

State of Iowa Department of Corrections

Policy and Procedures

Policy Number: OP-SOP-01

Applicability: DOC, CBC

Policy Code: Public Access

Iowa Code Reference: 692A, 709.4

Chapter 5: OFFENDER PROGRAMS

Sub Chapter: SEX OFFENDER MANAGEMENT & PROGRAMS

Related DOC Policies: N/A

Administrative Code Reference: 201-38.1, 661-8.301

Subject: SEX OFFENDER REGISTRY FOR COMMUNITY NOTIFICATIONS

ACA Standards: 4-4102

Responsibility: Dot Faust

Effective Date: January 2017

Authority:

1. PURPOSE

To establish the guidelines and procedures for Iowa Department of Corrections (IDOC) and the Community Corrections District Departments of Correctional Services (CBC) registration.

2. POLICY

Pursuant to **Iowa Code Section 692A** and Iowa Administrative Code 201-38.1 and 661-8.301, it is the policy of the IDOC and CBC that a sex offender registration is established for all offenders under supervision on or after July 1, 1995. **(4-4102)**

CONTENT

- A. Iowa Sex Offender Registration Procedure
- B. Release of Information
- C. Public Information

3. DEFINITIONS

- A. Department - The state Department of Corrections responsible for all Iowa Adult Correctional Institutions and Standards for Community Corrections District Departments of Correctional Services.
- B. Community Corrections District - The Community Corrections District Departments of Correctional Services are correctional agencies which operate community-based correctional (CBC) programs for adult offenders.
- C. The Division of Criminal Investigation (DCI) - of the Iowa Department of Public Safety.
- D. Qualifying offenses – Those offenses which require an individual to register with the Sex Offense Registry Program (SORP) of DCI **Iowa Code 692A** (see **Attachment A**, Iowa Sex Offender Registry Codes)
- E. See IDOC Policy **AD-GA-16** for additional Definitions.

4. PROCEDURES

A. Iowa Sex Offender Registration Procedure

1. Offender Identification

Persons convicted of a Qualifying Offense shall register prior to release from incarceration or upon community supervision placement. If a case for registry is in doubt, contact the Iowa Sex Offender Registry program of the DCI for assistance.

2. Registration of Incarcerated Offenders

- a. If an offender is identified for registry prior to release, the holding institution shall provide the offender with a completed *DCI-144 form* (**OP-SOP-01 Attachment B**) with official notification of the offender's requirement to register with the Iowa Sex Offender Registry.

- b. Within thirty (30) calendar days prior to release, including parole or discharge to a detainer, the institution shall submit to the Sex Offender Registration office, the *DCI-145 form (OP-SOP-01 Attachment D)* for each offender identified for registry including the date of release. (The form shall be completed by staff in its entirety, front and back portion.) If the offender registers with the DCI prior to admission to the IDOC, the institution is still required to complete another DCI-145 form upon release from institutional custody.
- c. If the offender refuses to sign the registration forms:
 - a. Staff shall write in the space provided for the offender to sign "Refused to sign" followed by the staff person's signature and date. These documents, as well as copies of the sentencing order that triggers the registration requirement, PSI, and any other relevant information, shall be immediately provided to the local county attorney for judicial action pursuant to **Iowa Code Section 692A.109(2)**.
 - b. All registration documents, including photograph and finger print card shall be scanned and emailed immediately to DOC Sex Offender Registry Program- Department of Public Safety.
 - c. In cases where the offender is to be released with supervision (parole/work release) the release shall be withheld and the Parole Board immediately notified.
- d. If an offender enters IMCC and is already registered, the institution shall submit DCI-145 form as notification of change of address within 10 calendar days of admission.

3. If a currently registered offender enters IMCC with a new qualifying offense other than the offense which resulted in the current registry, the offender shall re-register prior to release.

4. Form Distribution

- a. Form DCI-144 "Notification of Registration Requirement" original to DCI with copies to offender and offender file.

- b. Form DCI-145 "Sex Offender Registration" original to DCI with current photograph and fingerprinting card and copies of form to sheriff in county that the offender shall release to, offender file, and offender.

5. Objections to Registration Requirement

If an offender objects to placement on the registry, provide form *DCI-148 "Application for Determination"* (**OP-SOP-01 Attachment E**). The completed original is sent to DCI with copy to offender and offender file. This form is completed at the offender's choice. Note: This does not discontinue the registration process.

6. Registration of Community Based Offenders

- a. Within 45 calendar days upon receipt of a probation case, all offenders shall be screened to determine if the offender identification criteria identified above has been met.
- b. Corrections compact cases in Iowa from other jurisdictions shall be identified the same as Iowa offenders in Iowa. If the offender is supervised in Iowa for another state, all these procedures apply.
- c. Procedures for corrections compact cases from Iowa placed in other jurisdictions shall be the same as offenders in Iowa. If the offender releases back to Iowa or another state, all these procedures shall apply.

B. Release of Information

Iowa Sex Offender Registration information is confidential. Requests for information from other criminal justice agencies or law enforcement agencies may be released for official use only. Public requests shall be referred to the county sheriff's office.

Public Notification

- 1. Public notification for the Sex Offender Registry is the responsibility of the DCI. Offenders convicted of the following limited offense are exempted from public notification by DCI via the sex offender registry website.

709.4(2)(c)(4) Sex Abuse third degree of a child ages 14 or 15.
(The offender must have been under the age of 20 years old at the time of the offense.)

2. Regardless of the public notification exemption, all offenders convicted of a qualifying offense, including those fitting into this exemption, are required to register with DCI.