

# State of Iowa Department of Corrections

## Policy and Procedures

Policy Number: OP-SOP-07

Applicability: CBC

Policy Code: Public Access

Iowa Code Reference: 692A.128(2)(a-e), 692A.128(6), 692A.28(4)

Chapter 5: OFFENDER PROGRAMS

Sub Chapter: SEX OFFENSE MANAGEMENT AND PROGRAMS

Related DOC Policies: OP-SOP-02

Administrative Code Reference: N/A

Subject: SEX OFFENDER REGISTRY MODIFICATION EVALUATION

ACA Standards: N/A

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Authority:

### 1. PURPOSE

This policy outlines the Department of Corrections' responsibilities, roles, process, and limitations as it pertains to this Iowa Code Section. **Iowa Code 692A.128** (Modification) provides criteria enabling individuals on the sex offender registry to modify their sex offender registry status. This policy outlines the Department of Corrections' and Department of Correctional Services' responsibilities, roles, process, and limitations as it pertains to this Iowa Code Section.

### 2. POLICY

This is the policy of the IDOC and Judicial Districts to provide direction and standardization in who meets criteria for a Sex Offender Registry Modification Evaluation and how such an evaluation should be conducted.

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**3. DEFINITIONS – See IDOC Policy AD-GA-16 for Definitions.**

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**A. Risk Assessment Application Process**

1. The Department of Corrections (DOC) and the Iowa Department of Correctional Services (DCS) Directors, or their designees, by extension through existing Purchase of Service Agreements or MOUs, have discretion on whether or not to perform an Assessment for clients in categories 1.A(2) and (3). DOC and DCS must have a reasonable argument supporting a decision not to conduct an Assessment. Examples of factors that would result in DOC exercising discretion would include, but are not limited to: The individual requesting the SOR modification assessment is incarcerated, has new charges pending, or has not paid the screening or assessment fee.
2. Clients in the following statuses are eligible for a Sex Offender Registry (SOR) Modification Assessment (Assessment):
  - a. Individuals who were convicted of a sexual crime as an adult.
  - b. Individuals who were convicted of a sexual crime as a juvenile, and are no longer under the supervision of the juvenile court or a department of correctional services judicial district.
3. The client should be informed that a Low Risk determination or stipulation, alone, does not meet statutory requirements for a SOR modification and that the following statutory requirements must be met in order to modify their SOR status:
  - a. The date of the commencement of the requirement to register occurred at least 2 years prior to the filing of the application for tier I offenses, and 5 years prior to the filing of the application for tier II or III offenses.

- b. The client has successfully completed all sex offense treatment programs that have been required.
- c. The client is not incarcerated when the Assessment is completed.

## **B. Assessment Process**

1. Assessments must be completed by the Director or Designee of the Judicial District in which the examinee has, or anticipates having, principal residence. If they do not have a county of principle residence then the Director or Designee of the Judicial District for the county of conviction will complete this evaluation.
2. Consistent with **Section 692A.128(2)(c) Iowa Code (2011)** and IDOC Policy **OP-SOP-02, *Assessment and Treatment***, the risk assessment required for the Assessment shall be a validated risk assessment approved by the Department of Corrections.
3. Evaluators and Districts may use an application and screening process (Attachment A) in order to help identify candidates meeting basic, statutory requirements for the risk assessment. The client shall be informed should the evaluator determine from the screening that a Risk Assessment shall not be completed and why (Attachment B). Districts may charge a fee for this screening.
4. Districts may charge a fee to conduct this risk assessment. This fee shall include Assessment preparation, interview, assessments, report writing, and any follow up feedback interview conducted with the examinee. An additional fee may also be assessed to the Examinee should the Examinee or their attorney request or subpoena the examiner to testify in depositions or court. Any and all fees assessed by the Judicial District must be paid in full before the service (Assessment or Court testimony) is provided.
5. Minimum Requirements
  - a. The evaluator shall be certified by the Iowa Board for the Treatment of Sexual Abusers (IBTSA) at the Sex Offense Treatment Professional II level, a Clinical Member of the Association for the Treatment of Sexual Abusers (ATSA), or an individual who has a minimum of five (5) years of experience

in the assessment of sexual abusers, or is seeking IBTSA certification and is under the direct supervision of a SOTP II provider or Clinical Member of ATSA. The lead evaluator, or supervising evaluator, must be approved by the appropriate Director of the Iowa Department of Correctional Services' Judicial District.

b. Risk assessment (the following must be completed):

- 1) Static 99-R, as appropriate
- 2) Iowa Sex Offense Risk Assessment (ISORA), as appropriate.
- 3) Stable 2007, as appropriate.

c. Collateral information - as available. The purpose of gathering this information is to review their past behavior since their sex offense conviction and/or supervision discharge. The evaluator must document their attempts to obtain the following information.

- 1) Prior treatment records, disciplinary records (prison and CBC), and/or discharge summaries.
- 2) Police records related to the sexual offense charge(s)
- 3) Sentencing order and minutes of testimony
- 4) Prior risk scale evaluation scores (e.g., DRAOR, SOTIPS, Iowa Risk, juvenile risk scale scores)
- 5) Previous Psychosexual Evaluations
- 6) Victim statements and/or impact letter(s) included in the existing Court records.
- 7) Prior Polygraph or credibility assessment testing results
- 8) PPG or viewing time measure (Affinity, LOOK, or Abel) testing results

d. Current NCIC and FBI criminal background check must be run.

e. Confirm whether or not the examinee has ever been incarcerated in prison in Iowa. If the client has been incarcerated in prison in Iowa the evaluator

will then contact the Department of Investigative Services and inquire as to whether or not the examinee has ever been investigated as part of a Prison Rape Elimination Act (PREA) investigation. If the examinee has been the subject of a PREA investigation, the examiner should recommend a "motion to review the PREA information in camera" be filed with the District Court to determine the appropriateness of releasing the PREA information, whether it should be considered in the SOR modification Assessment, and if the court so determines, in what manner it should be released.

6. Additional methods, as appropriate, needed or deemed necessary:

1. J-SOAP or J-SORRAT-2 (appropriate for juvenile clients)
2. Personality assessment measures (e.g., Minnesota Multiphasic Personality Inventory-2, Personality Assessment Inventory, or Millon Clinical Multiaxial Inventory).
3. Context specific risk assessment tools (e.g., Psychopathy Checklist-Revised).
4. Any other psychological or risk assessment tool deemed necessary by the evaluator.

7. Assessment Report

- a. The evaluator shall prepare a written report clearly outlining whether or not the applicant has met the various criteria listed in **Sections 692A.128(2)(a-e) and 692A.128(6) Iowa Code (2011)**, as appropriate.
- b. For Assessments on individuals currently under probation or parole supervision, the District Director, or the Director's Designee, must offer a stipulation to a modification, should the District Director, or the Director's Designee, support modification.
- c. If a copy of the report is provided to Examinee or their defense attorney, the evaluator may also provide a copy to the County Attorney of the county of principal residence, or anticipated principal residence, for the Examinee.

- d. When conducting Assessments on adults who were originally adjudicated delinquent in Juvenile Court, the evaluator shall inform the Court that criteria **692A.128(2)(c)** cannot be met in its entirety as it is written in the **Iowa Code 692A.128(2)(c)** requires that a “validated risk assessment” be conducted. At the present time there is no known, validated risk assessment tool that can reliably or validly estimate an adult’s risk to reoffend when their offense originally occurred when they were a juvenile.

### **C. Assessments Not Authorized in This Policy**

The Iowa DOC and the Iowa DCS shall not approve, or make stipulations from;

1. An Assessment conducted by an evaluator who has not been approved by the Department of Corrections, Department of Correctional Services, or their designee.
2. Any historical and/or collateral risk assessments.