

Fifth Judicial District
Department of Correctional Services

Policy Manual

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Approved By:


Sally Kremer, Director
Fifth Judicial District
Department of Correctional Services

Approval Date: 03 / 12

Unit: Sex Offender Treatment Program

Subject: Sex Offender Registry Modification Evaluation

POLICY

Iowa Code 692A.128 (Modification) provides criteria enabling individuals on the sex offender registry modify the registry status. This policy outlines the 5th Judicial District Department of Correctional Services' (District) responsibilities, roles, process, and limitations as it pertains to this Iowa Code Section.

PROCEDURE

1. Adult Conviction – Evaluation Criteria

A. Consistent with Section 692A.128(2)a-e Iowa Code (2011), individuals who were convicted of a sexual crime as an adult must meet the following criterion in order for the District to proceed with the sex offender registry modification evaluation (Evaluation):

- 1) 692A.128(2)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 offenders, and 5 years prior to the filing of the application for tier II or III offenders.
- 2) 692A.128(2)b. The sex offender has successfully completed all sex offender treatment programs that have been required.
- 3) 692A.128(2)c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.
- 4) 692A.128(2)d. The sex offender is not incarcerated when the application is filed.
- 5) 692A.128(2)e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and certified copy of the stipulation is attached to the application.
 - a. Therefore, individuals convicted of a sexual crime as an adult *must be* on supervision with the District at the time the request for the Evaluation or application is made. The District will not conduct an Evaluation for individuals convicted of a sex crime as an adult who are not on supervision with the District.

2. Juvenile Conviction – Evaluation Criteria

A. Consistent with Section 692A.128(6) and 692A.128(2)a-d Iowa Code (2011), individuals who were convicted of a sexual crime as a juvenile must meet the following criterion in order for the District to proceed with the Evaluation:

- 1) 692A.128(2)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 offenders, and 5 years prior to the filing of the application for tier II or III offenders.
- 2) 692A.128(2)b. The sex offender has successfully completed all sex offender treatment programs that have been required.
- 3) 692A.128(2)c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.
- 4) 692A.128(2)d. The sex offender is not incarcerated when the application is filed.
- 5) The offender *must not* be on supervision with the Juvenile Court or District at the time of the Evaluation.
- 6) The District has discretion on whether or not to agree to perform the Evaluation.
- 7) Different from individuals convicted of a sexual crime as an adult, the District is not required to provide a stipulation for a modification when conducting the Evaluation for individuals convicted of a sexual crime as a juvenile.

3. Evaluation Process

A. Consistent with Section 692A.128(2)c Iowa Code (2011), the risk assessment required for the Evaluation shall be a validated risk assessment approved by the Department of Corrections.

- 1) The District will not approve, nor will make a stipulation from, an evaluation conducted by a private evaluator.

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- B. Consistent with Section 692A.128(2)e Iowa Code (2011), the Evaluation, and subsequent stipulation if needed per code, shall be conducted and/or provided by the District's Director or the Director's designee.
- 1) Special considerations and arrangements will need to be made for applicants who no longer reside in Iowa, but are non-the-less seeking a modification of their Iowa Sex Offender Registry status.
- C. Minimum Requirements
- 1) The evaluator should be 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, or an individual who has a minimum of five (5) years experience in the assessment of sexual abusers and is approved by the appropriate Director of the Iowa Department of Correctional Services Judicial District.
 - 2) Interview with offender.
 - 3) Review of collateral information, as available
 - a. Static 99 and Stable 2007
 - b. Prior risk scale scores (e.g., LSI-R, Iowa Risk, juvenile risk scale scores)
 - c. Prior treatment records and/or discharge summaries
 - d. Police records
 - e. Victim statements and/or impact letter
 - f. Polygraph results
 - g. PPG or viewing time measure (Affinity or Abel) testing results
 - 4) Current NCIC and FBI criminal history records
 - 5) Confirm length of time served on the Sex Offender Registry through the Division of Criminal Investigation
 - 6) Obtain releases of information for:
 - a. County Attorney's Office
 - b. The Court
 - c. Defense Attorney
 - d. Victim(s) of sexual offense, as appropriate
 - e. The Division of Criminal Investigation
 - f. The Iowa Attorney General's Office
 - g. Prior treatment providers, if applicable
- D. Additional methods, as needed or deemed necessary
- 1) Static 99-R
 - 2) Stable 2007
 - 3) J-SOAP or J-SORRAT-2 (juvenile offenders)
 - 4) Minnesota Multiphasic Personality Inventory-2, Personality Assessment Inventory, Hare Psychopath Checklist-Revised, or other measure of psychopathology.
 - 5) Any other psychological or risk assessment tool deemed necessary by the evaluator.
 - 6) Correspondence with the sexual abuse victim with specific questions about their level of support for the applicant's request for SOR modification
- E. Evaluation Report
- 1) The District will 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.
 - 2) All fees must be paid in full prior to a report being provided to the Court, the offender, or the examinee's defense attorney.
 - 3) A copy of the report will be given directly to the examinee, unless directed otherwise by the examinee.
 - a. If a copy of the report is sent to Examinee or their defense attorney, District staff will also provide a copy to the County Attorney of the county where Examinee is currently residing.

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F. Fees

- 1) The District charges \$350.00 for this Evaluation. This fee offsets the cost of testing materials, staff time for the interview, the review of collateral information, and development of the report. An additional fee of \$350.00 will be assessed should District staff be required to testify in Court.

4. Limitations to Confidentiality

- A. Consistent with Section 692A.128(4) Iowa Code (2011) information regarding the request for the evaluation and the subsequent application for a modification shall be provided to: 1) The county attorney of the county of the sex offender's principal residence, 2) the county attorney of any county in the State of Iowa where a conviction requiring sex offenders registration occurred, and 3) the Department of Corrections. Therefore, any and all information provided during the Evaluation can and will be shared with these parties.