

Sixth District Department of Correctional Services POLICY	Issue Date 12/5/14	Effective Date 04/20/15	Policy Number 917-15
SUBJECT SEX OFFENDER REGISTRY MODIFICATION EVALUATION		Review Month December	Author 0483 (KSC)
Rescinds 917-14	References Iowa Code 692A.128(2)(a-e); 692A.128(6); 692A.128(4)		

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 is conducted.

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.

DEFINITION:

1. See IDOC Policy **AD-GA-16** for Definitions.
2. Contents:
 - A. Risk Assessment Application Process
 - B. Assessment Process
 - C. Assessments Not Authorized in This Policy

PROCEDURE:

1. Risk Assessment Application Process
 - A. Offenders in the following statuses are eligible for a Sex Offender Registry (SOR) modification assessment (Assessment):
 - 1) Individuals who were convicted of a sexual crime as an adult, currently reside in Iowa, and are currently on probation or parole supervision.
 - 2) Individuals who were convicted of a sexual crime as an adult, currently reside in Iowa, and are no longer on probation or parole supervision.

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PROCEDURE: (continued)

- 3) Individuals who were convicted of a sexual crime as a juvenile, currently reside in Iowa, and are no longer under the supervision of the Juvenile Court or a Department of Correctional Services Judicial District.
 - 4) 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 offenders in categories 1.A.2 and 1.A.3, DOC and DCS must have a reasonable argument supporting a decision not to conduct an Assessment. Examples of factors that result in DOC exercising discretion 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.
- B. Individuals meeting the above eligibility criteria must meet the following statutory requirements in order to qualify for an Assessment:
- 1) The date of the commencement of the requirement to register occurred at least two (2) years prior to the filing of the application for tier I offenders, and five (5) years prior to the filing of the application for tier II or III offenders.
 - 2) The sex offender has successfully completed all sex offender treatment programs that have been required.
 - 3) The sex offender scores low risk on validated DOC/DCS approved sex offender risk assessments
 - 4) The offender is not incarcerated.
- C. If the evaluator concludes, at this point, that the examinee meets all criteria for a SOR modification the evaluator does the following:
- Confirm whether or not the examinee has ever been incarcerated in prison in Iowa.
- 1) If the examinee has not been incarcerated the examiner continues on with the Assessment Process listed below.
 - 2) If the examinee has been incarcerated in prison in Iowa, the evaluator contacts the Department of Investigative Services and inquires 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 recommends 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 is considered in the SOR modification Assessment, and if the Court so determines, in what manner it is released.

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PROCEDURE: (continued)

2. Assessment Process

- A. Assessments are completed by the Director or Designee of the Judicial District in which the examinee has principal residence.
- B. Consistent with Section **692A.128(2)(c)** Iowa Code (2011) and Iowa Department of Corrections Policy **OP-SOP-02**, Assessment and Treatment Policy, the risk assessment required for the Assessment is a validated risk assessment approved by the Department of Corrections.
- C. Evaluators and Districts may use the SOR Modification Evaluation Application (917A) in order to help identify candidates meeting basic, statutory requirements for the risk assessment. The offender is informed when the evaluator determines from the screening that a Risk Assessment is not to be completed and why using the SOR Modification Evaluation Application Letter of Denial (917B). Districts may charge a fee for this screening.
- D. Districts may charge a fee to conduct this risk assessment. This fee includes Assessment preparation, interview, assessments, report writing, and any follow up feedback interview conducted with the examinee. An additional fee may also be charged when the examiner is required to consult with County Attorneys and/or testify in Court as part of the Examinee's modification request. Any and all fees assessed by the Judicial District must be paid in full before the service (Assessment or Court testimony) is provided.
- E. Minimum Requirements:
 - 1) The evaluator is certified by the Iowa Board for the Treatment of Sexual Abusers (IBTSA) at the Sex Offender 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.
 - 2) Risk assessment (the following must be completed):
 - a. Static 99-R, as appropriate
 - b. Iowa Sex Offender Risk Assessment (ISORA), as appropriate.
 - c. Stable 2007, as appropriate.

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PROCEDURE: (continued)

- 3) 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.
 - a. Prior treatment records, disciplinary records (prison and CBC), and/or discharge summaries.
 - b. Police records related to the sexual offense charge(s)
 - c. Sentencing order and minutes of testimony
 - d. Prior risk scale evaluation scores (e.g., LSI-R, Iowa Risk, juvenile risk scale scores)
 - e. Previous Psychosexual Evaluations
 - f. Victim statements and/or impact letter
 - g. Prior Polygraph testing results
 - h. PPG or viewing time measure (Affinity or Abel) testing results
 - 4) Current NCIC and FBI criminal background check must be run.
 - 5) Consistent with IA Code **692.128.4**, the County Attorney's Office must be informed of the modification request. The evaluator may include information provided to the County Attorney's Office, or their designee, by the victim(s) into the Assessor's final report as collateral information for consideration by the District Director and/or Court.
- F. Additional methods, as appropriate, needed or deemed necessary:
- 1) J-SOAP or J-SORRAT-2 (appropriate for juvenile offenders)
 - 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.

PROCEDURE: (continued)

G. Assessment Report

- 1) The evaluator prepares 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. The report reflects the totality of the specific case.
- 2) 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, when the District Director, or the Director's Designee, supports modification.
- 3) The evaluator must certify (notarize) the written report.
- 4) If a copy of the report is provided to Examinee or their defense attorney, the evaluator also provides a copy to the County Attorney of the county of principal residence for the Examinee.
- 5) When conducting Assessments on adults who were originally adjudicated delinquent in Juvenile Court, the evaluator informs 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.

3. Assessments Not Authorized in This Policy

- A. The Iowa DOC and the Iowa DCS does not approve, or make stipulations from, an Assessment conducted by an evaluator who has not been approved by, or the designee for, the Department of Corrections or Department of Correctional Services.

BY ORDER OF:

Bruce Vander Sanden, Director