

State of Iowa Department of Corrections

Policy and Procedures

Policy Number: OP-SOP-08
Applicability: DOC
Policy Code: Public Access
Iowa Code Reference: 903B
Chapter 5: OFFENDER PROGRAMS
Sub Chapter: SEX OFFENSE PROGRAMS
Related DOC Policies: IS-CL-03
Administrative Code Reference: N/A
Subject: SEX OFFENSE PROGRAM REFERRALS
ACA Standards: N/A
PREA Standards: 115.78(d), 115.83(h)
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Effective Date: June 2021
Authority:

1. PURPOSE

To determine if incarcerated individuals not automatically required to take SOTP due to a crime or conviction are required to take SOTP for other reasons.

2. POLICY

To meet the Iowa Department of Corrections' (IDOC) obligation to enhance Public Safety, incarcerated individuals are assessed for Sex Offense Treatment Program (SOTP) during the reception process and during classification process.

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- A. Referral to Sex Offense Treatment Program
- B. Review Process
- C. Treatment Determination and Appeal Process
- D. Program Reentry

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

4. PROCEDURES

A. Referral to Sex Offense Treatment Program

The following incarcerated individuals shall be reviewed by their institutional classification team and the team shall forward the incarcerated individual name and information for a SOTP review to the SOTP Director:

1. Incarcerated individuals who are not incarcerated for a Sex Crime but have a sexual component to their crime, or
2. Incarcerated individuals who are returning on a special sentence revocation, or
3. Incarcerated individuals who score Aggressor Incarcerated (AI) on the Sexual Violence Propensity Assessment, **(PREA 115.78 (d))** or
4. Incarcerated individuals who are found guilty of an assault of a sexual nature or sexual misconduct or a sexually violent offense while in a residential facility or while in prison. The Administrative Law Judge (ALJ) can require SOTP review through the disciplinary process. If not referred for an assessment via the disciplinary process, the classification team shall refer the case for review by the SOTP Director. **(PREA 115.83(h))**
5. Incarcerated individuals who currently suffer from a problem addressed by SOTP and relating to the need to rehabilitate or public protection.

B. Review Process

The incarcerated individuals' case is reviewed by the SOTP Director. The criteria considered to be placed into SOTP will include, but not limited to, the following:

1. Current conviction and circumstances of offense
2. Minutes of testimony/court documents/police investigative documents

3. Prior arrests/convictions
4. SOTP participation in community and institution
5. Prior SOTP documents/polygraphs
6. Institutional reports-sexually related
7. Length of time since sex offense/behavior
8. Law enforcement contact/convictions
9. Review of special sentence revocations
10. Nature of revocation/parole violation and reports

C. Treatment Determination and Appeal Process

1. If the SOTP Director determines that an incarcerated individual is required to take SOTP, then the incarcerated individual shall have an ALJ hearing on that decision if a hearing is required or allowed by IDOC Policy **OP-SOP-10**, *Incarcerated Individuals Required to Take SOTP*. The procedures for any required or permitted ALJ hearing and any appeal shall be done in accordance with IDOC Policy **IS-CL-10**, *SOTP/IDAP Hearing and Appeal Procedures*.
2. If no ALJ hearing is required or allowed by policy, then the incarcerated individual may file a classification appeal of the SOTP Director's determination regarding the need to take SOTP or the SOTP Director's determination of the availability of an ALJ hearing by using the appeal procedures established to appeal classification decisions.

D. Program Reentry

1. For those that have refused or been removed from the Sex Offense Treatment Program the following are the criteria for consideration for program reentry:
 - a. The incarcerated individual has demonstrated at least six months appropriate behavior after being removed and prior to requesting reentry.
 - b. The incarcerated individual has the ability and time to complete treatment before discharge.

- c. The incarcerated individual is in General Population status.
 - d. The incarcerated individual has sufficiently addressed issues that led to the initial removal.
 - e. The incarcerated individual is eligible for transfer to NCF.
2. You must submit your request for reentry to the Sex Offense Treatment Program in writing to the Associate Warden of Treatment. Your case will then be reviewed and an interview scheduled to determine eligibility.