

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:       SEXUALLY VIOLENT PREDATORS**

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**C-2100**

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**APPROVED BY:**     Detentions Bureau Chief Deputy Cindy Cisneros

**REFERENCE:**        P.C. 4002(b), Jones v. Blanas (2004, 9<sup>th</sup> Circuit.), DBPPM K-400

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### **POLICY**

The intent of this policy is to establish guidelines for the confinement of Sexually Violent Predators (SVP's) detained in Detentions Bureau facilities. Pursuant to Section 4002(b) of the Penal Code, SVP's must be confined in administrative separation and in such a manner that "does not involve any deprivation of privileges other than what is necessary to protect the incarcerated people and staff."

### **DEFINITION(S):**

**Sexually Violent Predator (SVP):** An individual who has served their sentence for a sexual crime and has been ordered by the court to remain in custody as a civil detainee pending mental health evaluation and treatment.

**Administrative Separation:** Administrative separation shall consist of separate and secure housing but shall not involve more deprivation of privileges than is necessary to obtain the objective of protecting incarcerated persons and staff, as described in Section K-400 of this manual.

### **Procedure A: Identification of Sexually Violent Predators**

Classification deputies will:

- Identify Sexually Violent Predators by reviewing incarcerated persons' charges and case files.
- Classify any incarcerated person identified as being a SVP using the JMS classification code SV (e.g. **SVGPCVPY**)

Any incarcerated person identified by the Classification Unit as a Sexually Violent Predator will be confined in housing units as designated by the Classification Unit.

### **Procedure B: Administrative Separation of Sexually Violent Predators**

Incarcerated persons identified by the Classification Unit as being Sexually Violent Predators will be granted all of the privileges normally granted to an administratively separated incarcerated person, with the following differences:

- SVP's will be granted access to the dayroom for two hours per day. This time will be in addition to time spent in group therapy in the housing unit.
- SVP's will receive two one-hour visits per week.
- SVP's will be allowed access to an exercise area for a minimum of five hours distributed over each seven-day period.

### **DIRECTIVE #1**

At the discretion of the division manager, an SVP's added privileges may be suspended if granting such privileges constitutes a danger to staff or incarcerated people. In such cases, the division manager will ensure that:

- County Behavioral Health staff is notified.
- The Classification Unit supervisor is notified.
- A JMS incident is generated detailing which privileges are to be suspended and the reasons they are to be suspended.
- The SVP's privileges are suspended only as long as necessary for the protection of staff and incarcerated people. The privileges will be restored when deemed appropriate by the division manager.
- A JMS supplemental is generated indicating the restoration of privileges.

### **Procedure C: Documentation**

In order to ensure that Sexually Violent Predators are being confined in a manner consistent with the relevant legal standards, officers assigned to housing units in which SVP's are confined will:

- Document the movement and program participation of the SVP using a Sexually Violent Predator Activity Log (see Attachment A). Items to be documented include:
  - Visitation.
  - Access to the recreation yard.
  - Access to the dayroom.
  - Time spent in group therapy sessions.
  - Movement in and out of the housing unit and the reason for such movements.
  - Refusal by the SVP of any of the privileges listed in Procedure B.

**Note:** A separate log will be maintained for each SVP in custody.

- In the event that the SVP is moved to another housing location, the movement will be logged in the SVP activity log and the log will be taken to the SVP's new housing location.
- In the event that a SVP is released from custody, the housing officer will forward the logs to the Classification Unit supervisor, who will retain the forms indefinitely.