

# State Of Iowa Department of Corrections

## Policy and Procedures

Policy Number: OP-SOP-04

Applicability: IDOC

Policy Code: Public Access

Iowa Code Reference: 229A

Chapter 5: OFFENDER PROGRAMS

Sub Chapter: SEX OFFENSE MANAGEMENT & PROGRAMS

Related DOC Policies: N/A

Administrative Code Reference: N/A

Subject: SEX OFFENDER CIVIL COMMITMENT REVIEW AND REFERRAL PROCESS

PREA Standards: N/A

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### 1. PURPOSE

To insure that the Iowa Department of Corrections (IDOC) is in compliance with **Iowa Code Chapter 229A.**

### 2. POLICY

It is the policy of the IDOC that all sex offenders committed to the custody of the IDOC are screened and evaluated for the purpose of determining if they meet the criteria for civil commitment as a sexually violent predator.

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- A. Sex Offender Civil Commitment Process
- B. Multidisciplinary Team
- C. PRC/Attorney General (AG) Prosecution Decision
- D. Records Procedure

### 3. DEFINITIONS – As used in this document:

- A. Multidisciplinary Team (MDT) – A professional team appointed by the Director or designee which may include representatives from clinical psychology, social work, victim groups, law enforcement, and the Department of Human Services in addition to the Sex Offense Treatment Program (SOTP) Director, an IDOC psychologist and the IDOC Classification Manager or Designee.
- B. **Code Chapter 229A** – Iowa Code Section outlining the Sex Offender Civil Commitment referral and review process. (See **OP-SOP-04 Attachment A**, *Iowa Code Chapter 229A* for full copy.)
- C. Sex Offender Civil Commitment (SOCC) Process – A system of reviews and committees to determine an incarcerated individual is to be prosecuted for civil commitment as a sexually violent predator.
- D. Sex Offender Civil Commitment (SOCC) Manager - A member of IDOC Community Placement Office who manages the SOCC process for the IDOC.
- E. See IDOC Policy **AD-GA-16** for additional Definitions

### 4. PROCEDURES

#### A. Sex Offender Civil Commitment Referral

- 1. Upon admission to an IDOC institution incarcerated individuals will be reviewed by their Case Manager to determine if they must be reviewed by the MDT prior to release or discharge. That decision will be recorded in ICON in the Sex Offender Civil Commitment screen.
- 2. Institutional Case Managers will review incarcerated individuals prior to release consideration to determine if they need additional review by the MDT.
- 3. Criteria for a MDT Referral:
  - a. An incarcerated individual with an active charge of Special Sentence Revocation (SSR) containing a sexual component, will be considered as serving a current sex offense.
  - b. Any incarcerated individual who has a prior arrest or conviction **and** is currently serving a sentence, both which are defined as sexually violent in

**Code section 229A** must be referred to the MDT. (Refer to **OP-SOP-04 Attachment A**) **OR;**

- c. Any incarcerated individual who has received a discipline report for sexual misconduct while under current supervision **and** has a prior conviction for an offense defined as sexually violent in **Code section 229A**. (Refer to **OP-SOP-04 Attachment A**)
4. If the Institutional Classification Committee/Treatment Team or the Case Manager believes an incarcerated individual who does not meet the above outlined criteria should be referred to the committee for review, they should contact the Community Placement Office SOCC manager for further discussion.
5. The Institutional Classification Committee/Treatment Team or Case Manager shall notify incarcerated individuals when they are referred to the MDT and of all additional decisions in the review process.
6. Special Attorney General's Prosecutor's Review Committee (PRC) Early Review criteria and procedure for "difficult to place" incarcerated individuals:
  - a. An early PRC review can be requested for incarcerated individuals who have been reviewed by the MDT, referred to the PRC and have been designated as a "difficult to place" incarcerated individual.
  - b. The criteria for a "difficult to place" incarcerated individual is one whose mental health, medical condition and/or criminal/behavioral history is such that the normal reentry placement options are limited or not available.
  - c. The request for this designation shall be sent at least eight months prior the incarcerated individual's discharge date. The request can be made by sending an email with supportive information to the SOCC Manager at the Community Placement Office, IMCC. Information shall include the reasons for the difficulty in placement, including but not limited to the placement efforts history, incarcerated individual's mental health diagnosis/history, medical information, criminal and behavioral history that relate to placement difficulty. The incarcerated individual shall be reviewed by the Deputy Director of Institution Operations/Designee to determine if the incarcerated individual meets criteria. The requesting staff shall be notified of the review decision within 15 working days and the SOCC Manager shall document the decision in incarcerated individual's Sex Offender Civil Commitment Process section in ICON.

- d. If the "difficult to place" designation is approved, the MDT referral to the PRC shall be completed and sent at least six months prior to discharge. A request to the AG's office for an early review shall be initiated by the SOCC Manager at least six months prior to the incarcerated individual's discharge with a request for a PRC review at least three months prior to discharge.

## **B. Multidisciplinary Team**

1. The MDT will review sex offenders referred by the department.
2. The MDT will determine whether or not the incarcerated individual is likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.
3. In making their decision, the MDT will consider the incarcerated individual's criminal history, psychological evaluation, DOC supervision history of sexual misconduct, and treatment program involvement.
4. If the MDT makes a recommendation that an incarcerated individual should be prosecuted as a sexually violent predator, they will give notice to the PRC.
5. The decision of the MDT will also be documented in ICON by the Community Placement SOCC manager.
6. The Institutional Classification Committee/Treatment Team or Case Manager shall be given notice of the MDT's decisions by the SOCC Manager. The Classification Committee/Treatment Team or Case Manager shall give notice to the incarcerated individual of the MDT's decision. Incarcerated individuals will be informed of the decision as soon as possible.

## **C. PRC/Attorney's General Prosecution Decision**

1. The decision by the PRC/AG's office to prosecute or not to prosecute shall be documented in ICON by the Community Placement SOCC Manager.
2. The Institutional Classification Committee/Treatment Team or Case Manager shall be given notice of the PRC's decisions by the SOCC Manager. The Classification Committee/Treatment Team or Case Manager shall give notice to the incarcerated individual of the PRC's decision. Incarcerated individuals will be informed of the decision as soon as possible.

## D. Records Procedure

Records Procedure for a MDT referral to the AG/PRC for prosecution as a sexually violent predator:

1. The Records Administrator of the respective institution will forward a copy of the incarcerated individual's records to the Attorney General.
2. The Records Administrator shall present **OP-SOP-04 F-2A**, *Time Computation Challenges* and **OP-SOP-04 F-2B**, *Time Computation Resolution forms* to incarcerated individual. The Records Administrator will notify the SOCC Manager in the Community Placement Office whether or not an incarcerated individual being referred to the Attorney General has presented any time computation challenges. Records staff will file the electronic copies of the completed forms in ICON Offender Attachments.