

Clarify inconsistencies

Example: “I do not understand. First you said...now you say...” “You said Margaret is not generally a liar, but what she said you did with her is entirely untrue. I can’t understand why she would say those things about her father if they weren’t true. Can you explain?”

Continue to gently probe for information. If offender becomes defensive, temporarily redirect the discussion to less threatening topics and return to the sensitive issue later.

Conclude the interview with a general closing statement and ask offender to comment on anything that may have been omitted.

Example: “We have discussed all of the topics I intended to ask you about today, but I want to be certain I didn’t miss anything. Is there anything else you think I should know about you or this incident?”

Note: Formats for obtaining information related to the offender’s personal/family relationships and sexual history

are included in the following appendices:

Appendix 5.2 Relationship History Outline

Appendix 5.3 Sexual History Outline

Appendix 5.4 Sexual History and Behaviors Questionnaire

Appendix 5.5 DOC-1867 Sex Offender Disclosure Questionnaire

Use of the DOC-1867 during the PSI or intake process provides a baseline for obtaining sex history information. It is recommended that, during the PSI, responses to the questionnaire be

recorded in black ink. Midway through treatment, the questionnaire should be administered a second time with responses recorded in blue ink. Upon completion of treatment, the questionnaire should be administered a third time with responses recorded in red ink. This process provides a means to assess the offenders progress and willingness to disclose past offenses/behaviors throughout the period of supervision and treatment.

Index 6.

Interviewing the Family (Excerpt Page 5.19) (Emphasis added)

Interviews with collateral sources, such as spouses, partners, spouses/partners from previous relationships, family members, etc., are conducted for the following reasons:

To obtain or corroborate personal/social history information about the offender and the offender's family

To determine the impact of the offense on the offender's family/household

To determine family/household members level of awareness related to the offender's conviction

To obtain information regarding possible unreported offenses, other victims, or past history of sexually deviant/assaultive behavior

To obtain information about the offender's sexual habits including current sexual activity with spouse/partner, use of Internet, sex shops, pornography, 900 telephone lines, prostitutes, association with other sexually deviant partners or companions

To assess level of family/household members' support for the offender in holding offender accountable or supporting denial/minimization of the offense

To assess household members ability to protect potential victims in the home interviews with family members and others close to the offender are extremely important when conducting investigations of sex offenses. These individuals can provide information about the offender's history and daily habits that the offender may omit or fail to report.

Interviews with family members and others close to the offender are extremely important when conducting investigations of sex offenses. These individuals can provide information about the offender's history and daily habits that the offender may omit or fail to report.

The agent should be aware, that with sex offense cases, secrecy and denial are not uncommon within the offender's family or household. In conducting interviews, the agent should be careful not to blame family members for the offender's behavior. In cases of sexual abuse to children within the family, rarely does the partner of the offender know about the abuse. However, a partner's involvement or reaction to the abuse may exist at any of the following levels:

Did not know and supports the child

Did not know and denies that the offense occurred

Did not know and supports the offender rather than the child

Knew but did not stop the abuse

Knew and sets up or participates in the abuse

The dynamics within the household of the sex offender are frequently complicated. To obtain, the most complete and accurate information from all perspectives, it will be necessary to interview as many family members as possible.

Index 7.

INTERVIEWING COLLATERAL SOURCES (Excerpt Page 6.10)

Regular contact with family members, employees, friends, household members, etc., is an important element of case plans for sex offenders. Individuals who interact with the offender on a routine basis can assist in monitoring the offender's behavior and in supporting rehabilitative activities. During the intake process, the agent is to identify and initiate contact with collateral sources who will be critical to effective supervision of the offender. The goals of initial interviews with collateral sources are as follows:

- Establish rapport and develop basis for open communication
- Explain role of agent in offender supervision and treatment plan
- Explain requirements and conditions of supervision and provide copy of rules of supervision
- Describe process and expectations of treatment
- Verify that family/household members are aware of circumstances related to offender's conviction
- Ask family/household members to describe exactly what the offender told them about the offense and history of sexually deviant/assaultive behavior
- Dispel any misconceptions about offense details
- Provide adult household members a copy of criminal complaint (as appropriate)
- Obtain information from family/household members regarding possible unreported offenses, other victims, or past history of sexually deviant/assaultive behavior
- Obtain information about offender's sexual habits including current sexual activity with spouse/partner, use of Internet, sex shops, pornography, 900 telephone lines, prostitutes, association with other sexually deviant partners or companions
- Identify critical collateral sources to serve as members of the personal/community support network for the offender
- Explain role of a chaperone and identify possible family/household members, friends, coworkers who may meet requirements to serve in this capacity
- If family member is not approved as chaperone, explain why and clarify expectations in order to be granted approval.

*Note: Refer to **Chapter 9 Supervision of Sex Offenders** for detailed information on the role and requirements of chaperones. **Appendix 9.3 Chaperone Agreement** includes an example agreement.*

Index 8.

SEX HISTORY (Excerpt Page 6.15)

Note: Refer to **Chapter 5 Presentence Investigations** for detailed information on obtaining a sex history. Formats for obtaining information related to the offender's sex history are included in the following appendices:

Appendix 5.3 Sexual History Outline

Appendix 5.4 Sexual History and Behaviors Questionnaire

Appendix 5.5 DOC-1867 Sex Offender Disclosure Questionnaire

Use of the **DOC-1867** during the intake process provides a baseline for obtaining sex history information. It is recommended that, at intake, responses to the questionnaires be recorded in black ink. Midway through treatment, the questionnaires should be administered a second time with responses recorded in blue ink. Upon completion of treatment, the questionnaires should be recorded in red ink. This process provides a means to assess the offender's progress and willingness to disclose past offenses/behaviors throughout the period of supervision and treatment.

A detailed sex history is important in identifying the offender's targeted victim groups and patterns of behavior contributing to offenses. Explicit personal questions are asked that are not typically asked when interviewing other types of offenders. Initially, the offender may not be very comfortable or cooperative in providing information; however, updating the sexual history is an ongoing process as the offender may divulge more information over time.

The use of the polygraph in completing sexual history/disclosure examinations can provide a means to disclose and verify the offender's lifetime sexual history and scope of sexual deviance.

Index 9.

SEX OFFENDER RISK ASSESSMENT INSTRUMENTS (Excerpt 5.7)

The following risk assessment instruments may be used to assist in determining the offender's risk for reoffense:

Rapid Risk Assessment for Sex Offense Recidivism (RRASOR)

Static 99

Note: Refer to Chapter 8 Risk Assessment for detailed information about these instruments including advantages and disadvantages of each.

The agent must complete specialized training prior to using these instruments.

The Static 99 and RRASOR can be completed using information and records obtained for the PSI and may not require an interview with the offender. Information used to score these instruments includes the following:

Prior sex offenses

Prior sentencing dates

Convictions for non-contact sex offenses

Relationship of the offender to any victims, including if the offender was a stranger to the victim

Prior non-sexual violence convictions

Information indicating that the index offense involved non-sexual violence

Information about offenses that involved male children

Age of the offender

Information which indicates that offender is single and/or has never been married and/or lived with a lover for at least two years

Note: Appendix 5.1 DOC-1577A Sex Offender Risk Assessment includes detailed scoring criteria and the format

for computing scores when using these instruments.

If these risk assessment instruments are used during the PSI process, the factors used to calculate the scores are to be documented in the Summary and Conclusions section of the PSI report rather than indicating the actual numerical scores. This is especially important as not all judges, district attorneys, and/or defense attorneys have received training or are familiar with the use of these instruments.

Index 10.

INTERVIEWING THE VICTIM (excerpt Page 5.13)(Emphasis added)

Victim interviews are conducted for the following reasons:

To allow the victim an opportunity to provide input throughout the PSI process and at sentencing

To determine the level of involvement/information the victim desires relative to the offenders experience within the correctional system

To corroborate the information provided in criminal complaints, police reports, and the offender's version of the crime—to offer the opportunity to provide additional information without requiring that the victim restate all the details of the offense

To assess the impact of the crime on the victim and victim's family ensuring this information is available to the court

To request authorization for release of information for medical/treatment records or providers that may have additional information about the offense, offender, and impact of the offense on the victim

To obtain information about the offense which reveals offender's points of denial/minimization

To obtain information about the offender's methods for gaining access to victims, grooming techniques, patterns of coercion/use of force

To assess risk factors associated with the offense

To address restitution issues

To indirectly assist the victim in the healing process and empower the victim to regain a sense of control

Conducting the Victim Interview (Excerpt Page 5.14)

GUIDELINES FOR CONDUCTING VICTIM INTERVIEWS

Describe the process and purpose

Introduce and present self as a professional who recognizes the personal and sensitive nature of the issues to be discussed and the discomfort which may be caused by such discussion—but also as a professional who will not be surprised nor shocked by the content

Briefly describe agent role in the process

Describe who will have access to information included in the report and why

Explain limits of confidentiality

Allow victim as much control as possible

Offer services of victim advocate and/or allow presence of other individuals who may provide support for victim

Offer services of interpreter, if necessary

Request permission to use victim's first name

Create an atmosphere which supports open communication and empowers the victim

Do not position yourself behind a desk with victim seated across from you creating an imbalance of power. Position seats on the same side of the desk/table or use a conference

table and chairs.

Do not block the area's only exit. The victim may feel trapped.

Be aware of nonverbal messages

Maintain appropriate eye contact without staring. Avoiding direct eye contact may support victim's feelings of shame or guilt.

Respect the victim and remain nonjudgmental

Acknowledge the courage and strength required to survive the assault rather than focusing on what might be perceived by some as poor judgment exercised by the victim

Recognize that the offender is responsible and is to be held accountable for the offense

Do not blame the victim. Provide assurance that the victim is not to blame.

Be aware of the victim's level of discomfort

Do not minimize nor fail to recognize the impact of the assault by simply accepting polite statements such as "I'm fine" which may be a deflection of the victim's discomfort rather than an accurate portrayal of the victimization

Ask the victim to describe the changes that have and will continue to occur in the victim's life as a result of the offense

Do recognize that victims of sexual assault may be particularly sensitive to personal boundary issues. Touching, even if intended as a supportive, comforting gesture, should not be initiated without the permission of the victim.

Maintain a nonjudgmental, nonthreatening tone

Listen carefully and respond positively and appropriately

Balance questions by asking about victim's feelings

Do not interrogate the victim

Example: Rather than asking, "Why didn't you...." ask, "Was there any opportunity to resist, escape, etc.?"

Use behaviorally specific or commonly understood vocabulary

Do not refer to sexual contact as "making love"

Clarify, explain unfamiliar terminology

Do not revictimize by requiring the victim to relive the trauma of the offense

Use other sources of information such as police, social services, medical reports to obtain details rather than asking the victim to repeat highly sensitive, emotional details

Avoid focusing unnecessarily on sexual activity. Excessive questioning related to these areas can be intrusive and appear voyeuristic.

Allow sufficient time for the interview

Do not rush the victim nor interrupt the victim's responses

Conclude the interview by offering access for further victim input

Ask victim to comment on anything that may have been omitted

Allow time for victim's questions

Offer agent business card, work address, and telephone number and encourage contact should victim choose to add information at a later date

Note: Appendix 5.6 Victim Interview Outline includes a format for obtaining information from the victim.