



Illinois Department of Corrections

Administrative Directive

Number: 01.07.950	Title: Sexually Violent Persons Commitment Review	Effective: 4/1/2022
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	01.07.950 effective 04/01/2021

Authority: 725 ILCS 207 DR 504	Related ACA Standards: 5-ACI-3D-10, 12
Referenced Policies:	Referenced Forms: DOC 0166 – Sexually Violent Persons Commitment Act Evaluation Checklist

I. POLICY

The Department shall identify individuals in custody who are subject to commitment as sexually violent persons and evaluate placement and escape level designations of individuals in custody so identified.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish written guidelines for staff in regard to identifying individuals in custody who are being assessed for possible commitment as a sexually violent person and evaluating placement and escape level designations.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Act – the Sexually Violent Persons Commitment Act [725 ILCS 207].

Evaluator – an individual who is licensed under the Illinois Sex Offender Evaluation and Treatment Provider Act and is assigned to review potentially sexually violent persons.

Mental disorder – a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.

Sexually motivated – an act performed by an individual in whom one of the purposes is for the individual's sexual arousal or gratification.

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Sexually violent offense means:

- a. Any of the following crimes specified in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.60, 11.6, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012; or
- b. Any former laws of this State specified in Sections 11-1, 11-3 and 11-4 of the Criminal Code of 1961: Rape, Deviate Sexual Assault, Indecent Liberties with a Child or Aggravated Indecent Liberties with a Child; or
- c. First degree murder, if it is determined by the Department to have been sexually motivated; or
- d. Any solicitation, conspiracy or attempt to commit a crime under subparagraph a., b. or c. of this paragraph.

Sexually violent person – a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense or has been found not guilty of a sexually violent offense by reason of insanity and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

F. General Provisions

1. The Department may enter into an interagency agreement with the Department of Human Services (DHS) to provide a facility, or portion thereof, for the detention of sexually violent persons, for the detention of individuals in custody who are pending a probable cause hearing for commitment under the Act or for the detention of individuals in custody awaiting trial under the Act.
2. The Department shall establish a Sex Offender Evaluation Unit (SOEU) to make determinations regarding sexually violent persons and to determine which individuals in custody may be candidates for commitment.
3. When time is critical, written notifications required under this directive shall be made immediately in writing via electronic mail or fax and orally where necessary. All oral notification shall be followed up with written notification via electronic mail or fax that includes the date, time, caller's name and call recipient.
4. Referrals for commitment under the Act shall be confidential and shall not be disclosed to persons or agencies outside the Department. Access to this information shall be limited to authorized staff with the Department of Corrections, Attorney General's Office and DHS, unless otherwise authorized by directive, law, interagency agreement or approved by the Director.

G. Requirements

1. The Department shall identify all individuals in custody convicted of the crimes specified in the definition of Sexually Violent Person.
 - a. In making this determination, a review of the Statement of Facts or any other legal documentation found in the master record file of any individual in custody committed for first degree murder, including attempt, solicitation or conspiracy to commit first degree murder, shall be conducted to determine whether the offense was sexually motivated.
 - b. A report shall be generated from Offender 360 (O360) to identify individuals in custody to be screened to determine whether they are subject to commitment under the Act.

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2. Four to six months prior to the projected date of release or discharge, the SOEU shall initiate a Sexually Violent Persons commitment review. The Evaluator shall:
 - a. Review, and when necessary, obtain copies of the master record file, medical file and any other additional information available for all individuals in custody identified in accordance with Paragraph II.G.1.
 - b. Initiate the Sexually Violent Persons Commitment Act Evaluation Checklist, DOC 0166, based upon the review.
3. If no clinical interview is required, the SOEU shall proceed to Paragraph II.G.5.
4. If the Evaluator determines that a clinical interview is required, the SOEU shall:
 - a. Notify the Record Office Supervisor.
 - b. Notify the Transfer Coordinator in writing at least one week prior to the scheduled date of the interview.
 - (1) The Transfer Coordinator shall advise the Chief Administrative Officer (CAO) at the facility housing the individual in custody.
 - (2) For security reasons, the CAO shall immediately classify the individual in custody at a moderate or above escape level and monitor accordingly.
 - c. When a civil commitment is being proposed, prepare a written report that contains a recommendation regarding commitment.
 - d. Complete the DOC 0166.
5. If the individual in custody is not being recommended for civil commitment, the SOEU shall inform the Transfer Coordinator in writing via electronic mail or fax as soon as possible following the determination. The Transfer Coordinator shall in turn notify the CAO.
 - a. The CAO shall review the individual's escape level designation to determine if the escape level designation continues to be appropriate and shall notify the Transfer Coordinator if a transfer to another facility may be appropriate.
 - b. The CAO shall notify the Clinical Services Supervisor of the determination. The Clinical Services Supervisor, or another clinical staff member appointed by the CAO, shall inform the individual in custody of the Department's initial determination and that determination may be subject to change.
 - c. The Evaluator shall prepare a written report documenting that the individual in custody will not be referred and include the rationale for that determination.
6. If the individual in custody is being recommended for civil commitment, the SOEU shall inform the Transfer Coordinator in writing.
 - a. The Transfer Coordinator shall review the individual's placement and determine whether a transfer to another facility is appropriate due to the possible impact on safety, security and risk of escape.
 - b. The Transfer Coordinator shall notify the CAO of the appropriate facility, in writing, of those individuals in custody who are being recommended for commitment and, if applicable, any upcoming transfer.

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- c. The CAO shall review the individual's escape level designation in light of the determination that the individual in custody has been recommended for commitment.

7. The SOEU shall inform, in writing, the Attorney General and the State's Attorney for the counties in which the individual in custody was convicted of a sexually violent offense regarding the recommendation for civil commitment of the individual in custody, including recommendations not to commit, as soon as possible beginning three months prior to the applicable date of the following:
 - a. The anticipated date of release from imprisonment or placement on parole or mandatory supervised release of an individual in custody who has been convicted of a sexually violent offense.
 - b. The anticipated discharge or conditional release of an individual in custody found not guilty of a sexually violent offense by reason of insanity under Section 5-2-4 of the Unified Code of Corrections.

8. The SOEU shall provide the Attorney General and the State's Attorney with the following:
 - a. A copy of the DOC 0166 that includes the individual in custody's name, age, birth date, identification number, committing offense(s), committing county, offense history and projected release or discharge date.
 - b. A comprehensive written evaluation of the individual in custody's mental condition, the basis upon which a determination has been made that the individual in custody is subject to commitment under the Sexually Violent Persons Act and a recommendation for action. The evaluation shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an Evaluator licensed under the Sex Offender Evaluation and Treatment Provider Act.
 - c. If applicable, documentation of any treatment and the individual in custody's adjustment to any institutional placement.
 - d. If known, anticipated future residence, including the county of release.

9. Upon receipt of an order of detention, the individual in custody who is the subject of the petition shall be transferred to or housed at a facility approved by the DHS.
 - a. The Records Office Supervisor at the facility receiving the order of detention shall notify the Transfer Coordinator that a petition has been filed and the order of detention has been entered and ensure a copy of the court order is placed in the individual's master record file.
 - b. The Transfer Coordinator shall forward this information to the SOEU.
 - c. Any individual in custody detained in a Department facility after receipt of an order of detention shall, after consultation with the Chief of Operations and Chief of Mental Health, remain at the parent facility or transferred to Illinois River Correctional Center based on the mental health evaluation conducted at the parent facility.

10. Upon receipt of a court order finding there is probable cause to believe that the individual in custody is a sexually violent person and is subject to commitment, the individual in custody shall be transferred to or housed at a facility that has been approved by the DHS or as otherwise directed by the court for further evaluation.

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- a. The Records Office Supervisor at the facility receiving the probable cause order shall notify the Transfer Coordinator that the court has made a finding of probable cause and ensure a copy of the court order is placed in the individual's master record file.
 - b. The Transfer Coordinator shall forward this information to the SOEU.
 - c. Any individual in custody detained in a Department facility following a court finding that there is probable cause to believe that the individual in custody is a sexually violent person shall be placed on administrative detention in accordance with Department Rule 504.
11. If the hearing results in a finding of no probable cause, the Records Office Supervisor at the facility receiving the court order shall notify the Transfer Coordinator and shall ensure a copy of the court order is placed in the individual in custody's master record file. The Transfer Coordinator shall determine whether transfer of the individual in custody to another correctional facility is appropriate.
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