

CF OPERATING PROCEDURE
NO. 155-45

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, June 2, 2021

Mental Health/Substance Abuse

GUIDELINES FOR CONDUCTING SEXUALLY VIOLENT PREDATOR ASSESSMENT OF
INDIVIDUALS FOUND NOT GUILTY BY REASON OF INSANITY AND
COMMITTED FOR INVOLUNTARY HOSPITALIZATION

1. Purpose. This operating procedure provides guidelines for referring to and receiving clearance by the Sexually Violent Predator Program (SVPP), regarding the potential discharge of individuals who have been found Not Guilty by Reason of Insanity and involuntarily hospitalized under Section 916.15, Florida Statutes. This operating procedure meets the requirements stipulated in Chapter 394, Part V, Florida Statutes, regarding the involuntary civil commitment of sexually violent predators.
2. Scope. This operating procedure applies only to individuals who are Not Guilty by Reason of Insanity and hospitalized pursuant to Chapter 916, Florida Statutes.
3. References.
 - a. Chapter 916, Florida Statutes (F.S.), Mentally Deficient and Mentally Ill Defendants.
 - b. Chapter 394, F.S., Part V (394.910 – 394.931), Involuntary Commitment of Sexually Violent Predators.
 - c. Rule 65E-25, Florida Administrative Code, Sexually Violent Predator Program.
 - d. CFOP 155-35, Violence Risk Assessment Procedure in State Mental Health Treatment Facilities.
 - e. CFOP 155-22, Leave of Absence and Discharge of Residents Committed to a State Mental Health Treatment Facility Pursuant to Chapter 916, F.S.
 - g. CFOP 155-12, Forensic Transfers to Civil Mental Health Treatment Facilities.
 - h. CFOP 155-23, Resident Transfers Between State Forensic Mental Health Treatment Facilities.
 - i. CFOP 155-48, Registration Guidelines for Forensic and Civil Residents Who Are Classified as Sexual Offenders or Sexual Predators.
4. Definitions. For this operating procedure, the following terms shall mean:
 - a. Clinical Summary. A document provided to the courts by the forensic or civil mental health treatment facility appointed staff. The document addresses salient treatment issues, diagnoses, mental health history, current mental health status, and recommendations regarding commitment criteria, as specified in Chapter 916, F.S. Clinical summaries are prepared for residents committed as Not Guilty by Reason of Insanity. Summaries are due to the court no later than six months from admission, one

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year from admission, and annually thereafter; or due when a resident no longer meets criteria for commitment or when requested by the court.

b. Clinical Sexually Violent Predator Evaluation. A sexual offense recidivism risk assessment conducted by an examiner under contract with the Sexually Violent Predator Program. A Clinical Sexually Violent Predator Evaluation consists of a review of relevant criminal, psychiatric, and psychological records, and a face to face interview with the resident, who is the subject of the evaluation. Upon completion of the evaluation, the qualified examiner submits a written report to the Sexually Violent Predator Program. The report includes the examiner's opinion regarding whether the resident meets the legal definition of a sexually violent predator, per section 394.912(10), F.S.

c. Criminal History Record Information (CHRI)/NCIC. A record (or the system maintaining such records) which includes individual identifiers and describes an individual's arrests and subsequent dispositions. CHRI systems usually include information on juveniles if they are tried as adults in criminal courts, but in most cases do not include data describing involvement of an individual in the juvenile justice system. All data in CHRI systems are usually backed by fingerprints of the record subjects to provide positive identification. CHRI is also referred to as an NCIC report or a "Rap sheet."

d. Electronic Sexually Violent Predator Assessment Tracking Log. A computerized spreadsheet developed and maintained by each state mental health treatment facility's Sexual Offender/Predator Monitor. The spreadsheet must contain a record for each resident referred for Sexually Violent Predator Assessment. The record will include the resident's identifying information, the date the referral was sent to the Sexually Violent Predator Program, the date of the resident's next anticipated court date or anticipated date of discharge recommendation to the community, and the sexual violent predator screening and evaluation decisions and dates they were provided.

e. Florida Civil Commitment Center. The secure residential treatment facility operated by a private provider under contract with the Department of Children and Families for those individuals who are awaiting trial for civil commitment, and those committed as sexually violent predators.

f. Initial Psychiatric Assessment. A written report generated by a resident's psychiatrist or psychologist upon the resident's admission to a state mental health treatment facility for involuntary hospitalization.

g. Mental Health Specialist. The Sexually Violent Predator Program staff person assigned to process all materials related to Not Guilty By Reason of Insanity Sexually Violent Predator Assessments, and to communicate with the state mental health treatment facilities regarding all aspects of the Not Guilty By Reason of Insanity Sexually Violent Predator Assessment process.

h. Not Guilty by Reason of Insanity. A determination made by the Circuit Court that an individual is acquitted of criminal charges because the individual is found insane at the time of the offense.

i. Qualifying Sexual Offense or Sexually Motivated Offense. Any sexual offense for which the resident has been convicted or found Not Guilty by Reason of Insanity, or any similarly adjudicated non-sexual offense that is deemed at the time of sentencing or during civil commitment proceedings to have been motivated by the resident's sexual urges, desires, or compulsions. The offense need not have occurred in the State of Florida, nor must it be the offense for which the resident is currently committed as Not Guilty by Reason of Insanity.

j. Resident. A person who receives mental health treatment services in a state mental health treatment facility (civil or forensic setting). The term is synonymous with "client," "individual," "patient," "consumer," "customer," or "person served."

k. Recovery Team. An assigned group of individuals with specific responsibilities identified on the recovery plan including the resident, psychiatrist, guardian/guardian advocate (if resident has a guardian/guardian advocate), community case manager, family member/first representative and other treatment professionals as determined by the resident's needs, goals, and preferences.

l. Sexual Offender/Predator Monitor. The staff person, previously identified as the Sexually Violent Predator Contact Person and herein known as "the Monitor," who is designated by each state mental health treatment facility to serve as the Sexual Offender/Predator Monitor, responsible for monitoring the FDLE Website to determine if any facility resident (whether ITP, NGI or Civil) is classified as a sexual offender or sexual predator, to serve as liaison between the resident's Recovery Team and SVPP, the facility and SVPP, the facility and receiving facility, and the facility and community, as indicated. Each facility designates a primary Sexual Offender/Predator Monitor and a back-up contact person. It is the responsibility of the Monitor and Hospital Attorney to remain current on all registration requirements for classified sexual offenders and sexual predators.

m. Sexually Violent Predator Program Multidisciplinary Team. The team of two or more licensed mental health care professionals responsible for determining which individuals meet the criteria to be recommended for civil commitment as sexually violent predators under Chapter 394, Part V, F.S.

n. State Mental Health Treatment Facility. Any civil or forensic facility operated by the Department of Children and Families, or via a state contract. Civil facility means a mental health facility established within the department or by contract with the department to serve individuals committed pursuant to Chapter 394, Part I, F.S., and involuntarily committed defendants who do not require the security provided in a forensic facility. Forensic facility means a separate and secure facility established within the department or agency to serve forensic clients. A separate and secure facility means a security-grade building for the purpose of separately housing persons who have mental illness from persons who have intellectual disabilities or autism and separately housing persons who have been involuntarily committed pursuant to Chapter 916, F.S., from non-forensic residents.

o. 72-Hour Hold. Under Chapter 394, Part V, F.S., the Sexually Violent Predator Program is authorized to hold an individual for seventy-two (72) hours (excluding weekends and holidays) past the expiration of legal incarceration or custody. This is done for the purpose of completing the process of the Sexually Violent Predator Evaluation.

p. Sexually Predatory Behavior or Verbalizations. Any behavior or verbalization exhibited by a resident that suggests the presence of one or both of the following sexual problems: (1) sexual interest in children or adolescents, or (2) interest in non-consensual sexual acts. Such behaviors and verbalizations may occur as part of the resident's psychiatric disorder (e.g., delusional beliefs about sex with children; non-consensual sexual behaviors occurring during a manic episode) or may exist independently of other psychiatric disorders.

q. Sexually Violent Predator. Per Chapter 394, Part V, F.S., a "sexually violent predator" refers to any person who has "been convicted of a sexually violent offense "(as defined in ss. 394.912(9)(a)-(i), F.S.) and who "suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment."

r. Sexually Violent Predator Assessment. The evaluative process carried out by the Sexually Violent Predator Program, consisting of receiving a referral, gathering needed information, evaluating the information, and providing sexually violent predator screening and evaluation decisions regarding whether the referred individual meets the definition of a sexually violent predator. The following are decisional definitions:

(1) "No Qualifying Offense." It appears that there is no qualifying sexual offense or sexually motivated offense in the resident's criminal history; therefore, the referred resident does not appear, at the time of the review, to qualify as eligible for assessment under Chapter 394, F.S.

(2) "Evaluation Determination." The decision made by the Sexually Violent Predator Program Multidisciplinary Team for those residents who have a qualifying offense or sexually motivated offense, resulting in one of the following recommendations:

(a) "SVPP Does Not Recommend Evaluation." The referred resident has a qualifying sexual offense or sexually motivated offense, and, therefore, is eligible for assessment under Chapter 394, F.S., but the Sexually Violent Predator Program's Multidisciplinary Team has further reviewed the resident's file and determined that the resident does not appear, at the time of the review, to meet criteria to be recommended for involuntary civil commitment as a sexually violent predator and no further action is required.

(b) "SVPP Recommends Evaluation." The referred resident has a qualifying sexual offense or sexually motivated offense, and, therefore, is eligible for assessment under Chapter 394, F.S., and the Sexually Violent Predator Program's Multidisciplinary Team has further reviewed the file and determined that the resident may meet criteria to be recommended for involuntary civil commitment as a sexually violent predator. In order to make a determination, the Multidisciplinary Team requires that the referred resident undergo a Clinical Sexually Violent Predator Evaluation(s).

(3) "Evaluation Deferred." When it is determined that an evaluation does need to be completed as stated above but cannot be conducted (e.g., resident has decompensated), the evaluation is deferred until the recovery team at the state mental health treatment facility has determined that the resident could be released within 180 days.

(4) "Status Determination." The decision made by the Sexually Violent Predator Program Multidisciplinary Team for those residents who have a qualifying offense or sexually motivated offense, and who have been evaluated, resulting in one of the following recommendations:

(a) "Resident Cleared." The Sexually Violent Predator Program's Multidisciplinary Team has reviewed the resident's evaluation(s), and has determined that the resident does not appear, at the time of the review, to meet criteria for involuntary civil commitment as a sexually violent predator.

NOTE: NGI residents, even if they have received prior clearance, must be referred again to the sexually violent predator program if new charges or sexually motivated behaviors have occurred since the last referral, or if 12 months or more have passed since the last referral to the program due to decompensation, medical reasons, behavior, etc., and the Recovery Team at the state or state contracted mental health treatment facility anticipates that the individual may be discharge-ready in six months (180 days).

(b) "Resident Meets Criteria." The Sexually Violent Predator's Multidisciplinary Team has reviewed the resident's evaluation(s), and has determined that the resident does appear to meet criteria for involuntary civil commitment as a sexually violent predator at the time of the review and shall recommend to the State Attorney's Office that they begin the civil commitment process.

s. Sexually Violent Predator Program Referral/Update. The form (CF-MH 1064, available in DCF Forms) used by the state and state contracted mental health treatment facilities' Monitors to convey to the Sexually Violent Predator Program the necessary information about the resident being referred for Sexually Violent Predator Assessment. The form includes identifying information, referral type and supporting documentation, court date, and current Recovery Team recommendation to committing court.

5. Standards of Sexually Violent Predator Assessment.

a. Each individual who has been found Not Guilty by Reason of Insanity and committed to involuntary hospitalization must be assessed to determine whether he or she meets criteria as a sexually violent predator as defined under Chapter 394, Part V, F.S., regardless of the nature of the offenses for which they are currently committed as Not Guilty by Reason of Insanity. This assessment is completed as the Sexually Violent Predator Program bears the responsibility of researching each Not Guilty by Reason of Insanity resident's criminal history to determine whether the person has been convicted of (or found Not Guilty by Reason of Insanity for) a qualifying sexual offense or sexually motivated offense.

b. Per sections 394.913(1) and (2)(e), F.S., sexually violent predator notifications and assessments must be initiated at least 180 days prior to the resident's possible release to the community. A facility's determination to refer a resident for SVPP review is not an official discharge recommendation. The referral for SVPP review should be made when the Recovery Team at the state mental health treatment facility anticipates that the individual may be discharge-ready in six months (180 days). Residents do not have to be on a discharge-ready list to be referred. Recommendations to the Sexually Violent Predator Program are encouraged, even if there is some uncertainty of the resident's discharge potential in six months. Residents will be referred to the program again if they are classified as "evaluation deferred" and discharge subsequently becomes likely.

c. Residents of the state or state mental health treatment facilities who are committed under section 916.13, F.S., as Incompetent to Proceed are not eligible for Sexually Violent Predator Assessment.

d. Routine, structured communication between the state or state contracted mental health treatment facilities and the Sexually Violent Predator Program is required to ensure timely and accurate Sexually Violent Predator Assessment of residents who are Not Guilty By Reason of Insanity.

e. The criteria used to determine whether an individual meets the legal definition of a sexually violent predator is based on historical information (e.g., the resident's lifetime criminal and psychiatric history) and current information (e.g., the resident's behavior during hospitalization, current mental health status, and response to treatment interventions).

6. Distribution of Responsibilities.

a. Mental Health Program Office – Facilities Policy and Program Section. Establish the policies and procedures pertinent to the Not Guilty By Reason of Insanity Sexually Violent Predator Assessment process, and oversee and modify policies and procedures as needed to ensure compliance and efficiency.

b. Sexually Violent Predator Program.

(1) Designate one staff to serve as the Mental Health Specialist for referrals.

(2) Review each referral, the corresponding Not Guilty by Reason of Insanity clinical summary, and subsequent resident progress updates, when indicated.

(3) Review the criminal histories of residents referred for Sexually Violent Predator Assessment and gather additional information from relevant law enforcement agencies or courts as needed.

(4) Coordinate with state and state contracted mental health treatment facilities to schedule Clinical Sexually Violent Predator Evaluations of residents as needed.

(5) Render Final Sexually Violent Predator status determination and communicate these decisions to the state or state contracted mental health treatment facility's legal department and Monitor.

(6) Notify the Facility Administrator if problems arise with referrals or ability to identify or reach sexually violent predator contact persons in the facilities.

c. State Mental Health Treatment Facilities.

(1) Designate one staff person from each facility to serve as the Monitor and designate one staff person from each facility to serve as a back-up. All information going to and coming from the Sexually Violent Predator Program must be channeled through the facility's Monitor or identified back-up. All electronic communication from the Sexually Violent Predator Program will be sent to both the primary and back-up Monitors (hereafter both referred to as Monitor). Facilities must notify the Sexually Violent Predator Program's Mental Health Specialist of any subsequent changes in personnel.

(2) Initiate the Sexually Violent Predator Assessment for qualifying residents committed as Not Guilty by Reason of Insanity (described in paragraph 7a below) by submitting the required referral materials to the Sexually Violent Predator Program.

(3) Maintain the Electronic Sexually Violent Predator Assessment Tracking Log to track all Sexually Violent Predator Assessment referrals, and to record the status of each.

(4) Submit resident progress updates to the Sexually Violent Predator Program as described in this operating procedure and inform the Sexually Violent Predator Program of changes in court hearing date.

(5) Inform the Sexually Violent Predator Program immediately in the event of an unanticipated release of a resident, provide the Sexually Violent Predator Program with information needed to complete the Sexually Violent Predator Evaluation, and assist the Sexually Violent Predator Program in gaining custody of the resident (via 72-hour hold), if necessary, until the Sexually Violent Predator Evaluation is completed and a Final Sexually Violent Predator status determination is rendered.

7. Specific Procedures.

a. Sexually Violent Predator Referrals from State Mental Health Treatment Facilities.

(1) The state mental health treatment facility will initiate a referral:

(a) At least 180 days prior (per s. 394.913(1)(c), F.S.) to the anticipated release hearing of the resident when the state mental health treatment facility's Recovery Team has determined that the resident is likely to be discharged;

(b) If anticipated release is less than 180 days and resident has not yet been referred; or,

(c) If the resident is likely to be released by the court without the facility's recommendation for discharge. This may be most evident when residents go on a Leave of Absence (LOA) to attend a court hearing.

(2) The facility will monitor all NGI residents who are placed on a LOA to attend a court hearing. The Recovery Team shall immediately notify the Monitor if an NGI goes on LOA and the court is pursuing release. Per CFOP 155-22, "Leave of Absence and Discharge of Residents Committed to a State Mental Health Treatment Facility Pursuant to Chapter 916, F.S., "appointed forensic or civil mental health treatment facility staff must check weekly on the status of all residents on LOA." The Monitor will work closely with the facility legal department, the circuit/region forensic coordinator, and court officials, and make every attempt to prevent a resident from being released by the court, prior to the resident's referral and/or evaluation by the Sexually Violent Predator Program.

(3) The resident's Recovery Team is responsible for initiating the Sexually Violent Predator Assessment referral process.

(4) The resident's most recent Clinical Summary and accompanying cover letter to the court should serve as the main informative element of the Sexually Violent Predator Assessment referral. The Clinical Summary must have been completed within six months of the referral to SVPP. The Clinical Summary and cover letter shall include the following:

(a) Specific descriptions of any sexually predatory behavior or verbalizations that the resident has exhibited during the course of the reporting period.

(b) Specific descriptions of the results of any risk assessments conducted on the resident during the course of the reporting period (e.g., psychosexual evaluations, HCR-20, PCL-R or SV, SORAG, RRASOR, SVR-20 and/or STATIC 99).

(c) Specific descriptions of any known sex offender treatment that the resident has had and the resident's response to such treatment.

(d) Specific descriptions of known past and most recent criminal offenses, to include but not limited, to arrest affidavits, self report and depositions.

(5) As soon as the Clinical Summary is completed, the Recovery Team Coordinator shall forward the document(s) to the state or state contracted mental health treatment facility's Monitor, along with a request that the Monitor immediately forward the referral to the Sexually Violent Predator Program.

(6) The Monitor shall complete a Sexually Violent Predator Referral, and then forward the entire Sexually Violent Predator Referral Packet (consisting of the referral form, above-described summary documents, arrest affidavits and most recent order of commitment, and any other relevant documentation) to the Sexually Violent Predator Program's Mental Health Specialist via fax or email.

NOTE: If the referral is sent by email and is time sensitive (immediate release), a call should be made to the Sexually Violent Predator Program to ensure the Sexually Violent Predator Program's Mental Health Specialist or designee is available to retrieve the materials.

(7) If, however, a Recovery Team (or any other party) does find out about an offense that may not have been considered in the assessment process, or if the resident sexually acts out while at the facility, the Monitor at the state or state contracted mental health treatment facility shall inform the Sexually Violent Predator Program's Mental Health Specialist immediately. The resident's referral will then be reopened. The Monitor will forward the additional information to the Mental Health Specialist with notification to re-open the resident's referral. Such information prompts the Sexually Violent

Predator Program to look at individual arrests in greater detail to determine if such arrests may have been sexually motivated (e.g., burglaries, etc.).

(8) Referrals to the SVPP must be accompanied by a resident's criminal history record information/NCIC. Not all referring facilities have the ability to run NCIC reports. On the same day the NGI referral is sent/faxed to the SVPP, the referring facility should contact the designated facility via email to run the rap sheet containing the resident's criminal histories. Mental Health Treatment Facility staff should obtain the referral guidelines from the SVPP's Mental Health Specialist. The guidelines are entitled "Processing of Criminal Histories for Referrals of Residents Adjudicated Not Guilty by Reason of Insanity to the Sexually Violent Predator Program.

(9) NGI residents must be referred to the Sexually Violent Predator Program again if 12 months or more have passed since the last referral to the program, and the resident was not discharged due to decompensation, medical reasons, behavior, etc., and the Recovery Team at the state or state contracted mental health treatment facility anticipates that the individual may be discharge-ready in six months (180 days).

b. Sexually Violent Predator Program Assessment Process.

(1) The assigned Recovery Team will notify the facility's Monitor at least 180 days prior to the anticipated release of the resident. This is considered a pre-discharge consideration, as it precedes the conditional release planning process. A referral must also be made if a resident is likely to be or will need to be discharged sooner than 180 days.

(2) Based upon the above review, the Mental Health Specialist of the Sexually Violent Predator Program will determine whether additional information is needed and will obtain any needed additional information from law enforcement and/or judicial agencies.

(3) The Mental Health Specialist will prepare the file and indicate whether or not the resident appears to have a qualifying offense or sexually motivated offense. The file will then be given to members of the Sexually Violent Predator Multidisciplinary Team who will determine whether there is a qualifying offense or sexually motivated offense. If there is not, the file will be closed. For those files with qualifying offenses or sexually motivated offenses, the Sexually Violent Predator Multidisciplinary Team will then determine if a formal evaluation should be performed ("SVPP Recommends Evaluation"). If an evaluation is not required ("SVPP Does Not Recommend Evaluation"), then the file will be closed and the state or state contracted mental health treatment facility and appropriate State Attorney's Office will be notified that the resident does not meet the civil commitment criteria as a sexually violent predator.

(4) If, however, a resident's Recovery Team (or any other party) finds out about an offense that may not have been considered in the assessment process, or if the resident sexually acts out while at the facility, the facility's monitor shall inform the Sexually Violent Predator Program's Mental Health Specialist immediately. The referral will then be reopened. The facility Monitor will forward the additional information to the Mental Health Specialist with notification to re-open the referral.

(5) If the members of the Sexually Violent Predator Program Multidisciplinary Team determine that the resident does require further evaluation ("SVPP Recommends Evaluation"), the facility's Monitor is notified in writing and informed to refer the resident for a Sexually Violent Predator Evaluation when the resident is being recommended for release, no less than 30 days prior to discharge.

(6) The file is given to the Sexually Violent Predator Program evaluator's Contract Manager who will coordinate with the state or state contracted mental health treatment facility and the

evaluator(s) for the evaluation(s) to take place at the state or state contracted mental health treatment facility at least 30 days prior to the scheduled court hearing.

(7) Once the evaluation(s) are completed, members of the Sexually Violent Predator Program Multidisciplinary Team will review the evaluation report(s) and determine whether the resident appears to meet criteria as a sexually violent predator.

(8) Letters documenting Sexually Violent Predator status determinations will be sent to the facility's Monitor and the facility's Legal Department via email.

(9) Letters documenting Status Determination are also sent to the appropriate State Attorney's Office and the Department of Children and Families Office of the General Counsel (OSGC) in Tallahassee.

c. Tracking the Progress of Residents After a Sexually Violent Predator Evaluation Determination and/or Status Determination Is Rendered.

(1) Once a Sexually Violent Predator "Evaluation Determination" and/or "Status Determination" has been rendered and electronically transmitted to the facility, the facility's Monitor shall enter the status into the facility's Electronic Sexually Violent Predator Assessment Tracking Log and shall include the date of each resident's scheduled court appearance.

(2) The facility's Monitor will send a progress update via fax or email to the Sexually Violent Predator Program on all residents for whom an evaluation was recommended or deferred, or for whom there is a Status Determination that the resident meets Sexually Violent Predator criteria if:

(a) The facility's Recovery Team has determined that the resident is no longer being recommended for release (rescinded prior to decision); and/or,

(b) A scheduled or anticipated court date has changed.

d. State or State Contracted Mental Health Treatment Facility's Legal Department Tracking and Notification Procedures for Sexually Violent Predator Assessment Decisions.

(1) When a Status Determination is rendered that a resident meets civil criteria as a sexually violent predator, the state or state contracted mental health treatment facility's Legal Department assumes responsibility for communicating the resident's sexually violent predator status to the court with jurisdiction over the resident's Not Guilty by Reason of Insanity commitment, and for communicating information regarding the resident's Not Guilty by Reason of Insanity commitment status to the Sexually Violent Predator Program.

(2) When a status determination indicates a resident meets civil criteria as a sexually violent predator, the Sexually Violent Predator Program will send, via email, to the state or state contracted mental health treatment facility Monitor and Legal Department the following items:

(a) A cover letter describing the resident's sexually violent predator status;

(b) Copies of the resident's Sexually Violent Predator Evaluation Reports;

(c) A cover letter to the court with jurisdiction over the resident's Not Guilty by Reason of Insanity commitment (to be used as an example); and,

(d) 72-hour hold document and transport order.

(3) The facility's Legal Department shall then inform the Sexual Violent Predator Program through the facility's Monitor of the following:

(a) The outcomes of hearings; and,

(b) The occurrence of unanticipated court orders to release a resident from involuntary hospitalization.

(4) It is up to the State Attorney to initiate the commitment process for involuntary commitment as a sexually violent predator. Until probable cause for civil commitment as a sexually violent predator is filed, clinical summaries shall incorporate findings of the Sexually Violent Predator Program in their discussion of involuntary hospitalization (as it relates to manifest dangerousness).

e. Unanticipated Immediate Release by Court Order for Residents Who Have Not Yet Been Evaluated ("SVPP Recommends Evaluation") or Referred.

(1) If a court enters an unanticipated order directing an individual's release from the NGI commitment and that individual has not been cleared by the Sexually Violent Predator Program, then the state or state contracted mental health treatment facility shall not release the individual until that clearance has been obtained. The state or state contracted mental health treatment facility shall immediately notify the Sexually Violent Predator Program of the release order.

(2) The Sexually Violent Predator Program shall process the referral as an immediate release and shall either clear the resident or initiate a 72-hour hold as soon as possible.

(3) If a 72-hour hold is initiated, the Sexually Violent Predator Program shall fax the necessary documentation to the facility's Monitor and to the facility legal office.

(4) The resident shall be held at the state or state contracted mental health treatment facility or the Florida Civil Commitment Center, for the review and referral period provided in section 394.9135, F.S.

(5) The Sexually Violent Predator Program will schedule the evaluation immediately and will issue a Final Sexually Violent Predator Assessment Decision.

(6) If the resident meets criteria ("Resident Meets Criteria"), the Sexually Violent Predator Program and the state or state contracted mental health treatment facility's Legal Department will communicate to arrange for the resident's transport to the Florida Civil Commitment Center.

f. Transfer to Another State Mental Health Treatment Facility or from Forensic to Civil Facility.

(1) Documentation of the Sexually Violent Predator Evaluation Determination or Status Determination must be forwarded to the facility to which the resident is transferring. Recovery teams must inform their facility's Monitor and Legal Department of a resident's impending transfer. The legal department shall forward the documentation to the other facility's legal department. The receiving facility's legal department will inform the resident's new Recovery Team of the documentation.

(2) The Monitor at the transferring facility must inform the Sexually Violent Predator Program if the resident is currently in the Sexually Violent Predator Assessment Process or Status Determination has found the resident to meet the criteria. The transferring facility does not need to notify the Sexually Violent Predator Program if the resident has no qualifying offense, is not recommended for evaluation, or has been cleared by the Sexually Violent Predator Program. If the Sexually Violent Predator Program had previously determined that the resident did meet criteria as a sexually violent predator, the resident should not be transferred to a civil facility. The resident shall be

maintained in a secure forensic facility and not have freedom of movement outside of the secure forensic facility.

(3) Notification must be completed in writing, and must include the resident's identifying information, the resident's referring facility, the facility the resident is to be transferred to, and the date that the transfer took place. Notification can be made via fax or email, using the Sexually Violent Predator Program Referral/Update.

NOTE: This is only a notification to the Sexually Violent Predator Program. The Sexually Violent Predator Program does not authorize transfers.

(4) Once the transfer has taken place, both the transferring facility and the receiving facility must adjust their Electronic Sexually Violent Predator Assessment Tracking Logs to reflect the resident's movement.

(5) It is the responsibility of the state or state contracted mental health treatment facility's Recovery Team to assess risks related to transfers to other facilities or within their own facility, including transfers from forensic to civil units. The Recovery Team shall use risk assessment tools such as, but not limited to, psychosexual evaluations, and revised as indicated versions of the HCR-20, PCL-R or SV, SORAG, RRASOR, SVE-20, and/or STATIC 99.

(6) NGI residents must be referred to the Sexually Violent Predator Program again if 12 months or more have passed since the last referral to the program, and the resident was not discharged due to decompensation, medical reasons, behavior, etc.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

JACQUELINE A. YOUNG
Director, Policy and Programs

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Deleted CFOP 155-18 in References; updated definitions in paragraphs 4a and 4h; added paragraph 4l to define Sexual Offender/Predator Monitor; in paragraph 4n, added the phrase "state contract" and removed "contract with a provider;" updated definition of Sexually Violent Predator in paragraph 4q; throughout the operating procedure added the phrase "or state contracted" or "and state contracted;" revised paragraph 5a; and, added clarification in paragraphs 7a(2) and 7f(5).