1.4.A.3 Sex Offender Management Program

I Policy Index:

Date Signed: 08/14/2014
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Affected Units: Adult Units
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Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will offer a Sex Offender Management Program (SOMP) to offenders convicted of a sex offense or who have been assessed as needing sex offender treatment.

III Definitions:

Offender:
For the purposes of this policy, an adult offender is an inmate (in the custody of the DOC institutional system) or a parolee (under parole or suspended sentence supervision with South Dakota Parole Services).

Sex Offender:
For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a sex crime as listed in SDCL § 22-24B-1, regardless of the offense date or date of conviction, an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime and offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis exists that a crime for which they were charged or convicted/adjudicated of involves sexual violence or sexual abuse and who have been identified as having a Sexual Behavior Issue (SBI) (designated by sexual behavior code of 2).

Sexual Violence and/or Sexual Abuse:
A range of behaviors from battery, mutilation, torture or assault to intentional unwanted sexual conduct which can be verbal, written, visual or physical. A person under the age of sixteen (16) cannot consent to sexual behavior with an adult, therefore, by definition any sexual conduct with a person under the age of sixteen (16) would be unwanted sexual conduct, which constitutes sexual abuse.

Sex Offender Management Program (SOMP) Team:
The Sex Offender Management Program (SOMP) is delivered by the SOMP team, which consists of the program manager, clinical director, SOMP counselors, unit staff, transitional case managers, parole agents and community treatment providers.

Special Treatment of Perpetrators (STOP):
Special Treatment of Perpetrators (STOP) is a sex offender treatment program operated through the DOC. The STOP program consists of therapy, educational treatment and relapse prevention.
SOMP A&O Psychosexual Screen and/or Psychosexual Reports:
The SOMP Admission & Orientation (A&O) psychosexual screen and/or psychosexual reports may include information from the following: pre-sentence investigation, psychosexual reports, Minnesota Sex Offender Screening Tool – Revised (MnSOST-R), Static 99, ABLE screening, monitor polygraphs, STOP file information and clinical interviews.

LSI-R:
Level of Service Inventory-Revised (LSI-R) is an assessment used to measure an inmate’s risk to re-offend and defines the inmate’s programming needs.

P-Scan:
An assessment to rate the inmate's tendency toward psychopathic behaviors.

IV Procedure(s):

1. Admissions:

A. An offender’s records and other information will be reviewed during Admission and Orientation (A&O) by unit staff and/or SOMP staff to identify those offenders convicted or adjudicated of a current or prior felony and/or misdemeanor sex crime and to identify those offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated). Staff will document when a factual basis exists that a crime for which the offender was charged with or convicted or adjudicated of involved sexual violence or sexual abuse (See DOC policy 1.4.A.2 Inmate Admission).

B. Offenders convicted or adjudicated of a current or prior felony and/or misdemeanor sex offense(s) will receive a sexual behavior code of 2 and will be screened to determine if they meet the SOMP criteria. Offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis a crime for which they were charged with or convicted/adjudicated of involved sexual violence or sexual abuse, will receive a sexual behavior code of 2 and will be referred for a Sexual Behavior Issue assessment (See DOC policy 1.4.B.9 Sexual Behavior Issue Review) to determine if SOMP programming is recommended.

1. A SOMP file will be started on all identified sex offenders entering A&O. The file will include the following as needed and available: LSI-R, pre-sentence investigation (PSI), psychosexual assessment, MnSOST-R, STATIC 99, ABEL screen, clinical interview, polygraph reports, P-SCAN, mental health assessment, STOP program status, NCIC report and Sexual Behavior Issue assessment.

2. The STATIC 99 and MnSOST-R will be scored in the Offender Assessment Questionnaire section in the Comprehensive Offender Management System (COMS) and a hard copy placed in the offender’s SOMP file.

3. The ABEL screen will be administered in A&O to offenders who are within two (2) years of their programmed release date, when the screen has not been included in the pre-sentence psychosexual.

4. The SOMP team will review the offender’s records and prepare a SOMP Program Track Screen Report for each sex offender (See Attachment 1).

a. The report will include a summary of the offender’s offense, criminal history, risk level, level of responsibility, treatment recommendations and if the offender if the offender is recommended for SOMP programming/STOP.
b. Sex offenders recommended for SOMP programming will be assigned a sexual behavior code of 2YWT.

c. Sex offenders not recommended for SOMP programming will be assigned a sexual behavior issue code 2N.

C. Sex offenders with a sexual behavior code of 2 meeting one (1) or more of the following conditions will be coded 2N, unless additional risk is documented in the SOMP Program Track Screen Report (See Attachment 1):

1. A current or prior single misdemeanor sex offense conviction, or

2. A prior single felony sex conviction or adjudication where the offender has had 6 consecutive years or a sum total of 6 years in the community with no further sex related convictions, revocations for sex related activities, or for failing to comply with sex offender programming, or

3. Completion of a sex offender treatment program and who have no subsequent sex offense-related misdemeanor or felony convictions.

D. Sex offenders with an Immigration and Customs Enforcement (ICE) hold or Immigration and/or Naturalization Service (INS) hold, or those serving a life sentence or capital punishment sentence, will not be scheduled for the SOMP/STOP programming and will receive a sexual behavior code of 2YNA.

E. Sex offenders found to have a sexual behavior issue based on the findings of the SBI assessment will be screened by the SOMP team to determine if they meet SOMP/STOP programming criteria.

F. Information, evidence and/or facts warranting a SBI assessment or determination an offender is a sex offender and thereby assigned a sexual behavior code of 2 may be discovered at any time while an offender is under DOC custody or DOC supervision. When/if such information is discovered, it will be collected and referred to the SOMP Team for review.

2. Institutional Programming:

A. The SOMP Team will assess sex offenders during A&O to determine risk level and if SOMP/STOP programming is recommended.

1. Low Risk Offenders: The SOMP Team will review the offender’s file material and complete sex offender specific assessments to determine if the offender meets low risk criteria. The criteria is as follows:

   STATIC 99 score = low to moderate low
   MnSOST-R = Level 1
   Modified history polygraph = no deception indicated regarding victim(s) under the age of 13 years and/or sexual force.

   a. Offenders who exhibit any of the following risk factors will not be classified as low-risk:

      1) Use of sexual force
      2) Multiple victims
      3) Victims under the age of 13 years, including child pornography
      4) Exhibitionism with sexual gratification
      5) Incest offenders
      6) Sexual contact with someone incapable of consent
b. Offenders who meet the low risk criteria will be classified as 2YCP and will not be required to attend SOMP/STOP programming or community based sex offender treatment.

c. These offenders will be polygraphed every six (6) months to monitor their low risk status. Offenders who fail a polygraph may be required to attend community based sex offender treatment.

2. **Moderate or High Risk Offenders:** The SOMP Team will review file material and complete sex offender specific assessments to determine if the offender meets the moderate to high-risk criteria.

   a. The criteria for moderate or high risk is as follows:

      1. A STATIC 99 score greater than moderate low and/or a MnSOST-R level greater than 1 or;

      2. The offender has ABEL results indicating a sexual preference for children under the age of 13 years and/or tendencies towards sexual violence or;

      3. The offender met the low risk criteria, but had deceptive polygraph results indicating victim(s) under the age of 13 years and/or sexual force.

   b. These offenders are identified as having a moderate or high risk of violating parole for sexual behaviors or committing a new felony sex offense.

3. **Alternate Program Supervision (Unable to Benefit from Group Programming):** Research and clinical experience has consistently shown that highly anti-social/psychopathic offenders do not benefit from traditional group treatment. In fact, some research has shown that these types of offenders often use the skills learned in treatment to become better manipulators of others. In some cases, SOMP treatment may not be recommended.

   a. The SOMP Team will review the pre-sentence report, psychosexual evaluation, mental health assessment, LSI-R, SBI Assessment and other information to assess if the offender meets the alternate program criteria.

   b. Criteria includes offenders with untreated psychiatric conditions, cognitive issues or who demonstrate highly anti-social or psychopathic characteristics.

   c. An offender with a LSI-R score of High Risk/Needs (Females =>40 Males =>37) will have a P-Scan completed after 90 days of observation by unit staff assigned to the inmate.

   d. Male offenders with an LSI-R score =>37 and female offenders with a LSI-R score =>40 and/or offenders with a P-Scan score greater than 30 may be identified as being unable to benefit from group programming.

   e. An offender assessed as not benefiting from group programming will not be required to attend STOP while incarcerated. Community supervision strategies will be outlined in the psychosexual report.

   f. Sex offenders assessed as not benefiting from group programming may be screened by the SOMP team and recommended for withholding of parole eligibility (See DOC policy 1.4.B.11 Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1).
B. Sex offenders with a sexual behavior code of 2YWT will have a pre-release psychosexual evaluation completed approximately one (1) year prior to the inmate's programmed or initial discretionary release date. If necessary, the sexual behavior code will be updated to reflect any change.

C. STOP Contract (See Attachment 2)

1. Offenders assessed as needing STOP programming are required to sign the STOP contract prior to a transfer from A&O and prior to beginning the STOP programming.

2. Offenders may be removed from STOP programming for violating the conditions of the STOP contract.

3. Offenders who refuse to sign the STOP contract are in non-compliance with element #4 of their IPD (See DOC policy 1.4.B.1 Individual Program Directives (IPD)).

4. Offenders who refuse STOP programming will be asked to sign a Program Refusal Form (See Attachment 3). If the offender refuses to sign the form, SOMP staff will sign and date the form noting the offender's refusal to sign. The offender will be in non-compliance element #4 of their IDP.

5. Offenders requesting to return to STOP programming after refusing program must do so in writing. The SOMP Team will review the request and respond in writing to the offender.

D. STOP Modules (See Attachment 4):

1. STOP program groups are designed to prepare sex offenders for entry into a community based sex offender treatment group.

2. Offenders attend STOP programming approximately two (2) hours per week for 9-12 months prior to releasing to community supervision.

E. Psycho-sexual assessment will be completed in the following ways:

1. A psycho-sexual assessment may be completed as part of the sex offender's pre-sentence investigation available to the court and sent to the DOC (See SDCL § 22-22-1.3). A signed release of information from the offender is NOT required.

2. A pre-release psycho-sexual assessment will be completed prior to an offender's release to the community. Offenders who have refused STOP programming will be required to complete a psychosexual evaluation while under community supervision.

3. A contracted community provider may complete a psycho-sexual assessment once the offender has been released to the community.

F. Transitional Release Planning:

1. The SOMP Team will assist the offender with release planning during STOP programming and will identify an appropriate community treatment provider(s).

   a. The SOMP psychosexual report will include treatment recommendations.

   b. The SOMP Team will make recommendations for community treatment on the offender's release plan. These recommendations may include, but are not limited to, one or more of
the following: increased polygraph schedule, individualized supervision plan, type of programming, and frequency of programming.

c. Once approved, the SOMP Team will make a referral to the community treatment provider.

2. Sex offenders releasing to parole supervision requiring community treatment must be accepted by a community treatment provider before being released to supervision and must make contact with the community provider within five (5) working days of release into the community.

3. Sex offenders releasing to parole supervision and assessed as needing STOP programming who refuse programming will be assigned to intense supervision and are allowed five (5) working days in the community to contact a community treatment provider and thirty (30) days to be accepted into a community treatment program. This includes suspended sentence releases.

4. Sex offender assessed as not benefiting from group programming may be assigned an individualized supervision plan that includes intense supervision emphasizing accountability meetings with the offender’s parole agent and/or a treatment provider and/or SOMP staff.

3. Community Sex Offender Treatment and Supervision:

A. The following will be considered when determining community sex offender treatment and supervision for sex offenders:

1. Sex offender group and/or individual sessions.

2. Sex offender registration.

3. Community safety zones and regulations.

4. Polygraphs.

5. GPS monitoring.

6. Sex offender and mental health reports and assessments.

7. Law enforcement and victim notification.

B. Community Treatment Providers:

1. The DOC contracts with community treatment providers to provide community treatment services for sex offenders.

2. Community treatment providers offer sex offender specific services under these DOC contracts to sex offenders according to SOMP Treatment Providers Standards (See Attachment 5).

   a. The standards outline DOC requirements for licensure, professional organization membership, treatment contracts, offender records, DOC access and supervision.

3. Any offender interfering with the transfer of records, or removing any confidentially agreement with a treatment provider and/or polygraph examiner will be considered to be refusing community treatment services.
4. Polygraph Testing and Management:

A. The following polygraphs are recognized by SOMP staff.

1. Sexual History/Full Disclosure – is review and verification of an offender's sexual history and behavior up to the present conviction. The history polygraph helps the treatment provider set treatment goals, identify sexual preferences and risk factors.

2. Monitor – is a polygraph examination that reviews an offender's sexual behavior or sexual deviancy. This polygraph can be used by the SOMP Team to help assess an offender’s treatment risk level or by a parole agent to verify an offender's behavior while on supervision.

3. Specific Issue – is a polygraph examination that addresses a singular event or behavior. This polygraph can be used to follow-up on a failed polygraph or to verify a reported act or behavior of the offender.

B. Polygraph examinations on community supervision allow parole agents and providers an opportunity to establish risk management and treatment objectives.

1. Deceptive results indicate areas of concern that the provider and the parole agent need to investigate.

2. Polygraph data should be used in conjunction with other information when making decisions about case management.

3. The polygraph results may be used to establish an offender's compliance with his/her supervision release agreement.

C. Polygraph examinations in the institution allow the SOMP Team an opportunity to establish risk management and treatment objectives for the offender.

1. When an offender is assessed as low-risk on specified test protocols, the offender will complete a polygraph to verify his perpetration history and assess the offender's need for continued treatment.

2. Sexual History Polygraphs can be used as a part of STOP programming upon review and approval of the SOMP Team.

D. A polygraph examiner is a person who provides sex offender-specific polygraph exams to sex offenders.

E. All polygraph examinations conducted on DOC offenders will be reported to the SOMP Team and recorded on the STOP folder located on the M: Drive.

1. Standardized Treatment Responses for Community Supervision:

   a. The treatment provider should use standardized polygraph treatment responses.

   b. All monitor polygraph exam results indicating deceptions, inconclusive results, and/or new admissions require a policy driven response.

   c. For offenders on community supervision to be eligible to have approved contact with children under the age of 18 the offender will need to:

       1) Complete their sexual history polygraph to assess their risk to children,
2) Obtain prior approval from their parole agent and treatment provider for planned contact with children under the age of 18 years,
3) The parole agent, treatment provider, and/or SOMP Team may place any restrictions on contact that is deemed necessary for the safety of the children, and
4) The SOMP Team must staff any request for exceptions.

V Related Directives:
SDCL § 22-24B-1 and 22-22-1.3.
DOC policy 1.4.A.2 -- Inmate Admission
DOC policy 1.4.B.9 -- Sexual Behavior Issue Review
DOC policy 1.3.C.12 -- Sex Offender Registration
DOC policy 1.4.B.1 -- Individual Program Directives (IPD)
DOC policy 1.4.B.11 -- Withholding of Parole Eligibility Pursuant to SDCL 24-15A-32.1

VI Revision Log:
August 2008: New policy.
August 2009: Policy was under review in conjunction with Parole OMs, but no revisions finalized.
September 2010: Revised formatting of Section I. Added titles to referenced policies.
January 2012: Added definition of LSI-R and P-Scan. Deleted “Offenders with a LSI-R score greater than 40 will be referred for a Psychopathic Scan” and Replaced with “An offender with a LSI-R score of High Risk/Needs (Females =>40 Males =>37) will have a P-Scan completed after 90 days of observation by unit staff assigned to the inmate” in Section 2 A. 3. c. Added “Male” and Deleted “of greater than 40) and Replaced with => 37 and female offenders with a LSI-R score => 40” in Section 2 A. 3. d.
January 2013: Added “COMS Offender Assessment Questionnaire” to Section 1 B. 2. Deleted “conduct a clinical interview and will prepare an A&O psychosexual screening report” and Replaced with “SOMP Track Screen report” in Section 1 B. 4. Deleted 5. “A&O psychosexual screening report will be reviewed with the clinical supervisor prior to being presented at the weekly SOMP staff meeting” in Section 1 B. Deleted a. “Once approved, the clinical supervisor and the program director will sign the admission summary report” in Section 1 B. 5. Deleted “A&O psychosexual screening report” and Replaced with “SOMP Program Track Screen report” in Section 1 C. Deleted “2N” and Replaced with “2YNA” in Section 1 D. Deleted “RRASOR Score” and Added “low to moderate low” to the STATICC99 Score in Section 2 A. 1 a. Deleted “Monitor polygraph” and Replaced with “Modified history polygraph” in Section 2. A. 1. Deleted “are identified as having a low risk or violating parole for sexual behaviors or committing a new felony sex offense” and Replaced with “will be polygraphed every six (6) months to monitor their low risk status. Offenders who fail a polygraph may be required to attend community based sex offender treatment” in Section 2 A. 1. c. Deleted g. “These offenders are identified as having a high risk of violating parole of being convicted of a new felony offense of any kind” in Section 1 A. 1. g. Deleted “low” and Replaced with “moderate low” in Section 2 A. 2. a. 1. Deleted “The SOMP Team will reassess” and Added “will have a prerelease psychosexual evaluation completed” and Added “initial” to Section 2 B. Deleted 1. “Offenders identified as needing sex offender programming will be reviewed by the SOMP Team prior to placement in STOP programming” in Section 2 B. Deleted “assessed as needing STOP programming” and Deleted “review and” and Deleted “prior to beginning the STOP programming” and Replaced with “prior to a transfer from an admission unit and prior to beginning the STOP program” in Section 2 C. Deleted “The SOMP Clinical Director may supervise and review the completion of” and Replaced with “A pre-release” and Deleted “as part of the admissions assessment or prior to” and Replaced with “will be completed prior to an offender’s” and Added “Offenders who have refused STOP programming will be required to complete a psychosexual evaluation while under community supervision” in Section 2 E. 2. Deleted “supervision” and Replaced with “treatment” in Section 2 B. 1. a. Deleted “supervision” and Replaced with “treatment” and Deleted “location, restrictions” and “GPS program” in Section 2 F. 1b. Deleted “may include the following” and Replaced with “The following information will be considered when determining” in Section 3 A. Deleted “according to the DOC Sex Offender Polygraph Exam Standards” in Section 3 D. Deleted “for funding
authorized and tracking purposes” and replaced with “and recorded on the STOP folder located on the M Drive” in Section 3 D. Deleted 1. “All polygraphs for DOC offenders need to be pre-authorized by the SOMP team to access DOC funding” and Deleted 2. “All completed polygraphs and results will be reported to the SOMP team by the polygraph provided and/or supervising agent for data collection and tracking” and Deleted 3. “The SOMP staff will provide the polygraph tracking list to parole agents. Supervising agents will direct parolees to set appointments with specified polygraph examiners” all in Section 3 E. Renumbered previous 4. to 1. in Section 3 E. Deleted “upon the SOMP Polygraph Exam-Sanctions Standards” in Section 3 E. 1. b. Deleted Attachment 1 “SOMP Mainframe Codes”. Deleted Attachment 2 “A&O Psychosexual Screen and Report” and replaced with “SOMP Program Track Screen”. Deleted Attachment 7 “SOMP Polygraph Exam-Sanctions Standards” Changed review date from November to June to be consistent with other Sex Offender policies.

March 2014: Deleted “unconvicted sex offender” and replaced with “offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or if there is a factual basis that a crime for which they were charged or convicted/adjudicated involves sexual abuse or sexual violence. Sex offenders will receive a sexual behavior code of 2” in definition of “Sex Offender”. Deleted definition of “Unconvicted Sex Offender” Revised definition of SOMP. Added definition of “Sexual Violence and/or Sexual Abuse” Revised definition of “STOP”. Deleted “are screened” and replaced with “records and other information will be reviewed” and added “by unit staff or SOMP staff” and Deleted “unconvicted sex offender” and replaced with “and to identify those offender who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or when a factual basis exists that a crime for which the offender was charged or convicted/adjudicated involves sexual violence or sexual abuse” in Section 1 A. Added “or who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or if there is a factual basis that a crime for which they were charged or convicted/adjudicated involves sexual violence or sexual abuse will receive a sexual behavior code of 2 and be referred for a SBI assessment” in Section 1 B. Added “identified” and “Sexual Behavior Issue Assessment” in Section 1 B. 1. Deleted “convicted of a sex offense who have plea bargained from a sex offense to a non sex offense or whose history includes information that supports the existence of sexually assaultive and/or abusive behavior will be scheduled for an unconvicted sex offender hearing” and replaced “Offenders found to have a SBI based on the findings of the assessment will be screened to determine if they meet STOP programming criteria” and Deleted “whose history includes information that supports the existence of sexually assaultive and/or abusive behavior will be scheduled for an unconvicted sex offender review hearing” and replaced with “Offenders who decline the assessment they will receive a sexual behavior code of 2 and be screened by the SOMP Management Team to determine if STOP programming is recommended. Added F. to Section 1. Added “will be assigned to intense supervision” in Section 2 F. 3. Added “The offender will be in noncompliance with Element #4 of their IDP” in Section 2 C. 4.

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<thead>
<tr>
<th>Denny Kaemingk (original signature on file)</th>
<th>08/14/2014</th>
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<td>Denny Kaemingk, Secretary of Corrections</td>
<td>Date</td>
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Attachment 1: SOMP Program Track Screen

The **SOMP Program Track Screen** form is located on the M-drive open the DOC folder then the STOP Program folder then the SOMP Classification folder.

A copy may be printed using Microsoft Word as follows:

1. Click [here](#) to access the **SOMP Program Track Screen** by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

The gray areas indicate the information that is to be entered.
Attachment 2: STOP Contract

The STOP Contract form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the STOP Contract by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select STOP Contract.

The gray areas indicate the information that is to be entered.
Attachment 3: Program Refusal Form

The Program Refusal Form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the Program Refusal Form by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Program Refusal Form.

The gray areas indicate the information that is to be entered.
Attachment 4: STOP Modules

The *STOP Modules* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *STOP Modules* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *STOP Modules*.

The gray areas indicate the information that is to be entered.
Attachment 5: SOMP Treatment Providers Standards

The SOMP Treatment Providers Standards form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the SOMP Treatment Providers Standards by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select SOMP Treatment Providers Standards.

The gray areas indicate the information that is to be entered.