

**STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
CORRECTIONS SERVICES**

Department Regulation  
No. B-01-006



20 February 2012

**CLASSIFICATION, SENTENCING AND SERVICE FUNCTIONS  
General  
Louisiana Sex Offender Assessment Panels**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36 and La. R.S. 15:560 et seq.
2. **REFERENCES:** La. R.S. 15:560 et seq.; Department Regulation Nos. B-08-009 "Sex Offender Notification, Registration Requirements and Residence Plan" and C-07-004 "Offender Payment for Electronic Monitoring" and the Louisiana Register dated February 20, 2012.
3. **PURPOSE:** To facilitate the identification and management of those offenders who may be sexually violent predators and/or child sexual predators and to develop written policy and procedures for the Sex Offender Assessment Panels consistent with statutory requirements, public safety and administrative efficiency. The provisions of this regulation shall apply to all sex offenders and child predators in accordance with Act No. 205 of the 2009 Regular Session who are released by any means from the Department's custody on or after August 15, 2006.
4. **APPLICABILITY:** Deputy Secretary, Undersecretary, Chief of Operations, Regional Wardens, Wardens, Director of Probation and Parole, Chairman of the Board of Pardons, Chairman of the Board of Parole and the Sheriff or Administrator of local jail facilities. Each Unit Head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.
5. **POLICY:** It is the Secretary's policy to identify those offenders who meet the statutory requirements of a sexually violent predator and/or child sexual predator through the Sex Offender Assessment Panel (SOAP) review process. The Panels shall evaluate all sex offenders and child predators in accordance with the provisions of this regulation prior to their release from incarceration.
6. **DEFINITIONS:**

- A. **Child Predator:** A person who has been convicted of a criminal offense against a victim who is a minor as defined in La. R.S. 15:541(12) (See Attachment A.)
- B. **Child Sexual Predator:** A judicial determination as provided for in La. R.S. 15:560 et seq. for an offender who has been convicted of an offense as defined in La. R.S. 15:541(12) and/or (24) (See Attachments A and B) and who is likely to engage in additional sex offenses against children because he has a mental abnormality or condition which can be verified, or because he has a history of committing crimes, wrongs, or acts involving sexually assaultive behavior or acts which indicate a lustful disposition toward children.
- C. **Court:** The judicial district court where the offender was sentenced for the instant offense.
- D. **Criminal Offense Against a Victim Who is a Minor:** A conviction for the perpetration or attempted perpetration, or conspiracy to commit an offense outlined in La. R.S. 15:541(12) (See Attachment A.) Persons convicted of any of these offenses are considered child predators. (See definition in Section 6.A.)
- E. **Judicial Determination:** A decision by the court that an offender is or continues to be a child sexual predator or a sexually violent predator.
- F. **Mental Abnormality:** A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of others. Nothing in this definition is intended to supersede or apply to the definitions found in La. R.S. 14:10 or 14 in reference to criminal intent or insanity.
- G. **Regional Facility:** A state correctional facility located within one of nine regions of the state, as designated by the Secretary. Each Warden of a regional facility shall be responsible for certain requirements pursuant to the provisions of this regulation for offenders housed in their state correctional facility, as well as DPS&C offenders housed in local jail facilities within their respective region. (See Department Regulation No. B-02-001 "Assignment and Transfer of Offenders"-Appendix VIII-Louisiana Regional Map with Reentry Centers.)
- H. **Sex Offender:** An offender committed to the custody of the Department of Public Safety and Corrections for a crime enumerated in La. R.S.

15:541(24.) A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal or federal law equivalent to such offense. An individual convicted of the attempt or conspiracy to commit any of the defined sex offenses shall be considered a sex offender for the purposes of this regulation. (See Attachment B.)

- I. **Sexually Violent Predator:** A judicial determination as provided for in La. R.S. 15:560 et seq. for an offender who has been convicted of an offense as defined in La. R.S. 15:541(12) and/or (25) (See Attachments A and B) and who has a mental abnormality or anti-social personality disorder that makes the person likely to engage in predatory sexually violent offenses.

## 7. **PANEL COMPOSITION AND GUIDELINES:**

- A. A total of three Sex Offender Assessment Panels are hereby created within the Department of Public Safety and Corrections. An Executive Management Officer within the Secretary's Office shall serve as the Administrator for all panels. Three Executive Staff Officers, employees of the Department (one for each of the three panels), shall serve as Coordinator for an assigned Panel. Each Panel shall consist of three members as follows:

- 1) One member shall be the Secretary or designee who shall be Chairman.
- 2) One member shall be a psychologist licensed by the Louisiana State Board of Examiners of Psychologists who has been engaged in the practice of clinical or counseling psychology for not less than three consecutive years who is employed by the Department of Public Safety and Corrections or the Department of Health and Hospitals or a physician in the employ of the Department of Public Safety and Corrections or the Department of Health and Hospitals or under contract to the Department of Public Safety and Corrections whose credentials and experience are compatible with the evaluation of the potential threat to public safety that may be posed by a child sexual predator or a sexually violent predator.

Note: If the psychologist or physician is an employee of the Department of Health and Hospitals, the Secretary of both Departments shall consult and jointly select the member.

- 3) The Warden (or Deputy) at the state facility where the offender is housed or the Warden (or Deputy) of the regional facility for

offenders housed in local jail facilities, or a Probation and Parole Officer with a minimum of ten years experience or a retired law enforcement officer with at least five years of experience in investigating sex offenses may serve as the third Panel member at the discretion of the Secretary.

- B. A majority of the members of each Panel shall constitute a quorum. All official actions of a Panel shall require an affirmative vote of a majority of the members of the Panel.
- C. Each Panel shall meet at least once quarterly and upon the call of the Chairman or upon the request of any two members.
- D. Notwithstanding the provisions of La. R.S. 15:574.12, each Panel shall review presentence reports, prison records, medical and psychological records, information and other data gathered by the staff of the Division of Probation and Parole, the District Attorney from the judicial district which prosecuted the case and information provided by or obtained from the victim(s) and the offender (which may include a personal interview), and any other information obtained by the Department.
- E. Panels shall have the duty to evaluate every offender who is currently serving a sentence for a conviction of a sex offense (See Attachment B) and/or child predator (see Attachment A) who is to be released from the custody of the Department or a local jail facility, by any means, to determine if the offender may be a child sexual predator and/or a sexually violent predator in accordance with the provisions of La. R.S. 15:560 et seq.

**8. PROCEDURES:**

- A. Each Panel shall evaluate every offender currently serving a sentence for a conviction of a sex offense and/or child predator as stated in Section 7.E. and who is required to register pursuant to the provisions of La. R.S. 15: 542 at least six months prior to the release date of the offender.
- B. A Panel's evaluation shall primarily be conducted by file review of all relevant information available to the Department, including the information specified in Section 7.D. Information and/or recommendations received from individuals other than those employed by the Department or the local jail facility where the offender is housed shall be made in writing. Interview, telephone or video conferencing may be conducted at the discretion of the Panel.

- C. Panel decisions shall be recorded by individual vote. Official results shall be maintained by the respective Panel Coordinator. Each Panel Coordinator is responsible for maintaining a separate file on each offender reviewed by the Panel.
- D. If a Panel affirmatively votes that an offender may be a sexually violent predator and/or a child sexual predator, the Panel shall forward the determination and the recommendation for such designation to the sentencing court. The recommendation shall include the factual basis upon which the recommendation was based and shall include a copy of all information that was available to the Panel during the evaluation process.
- E. Upon receiving a recommendation from a Panel, the sentencing court will review the recommendation that an offender is a sexually violent predator and/or a child predator.
- F. If, after a contradictory hearing the sentencing court finds by clear and convincing evidence and renders a judicial determination that the offender is a sexually violent predator or a child sexual predator, the offender shall be ordered to comply with the following:
  - 1) Supervision by the Division of Probation and Parole, upon release from incarceration, for the duration of his natural life;
  - 2) Registration as a sex offender in accordance with the provisions of La. R.S. 15:542 et seq. for the duration of his natural life;
  - 3) Provide community notification in accordance with the provisions of La. R.S. 15:542 et seq. for the duration of his natural life;
  - 4) Submit to electronic monitoring pursuant to the provisions of La. R.S. 15:560.4 for the duration of his natural life; and
  - 5) Abide by the supervised release conditions enumerated in La. R.S. 15:560.3A.(4) through (14), which may include treatment for persons convicted of sex offenses when deemed appropriate or ordered to do so by the offender's Probation and Parole Officer as stated in La. R.S. 15:560.3A(10).
- G. If a judicial determination is rendered that an offender is a sexually violent predator or a child sexual predator, the Panel Administrator shall notify the Warden of the state facility where the offender is housed or the Warden of the regional facility for offenders housed in local jail facilities of the designation, as well as the Division of Probation and Parole.

- H. Upon receipt of notification from the Panel Administrator, the Warden of the state facility where the offender is housed or the Warden of the regional facility for offenders housed in local jail facilities shall ensure that the sex offender pre-registration process is initiated in accordance with Department Regulation No. B-08-009 "Sex Offender Notification, Registration Requirements and Residence Plan."

**9. ELECTRONIC MONITORING OF CHILD SEXUAL PREDATORS OR SEXUALLY VIOLENT PREDATORS:**

- A. Each offender determined by the court to be a child sexual predator and/or a sexually violent predator pursuant to the provisions of this regulation shall be required to be electronically monitored by the Division of Probation and Parole in a fashion that provides for electronic location tracking.
- B. Unless it is determined pursuant to Department Regulation No. C-07-004 "Offender Payment for Electronic Monitoring" that an offender is unable to pay all or any portion of the costs for electronic monitoring, each offender to be electronically monitored shall pay the cost of such monitoring.
- C. The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the Department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.
- D. Only in the case that an offender determined to be a child sexual predator and/or a sexual violent predator is unable to pay his own electronic monitoring costs, and there are no funds available to the Department to pay for such monitoring, may the requirements of electronic monitoring be waived.

**10. NOTIFICATION OF RELEASE:**

The Office of Adult Services shall notify the Office of State Police when a child sexual predator and/or sexually violent predator has been released from imprisonment. The Office of State Police shall then send out an alert by means of a Predator Alert System to local law enforcement officials to inform them of such releases.

**11. APPEAL OF DECISION:**

- A. An offender determined to be a sexually violent predator and/or a child sexual predator may petition the court for a review of this determination

not more than once every three years, provided that the sex offender is currently receiving treatment from a court or treatment provider approved by the Department, and good cause for such reconsideration is shown by the offender.

- B. If the court grants the petition for review and should the Department be notified of the rehearing and the court's decision, the Division of Probation and Parole shall document the case accordingly.

**12. RIGHTS OF ACTION:**

Any employee who participates in the Louisiana Sex Offender Assessment Panels review process pursuant to this regulation shall be immune from civil or criminal liability when the actions taken are in good faith in a reasonable manner in accordance with generally accepted medical or other professional practices.

s/James M. Le Blanc  
Secretary

Attachments:       A:     Sex Offenses-La. R.S. 15:541(24)  
                          B:     List of Child Predator Offenses-La. R.S. 15:541(12)

This regulation supersedes Department Regulation No. B-01-006 dated 10 January 2010.