

1.3.C.9 Sex Offender Restrictions

I Policy Index:



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Replaces Policy: 2E-1
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Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) may impose visit and personal property restrictions upon inmates identified as sex offenders.

III Definitions:

Offender:

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

Sex Offender Management Program (SOMP):

SOMP is the sex offender management program operated by the DOC. This includes sex offender specific assessments, A&O psychosexual screens, STOP programming, psychosexual reports, community release planning, assistance in community supervision, development and promotion of a community treatment provider network, and sex offender community treatment and supervision standards.

Special Treatment of Perpetrators (STOP) Program:

The sex offender treatment program operated through the DOC. The STOP Program consists of therapy, educational treatment and relapse prevention. The STOP Program is the adult sex offender management program offered at institutions. The STOP Program is usually 1 year in length and designed to prepare offenders to pass their sexual history polygraph.

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).

Non-Compliant Sex Offender:

A sex offender who was recommended for participation in the STOP program but who refused to participate in the STOP program or was terminated from the STOP program.

Class I Visit:

A visit conducted in a visiting room or designated visiting area of an adult DOC facility during which limited physical contact is allowed between the inmate and the visitor.

Class II Visit:

A visit which is conducted with the inmate physically separated from the visitor in a glassed off area located within the visiting room. No physical contact between the inmate and visitor is allowed during Class II visits.

Pornographic Material:

Includes books, articles, pamphlets, magazines, periodicals, publications or materials that feature nudity or "sexually-explicit" conduct. Pornographic material may include books, pamphlets, magazines, periodicals or other publication or material that features, or includes photographs, drawings, etchings, paintings, or other graphic depictions of nudity or sexually explicit material. (See [STOP Contract](#)).

IV Procedures:

1. Restrictions of Visits:

- A. Any offender who has been determined to present excessive risk through assessment findings, test scores/results, prior behaviors and/or is identified as a high risk offender may have his/her visit privileges restricted (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
 - 1. The Warden of the institution where the offender is housed is final authority to impose or discontinue visit restrictions.
 - 2. Offenders restricted to Class II visits by this policy may be allowed Class I visits with their attorney or clergy if approved by the Warden or his/her designee.
- B. Sex offenders are prohibited from visits with the victim(s) of their sex crime(s).
 - 1. This applies to all visitors, including those victims who were under the age of eighteen (18) at the time of the crime and who are no longer under the age of eighteen (18).
 - 2. Completion of SOMP by an offender does not remove prohibition of visits with the victim(s) of the offender's sex crime(s).
- C. Sex offenders who are non-compliant with SOMP and whose victim(s) were under eighteen (18) years of age, shall be restricted to visits with visitors who are at least eighteen (18) years of age or older. All visits must be Class II.
 - 1. If a non-compliant sex offender chooses to participate in SOMP/STOP, he/she may request to be granted Class I visits only after actively participating and remaining compliant with SOMP/STOP for three (3) consecutive months (as determined by SOMP staff).
 - 2. Offenders who are compliant with SOMP/STOP may receive Class 1 visits after receiving approval from SOMP staff and the Warden.

- D. If a sex offender disagrees with a decision regarding restricted visits, he/she may appeal the decision through the administrative remedy procedure (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).

2. Restrictions of Personal Property:

- A. Sex offenders are not be allowed to possess pictures of his/her victim(s), as stated in the [STOP Contract](#) (See [Attachment 1](#)).
- B. SOMP staff may recommend additional restrictions regarding a sex offender's property to the Warden.
- C. The Warden retains authority to restrict an offender's personal property or receipt of certain materials through the mail in accordance with DOC policy 1.5.D.3 [Offender Correspondence](#).
- D. If a sex offender disagrees with the Warden's decision to restrict his/her personal property, he/she may appeal the decision through the administrative remedy procedure (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).

3. Verification:

- A. SOMP staff and Unit staff are responsible for maintaining a current list of sex offenders who have property and/or visit restrictions in the Comprehensive Offender Management System (COMS).

V Related Directives:

SDCL § [22-24B-1](#)

DOC policy 1.3.E.2 – [Administrative Remedy for Inmates](#)

DOC policy 1.5.D.1 – [Inmate Visiting](#)

DOC policy 1.5.D.3 -- [Offender Correspondence](#)

VI Revision Log:

March 2004: **Revised** the policy statement. **Revised** definitions. **Revised** the procedures for Restrictions on Visits. **Added** reference to policies 1.3.E.2, 1.4.B.9 and 1.5.D.1.

August 2004: **Clarified** that the Warden may restrict specific items of personal property from sex offenders. **Revised** the definition of STOP program. **Added** the Warden as a contact person under the Verification section.

June 2006: **Revised** the definition of STOP treatment and non-compliant sex offender. **Updated** the policy name on 1.5.D.1.

June 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2 Policy and Operational Memorandum Management. **Replaced** "Department of Corrections" with "DOC" throughout policy. **Deleted** "/adjudicated" from the definitions of Sex Offender and Unconvicted Sex Offender. **Deleted** "Class 1, or" and **added** "/or" to read "Class I and/or Class II visits" in subsection (A of Restrictions of Visits section). **Added** ". (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#))" in subsection (D of Restrictions of Personal Property section). **Made** other minor grammatical changes throughout policy.

June 2009: **Added** definition of SOMP and **revised** definition of STOP to be consistent with DOC policy 1.4.A.3. **Replaced** "treatment" with "programming" throughout policy. **Deleted** step 3 and **revised** wording within ss (C1) and **replaced** "STOP" with "SOMP" in ss (C2) of Restrictions of Visits. **Added** reference to STOP Contract and Attachment 1 within ss (A of Restrictions of Personal Property). **Replaced** "STOP" with "SOMP" and **deleted** reference of Restrictions of Personal Property within ss (A) of Verification. **Added** reference to DOC policies, **revised** title of DOC policy 1.5.D.1 and **added** hyperlinks to section V. **Added** hyperlinks

throughout policy. **Added** Attachment 1.

June 2010: **Revised** formatting of Attachment 1. **Replaced** SDCL 22-22 with 22-24B-1.

September 2011: **Added** definition of "Pornographic Material". Deleted "during visits" and **Added** "test scores/results", Added having been identified through other means as a high risk offender" to Section 1 A.

July 2012: **Deleted** "returned to" and **Replaced** with "granted" and **Deleted** being involved " and **Replaced** with "with visitors on their approved visit list only after actively participating and remaining compliant" and **Added** "consecutive" and "SOMP staff shall determine if an inmate is in compliance" to Section 1 C.1. **Added** "(Class II)" to Section 1 E. **Added** "or receiving certain material through the mail" to Section 2 C. **Added** "An inmate has thirty days to initiate the administrative remedy procedure upon receiving notice of the Unconvicted Sex Offender Review panel's decision" to Section 2 D.

July 2013: **Deleted** "unconvicted sex offender pursuant to DOC policy" and **Replaced** with "offender assessed by SOMP staff as having a clinical basis for a sexual behavior issue" in Definition of Sex Offender. **Deleted** definition of Unconvicted Sex Offender. **Deleted** "restricted from having Class 1 and/or Class II visits" and **Replaced** with "have his/her visit privileges restricted" in Section 1 A. **Added** "and offenders assessed as needing sex offender programming" to Section 1 B. C. and D. **Added** "or offenders assessed as needing sex offender programming" in Section 2 A. **Deleted** "The unconvicted sex offender hearing board" and **Replaced** with "SOMP staff" and **Deleted** "be prohibited from possessing certain personal property" and **Replaced** with "be restricted" in Section 2 B. **Deleted** "prohibit" and **Replaced** with "restrict" and **Deleted** "from possessing specific items of" in Section 2 C. **Deleted** "The Warden and/or Deputy Warden/Associate Warden" and **Replaced** with "DOC staff" **Added** "within COMS" and **Added** "and kept current based upon applicable restrictions imposed upon the offender" and **Added** "by the SOMP staff or the Warden" in Section 3 B.

June 2014: **Updated** definition of SOMP, STOP and Sex Offender. **Deleted** definition of "Offender Assessed as Needing Sex Offender Programming" **Deleted** "and offenders assessed as needing sex offender programming" from Section 1. B., 1. D. and Section 2 A. **Deleted** B. in Section 3.

June 2015: **Reviewed** with no changes.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

08/27/2015

Date

Attachment 1: STOP Contract

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

A copy may be printed using **Microsoft Word 97** 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.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: STOP Contract Please refer to DOC policy 1.3.C.9 and 1.4.A.3 Sex Offender Restrictions and Sex Offender Management Program
STOP CONTRACT	
I, <input type="text"/> hereby enter into a contract with the South Dakota Department of Corrections Sex Offender Management Program (SO MP). I understand and agree to the following conditions regarding my treatment.	
1.	I agree to be completely honest and assume full responsibility for my offense(s) and my behavior.
2.	I will attend all sessions in a timely manner and will notify SO MP staff of any situation that may affect my attendance.
3.	I understand that three or more unexcused absences may be grounds for termination.
4.	I understand that refusal to participate during group sessions is not acceptable.
5.	I will complete sex offender assessments as directed by SO MP staff and answer each item honestly.
6.	I will not disclose any information regarding another group member. To do so may be grounds for termination.
7.	I will not become verbally or physically threatening or assaultive with SO MP staff or other group members.
8.	I understand that a major disciplinary report is considered a serious matter and may result in termination.
9.	I will not have pictures of my victim(s).
10.	I will not have any contact with my victim(s).
11.	I will report to group members any contact with children under the age of (18) or my victim(s).
12.	I will not use, view, purchase, or have in my possession any form of pornography or erotica.
13.	I will not have drawings or pictures of minor children under the age of (16) if I have a documented history of victims under the age of (16).
14.	I understand that failure to comply with any portion of this contract can be grounds for termination.
15.	I consent to have the SO MP staff release information regarding my progress and behavior to the Parole Board, Department of Corrections staff and community treatment providers.
16.	In addition, I agree to the following special conditions:
1.	<input type="text"/>
2.	<input type="text"/>
3.	<input type="text"/>
Inmate Signature: <input type="text"/>	Date: <input type="text"/>
Witness Signature: <input type="text"/>	Date: <input type="text"/>
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