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IDAPA 57
TITLE 01
CHAPTER 01

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 18-8314(3), Idaho Code, to implement the provisions of Sections 18-8312 through 18-8316, Idaho Code. (3-29-12)

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 57.01.01, "Rules of the Sexual Offender Management Board." (3-29-12)

02. Scope. These rules provide procedures for the Sexual Offender Management Board to: (3-29-12)

a. Set certified evaluator qualifications and standards; (3-24-05)

b. Approve, issue, renew, deny, suspend or revoke psychosexual evaluator certification; and (3-24-05)

c. Establish fees for initial psychosexual evaluator certification and annual psychosexual evaluator certification renewal. (3-24-05)

03. Relationship to the Department of Correction. The board is created in the Idaho Department of Correction, and relies upon the department for fiscal and administrative support. The governor appoints the board members. The powers and duties of the board are separate from the Department of Correction, and are set forth in Section 18-8314, Idaho Code. (3-24-05)

002. WRITTEN INTERPRETATIONS.

The board may have written statements that pertain to the interpretation of the rules of this chapter. These interpretations, if any, may be found on the board's website. (3-24-05)

003. ADMINISTRATIVE APPEALS.

The Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," shall govern administrative appeals. (3-24-05)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-24-05)

01. "Association for the Treatment of Sexual Abusers Professional Code of Ethics, 2001 Edition." This document is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005. (3-24-05)

02. "Association for the Treatment of Sexual Abusers Practice Standards and Guidelines for the Evaluation, Treatment and Management of Adult Male Sexual Abusers, 2005 Edition." This document is available from the Association for the Treatment of Sexual Abusers, 4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005. (4-11-06)

03. "Bylaws of the American Polygraph Association, 2004 Edition." This document is available from the American Polygraph Association National Office, PO Box 8037, Chattanooga, Tennessee 37414. (3-24-05)

04. The Sexual Offender Classification Board's "Required Format for Psychosexual Evaluation Reports, November 2004 Revision." This document is available from the board, and is posted on the board's website. (3-24-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The Sexual Offender Management Board administrative office is located at the Department of Correction headquarters, 1299 North Orchard, Suite 110, Boise, Idaho 83706. Business hours are typically 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is Office of the Sexual Offender Management Board, 1299 North Orchard, Suite 110, Boise, Idaho 83706. The telephone number is (208) 658-2149. The facsimile number is (208) 327-7102. The board's website address is <http://www.socb.idaho.gov>. (3-29-12)

006. PUBLIC RECORDS ACT COMPLIANCE.

01. Administrative Rules. The rules contained herein are promulgated pursuant to Title 67, Chapter 52, Idaho Code, and are public records. (3-24-05)

02. Public Records Requests. Requests for public information are processed in compliance with IDAPA 06.01.01, "Rules of the Board of Correction"; and the Idaho Public Records Act. (3-29-12)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The Sexual Offender Management Board described in Section 18-8312, Idaho Code. (3-29-12)

02. Central Roster of Certified Evaluators. A roster of evaluators who meet the qualifications, and are certified by the board to perform psychosexual evaluations. (3-24-05)

03. Certified Evaluator. Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience and training, expertise in the assessment and treatment of adult sexual offenders, shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in Sections 18-8314, Idaho Code. (3-24-05)

04. Client. A person receiving mental health services from a certified evaluator. A client may be a person who is not a sexual offender. (3-24-05)

05. Evaluation. For the purpose of certification eligibility, defined as the direct provision of comprehensive evaluation and assessment services to an adult who has been convicted of a sexual offense. The evaluation must be related to the client's sexual offending behavior. (3-24-05)

06. Psychosexual Evaluation. A comprehensive evaluation and assessment specifically addressing an offender's sexual development, sexual deviancy, sexual history and risk of re-offense. (3-24-05)

07. Quality Assurance. Technical review of a psychosexual evaluation report to assure minimum standards are met. The board conducts the review. (3-24-05)

08. Sexual Offender. A person convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts. (3-24-05)

09. Sexual Offender Classification Board. A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. (3-29-12)

10. Treatment. For the purpose of certification eligibility, defined as the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense. Treatment must be directly relevant to the client's sexually offending behavior. (3-24-05)

11. Violent Sexual Predator. A person who was designated as a violent sexual predator by the Sexual Offender Classification Board where such designation has not been removed by judicial action or otherwise. (3-29-12)

011. ABBREVIATIONS.

- 01. ATSA.** The Association for the Treatment of Sexual Abusers. (3-24-05)
- 02. DSM-IV.** The “Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition,” published by the American Psychiatric Association. (3-24-05)
- 03. IDOC.** The Idaho Department of Correction. (3-24-05)
- 04. SOCB.** The Sexual Offender Classification Board. (3-29-12)
- 05. VSP.** Violent Sexual Predator. (3-24-05)

012. -- 019. (RESERVED)

020. RECORDKEEPING.

- 01. Evaluators.** Records on all applicants and certifications issued, renewed, denied, suspended, and revoked shall be maintained for a period not less than five (5) years. (3-24-05)
- 02. Violent Sexual Predators.** The file on a sexual offender who was designated as a violent sexual predator by the SOCB is maintained by the board and is considered the official file for all purposes. (3-29-12)

021. BOARD MEETINGS.

- 01. Meetings.** The board meets at least quarterly and may meet more frequently. All business of the board is conducted in compliance with the open meeting law, pursuant to Title 67, Chapter 23, Idaho Code, and Section 18-8315, Idaho Code. (3-24-05)
- 02. Agenda.** An agenda for each regularly scheduled meeting is posted in compliance with Section 67-2343, Idaho Code. (3-29-12)

022. -- 039. (RESERVED)

040. CERTIFIED EVALUATOR QUALIFICATIONS.

Each evaluator who performs an adult psychosexual evaluation pursuant to Section 18-8316, Idaho Code, must meet the qualifications as set forth in this section and be certified by the board. (3-29-12)

- 01. Credential.** The credential of a certified evaluator must be in good standing with no currently pending disciplinary action by the issuing authority. The certified evaluator shall be a recognized professional, who specializes in evaluation, treatment, or both, of adult sexual offenders. (3-24-05)
- 02. Educational and Professional Qualifications.** A certified evaluator must be: (3-24-05)
- a.** A licensed psychiatrist pursuant to Title 54, Chapter 18, Idaho Code; or (3-24-05)
- b.** A licensed masters or doctoral level mental health professional pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. (3-24-05)
- 03. Licensure.** Idaho licensure is required pursuant to Section 18-8303, Idaho Code. A certified evaluator must maintain licensure by the appropriate Idaho licensing board for the duration of his evaluator certification. (3-24-05)

04. Experience Qualifications. For initial certification, the certified evaluator applicant shall have at least two thousand (2000) hours of adult sexual offender treatment and evaluation experience within the preceding ten (10) years. The two thousand (2000) hours must include: (3-24-05)

- a.** At least two hundred fifty (250) hours of adult sexual offender evaluation experience; and (3-24-05)
- b.** At least two hundred fifty (250) hours of adult sexual offender treatment experience. (3-24-05)

05. Understanding. A certified evaluator shall have a thorough understanding of counter-transference issues and a broad knowledge of sexuality in the general population. A certified evaluator shall also have a good understanding of basic theories and typologies of sexual offenders and sexual assault victims. (3-24-05)

041. SPECIALIZED TRAINING.

01. Initial Certification Requirements. For initial certification, the certified evaluator applicant must have attended two hundred (200) cumulative hours of formal conferences, symposia, or seminars as outlined in Subsections 041.01.a. and 041.01.b. (4-11-06)

- a.** One hundred (100) cumulative hours of training experience including all of the following topics: (4-11-06)
 - i.** Assessment and diagnosis of sexual offenders; (4-11-06)
 - ii.** Psychometric and psychophysiological testing; (4-11-06)
 - iii.** Psychopathology; and (4-11-06)
 - iv.** Sexual offender risk assessment. (4-11-06)
- b.** One hundred (100) cumulative hours of training experience in any combination of topics identified in Subsections 041.01.b.i. through 041.01.b.ix. All such training experience must be directly relevant to the treatment and evaluation of adult sexual offenders. (4-11-06)
 - i.** Counseling and psychotherapy; (4-11-06)
 - ii.** Cognitive therapy; (4-11-06)
 - iii.** Couples and family therapy; (4-11-06)
 - iv.** Family reunification; (4-11-06)
 - v.** Pharmacological therapy; (4-11-06)
 - vi.** Relationship and social skills training; (4-11-06)
 - vii.** Sexual offense relapse prevention; (4-11-06)
 - viii.** Social support networks; and (4-11-06)
 - ix.** Victim awareness and empathy. (4-11-06)

02. Continuing Education Requirement. For certification renewal, the certified evaluator shall have attended forty (40) hours of formal conferences, symposia, or seminars relevant to the treatment and evaluation of adult sexual offenders within the preceding two (2) years. (4-11-06)

- a.** No more than ten (10) hours of continuing education units may be obtained from on-line educational sources during a two (2) year period. (4-11-06)
- b.** Any such on-line education must be from a recognized educational institution. (4-11-06)
- c.** Verification of program completion must be provided with the certification renewal application. (4-11-06)

042. -- 049. (RESERVED)

050. STANDARDS FOR PROFESSIONAL CONDUCT AND CLIENT RELATIONS.

- 01. General Considerations.** A certified evaluator shall: (3-24-05)
 - a.** Be fully aware of and adhere to the standards of his area of credentialing; (3-24-05)
 - b.** Subscribe to the ATSA treatment philosophy, the ATSA Professional Code of Ethics, and the ATSA Practice Standards and Guidelines, as referenced in Section 004 of these rules; (3-24-05)
 - c.** Be knowledgeable of statutes and scientific data relevant to specialized adult sexual offender evaluation; (3-24-05)
 - d.** Be familiar with the statutory requirements for assessments and reports for the courts, pursuant to Section 18-8316, Idaho Code; (3-29-12)
 - e.** Be committed to community protection and safety; (3-24-05)
 - f.** Avoid relationships with clients that may constitute a conflict of interest, impair professional judgement and risk exploitation; and (3-24-05)
 - g.** Have no sexual relationships with any client. (3-24-05)

051. RECIPROCITY.

The board may consider reciprocity in certified evaluator qualification criteria, as outlined in Section 040 of these rules, for any applicant who has been licensed or certified to perform sexual offender evaluations in another state. (3-24-05)

01. Idaho License. Idaho licensure is required pursuant to Section 18-8303, Idaho Code. An applicant or certified evaluator who is licensed in another state must also be licensed or certified by the appropriate Idaho licensure board. An Idaho certified evaluator must maintain licensure by the appropriate Idaho licensing board for the duration of his evaluator certification. (3-24-05)

02. Application. An applicant requesting initial consideration for reciprocity shall submit an initial certification application as outlined in Section 060 of these rules. Application for annual certification renewal shall follow the process outlined in Subsection 060.04 of these rules. (3-24-05)

052. -- 059. (RESERVED)

060. CERTIFIED EVALUATOR APPLICATION.

- 01. Application for Initial Certification.** An applicant seeking certified evaluator status must submit: (3-24-05)
 - a.** A completed application on forms provided by the board, and accompanied by documents indicated in Subsection 060.02 of this rule; and (3-24-05)
 - b.** A non-refundable application fee of seventy-five dollars (\$75) payable to the board. (4-11-06)

- 02. Documentation.** The certification application must be submitted to the board, accompanied by: (3-24-05)
- a.** Proof of professional licensure; (3-24-05)
 - b.** The assurances and release form; (3-24-05)
 - c.** Verification of educational, professional, and experience qualifications as established in Section 040 of these rules; and (3-24-05)
 - d.** Copies of two (2) psychosexual evaluation reports on separate adult clients, completed by the applicant within the past year. These evaluations must have names and identifying characteristics redacted, and may not have been submitted previously to the board. (4-11-06)
- 03. Certification Period, Posting Requirement, and Notification of Changes.** Evaluator certification is effective for one (1) calendar year from the date of issue printed on the certificate, unless the certification is suspended or revoked. The evaluator certification applies only to the person named therein and is not transferable. The board must be notified in writing within thirty (30) days of any change in the certified evaluator's business address, phone number, or both. (3-24-05)
- 04. Expiration and Renewal of Certification.** No certification shall be renewed, except as follows: (3-24-05)
- a.** At least sixty (60) days prior to the expiration of the certification, the certified evaluator shall apply for renewal of the certification on forms provided by the board. (3-24-05)
 - b.** The renewal application must be accompanied by: (3-24-05)
 - i.** Proof of professional licensure; (3-24-05)
 - ii.** The assurances and release form; (3-24-05)
 - iii.** Verification of continuing education participation as required in Subsection 040.05 of these rules; (3-24-05)
 - iv.** A non-refundable application renewal fee of fifty dollars (\$50) payable to the board; and (4-11-06)
 - v.** Copies of two (2) psychosexual evaluation reports on separate adult clients, completed by the applicant within the past year. These evaluations must have names and identifying characteristics redacted, and may not have been submitted previously to the board. (4-11-06)
 - c.** An evaluator who has not renewed his certification shall be removed from the evaluator roster thirty (30) days after his certification has expired. (3-24-05)
 - d.** An evaluator whose certification has been expired for less than one (1) year may reapply for certification by following the certification renewal process outlined in Subsection 060.04 of this rule. (3-24-05)
 - e.** An evaluator whose certification has been expired for one (1) year or longer may reapply for certification by following the initial certification process outlined in Subsection 060.01 of this rule. (3-24-05)
 - i.** The board may require a written and verifiable plan for supervised practice by a supervisor approved by the board. (3-24-05)
 - ii.** The board shall determine the duration for supervised practice of a certified evaluator for certification purposes. (3-24-05)

061. REQUEST FOR CONDITIONAL WAIVER.

The board may consider an applicant's request for conditional waiver. Conditional waiver requests shall only be considered for deficiencies in experience qualifications as established in Subsection 040.04 of these rules. (3-24-05)

01. Request. A request for conditional waiver must be submitted with the initial certification application. (3-24-05)

02. Representation. An applicant who is granted a conditional waiver may not represent himself as a certified evaluator. (3-24-05)

a. An evaluator who is granted a conditional waiver shall indicate on the psychosexual evaluation report signature line that he is an approved psychosexual evaluator by waiver. (3-24-05)

b. The roster of certified evaluators shall identify an evaluator who is granted a conditional waiver, and the waiver's expiration date. (3-24-05)

03. Renewal. A conditional waiver is limited to a period of three (3) years. Conditional waivers may not be extended or renewed after the third year. (3-24-05)

a. An evaluator who has been granted a conditional waiver may apply to renew his waiver after the first year by following the certification renewal process outlined in Subsection 060.04 of these rules. (3-24-05)

b. Documentation must be included with the renewal application verifying the applicant's progress in attaining full qualification requirements. (3-24-05)

c. An evaluator who fails to demonstrate progress in attaining full qualification requirements may not be approved for renewal of the conditional waiver. The evaluator shall be removed from the evaluator roster. (3-24-05)

062. -- 079. (RESERVED)

080. CENTRAL ROSTER OF CERTIFIED EVALUATORS.

01. Identification. The board shall publish a roster of evaluators who are approved to conduct pre-sentence psychosexual evaluations pursuant to Section 18-8316, Idaho Code. The roster shall indicate: (3-24-05)

a. The evaluator's name; (3-24-05)

b. The evaluator's business address and telephone number; (3-24-05)

c. Whether an evaluator is a certified evaluator or approved evaluator by conditional waiver; and (3-24-05)

d. The expiration date of the evaluator's certification or conditional waiver. (3-24-05)

02. Availability. A copy of the roster may be obtained from the board, and shall be posted on the board's website. (3-24-05)

081. EXCLUSION.

Each mental health employee of the Department of Correction who conducts psychosexual evaluations, is exempt from the evaluator certification process. This exemption shall apply only while the employee is acting within the course and scope of his employment with the IDOC. (3-24-05)

082. -- 089. (RESERVED)

090. DENIAL AND REVOCATION OF CERTIFICATION.

01. Cause. The board may deny, suspend, or revoke certification of an applicant or certified evaluator for any of the following reasons: (3-24-05)

- a.** Failure to comply with any portion of this chapter. (3-24-05)
- b.** Failure to meet the evaluator qualifications as required in Section 040 of these rules. (3-24-05)
- c.** Falsification of any information or documentation, or concealing a material fact in the application for certification. (3-24-05)
- d.** Failure to furnish any data, information, or records as requested. (3-24-05)
- e.** Demonstration of inadequate knowledge. (3-24-05)
- f.** Performance of two (2) or more psychosexual evaluations during the current certification period that the board finds are below standard. (3-24-05)
- g.** Refusal or failure to participate in the quality assurance process. (3-24-05)
- h.** A guilty plea or conviction for a felony criminal offense or a misdemeanor offense against a person. (3-24-05)
- i.** A domestic violence protective order issued against the applicant or evaluator within the previous five (5) years. (3-24-05)
- j.** A criminal, civil or administrative determination that the evaluator has committed, permitted, or aided and abetted the commission of any illegal act while holding an evaluator certification. (3-24-05)
- k.** Accepted a gift or favor from a sexual offender being assessed, from the family of the sexual offender being assessed, or from their agent. (3-24-05)
- l.** Provided a gift or favor to a sexual offender being assessed, to the family of the sexual offender being assessed, or to their agent. (3-24-05)
- m.** Demonstration of a conflict of interest by providing both the psychosexual evaluation and treatment or by referring the sexual offender to the evaluator's employer or business associate, unless permitted by the court pursuant to Section 18-8316, Idaho Code. (3-24-05)

02. Reapplication. An applicant or certified evaluator may reapply for certification under the following conditions: (3-24-05)

- a.** An applicant whose certification is denied may reapply when evidence is available confirming that he meets the required qualifications outlined in Section 040 of these rules. (3-24-05)
- b.** A certified evaluator whose certification has been revoked may request permission to reapply for certification after one (1) year following his certification revocation. (3-24-05)
- c.** The board has sole discretion in granting an evaluator permission to reapply for certification after that evaluator's certification has been revoked. (3-24-05)

03. Second Revocation. No subsequent certification request shall be approved following an evaluator's second certification revocation. (3-24-05)

091. -- 099. (RESERVED)

100. NOTICE OF INTENT.

The board must provide the applicant or certified evaluator with notice of intent to deny, suspend, or revoke

certification, and the right to appeal. (3-24-05)

01. Notification of Applicant. The board shall notify the applicant or certified evaluator of the board's intent to deny, suspend, or revoke certification. (3-24-05)

a. The notice shall be mailed to the applicant or certified evaluator by certified mail. (3-24-05)

02. Contents of Notice. The notice shall: (3-24-05)

a. State the basis for the intended action of the board; (3-24-05)

b. May suggest means by which the matter might be remedied; and (3-24-05)

c. Shall provide the applicant or certified evaluator an opportunity to answer, or to show cause in the matter. (3-24-05)

101. APPEAL.

The applicant or certified evaluator shall have not more than thirty (30) days from the date on which the board's notice of intended action is served upon him to file a written appeal with the board. The written appeal shall include documentation supporting the appellant's argument refuting the board's intended action. (3-24-05)

102. HEARING OFFICER.

A hearing officer designated by the board shall receive and distribute copies of the written appeal, and any additional information, data, documents or references to all board members for their consideration. The hearing officer shall set the appeal hearing time and place, and submit notices to all parties. (3-24-05)

103. HEARING.

01. Hearing Procedures. The Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," govern procedures for a hearing before the board. (3-24-05)

a. The appeal hearing shall be conducted during a regular board meeting. The board shall review the written appeal, and any additional information, data, documents or references furnished by the appellant. The board reserves authority to place reasonable limitations on the time allotted to conduct the hearing. The board also reserves the option to delegate authority to the hearing officer to conduct additional fact finding, for further review by the board. (3-24-05)

b. Appeal hearings may be conducted by teleconference. (3-24-05)

c. All board members are entitled to attend and participate in a hearing. (3-24-05)

d. Appeal determinations shall be conducted during executive session. (3-24-05)

02. Final Notice. The applicant or certified evaluator shall be notified by certified mail within two (2) weeks of the board's final decision concerning the action being appealed. (3-24-05)

104. -- 109. (RESERVED)

110. COMPLAINTS.

01. Complaints. Any individual may file against an evaluator by submitting a written complaint to the board. A complaint must include: (3-24-05)

a. The full name and address of the complainant; (3-24-05)

b. The name, address, and telephone number (if known) of the evaluator; and (3-24-05)

- c. A clear and accurate statement of the facts describing the allegations against the evaluator. (3-24-05)

02. Screening. The hearing officer shall investigate all complaints to determine appropriateness for board action. (3-24-05)

a. Complaints determined to be more appropriate for intervention by another oversight agency shall be referred to that oversight agency. (3-24-05)

b. Some complaints may be appropriate for intervention by the board and referral to another oversight agency. (3-24-05)

c. If the facts and evidence after investigation are insufficient to warrant board review, no further action shall be taken. (3-24-05)

111. NOTICE OF COMPLAINT.

01. Notice. The certified evaluator shall be notified in writing of the complaint filed against him and the board's investigation of the complaint. (3-24-05)

02. Rights to Hearing. The certified evaluator shall be provided the opportunity to appear before the board to present his position concerning the allegations of the complaint. Hearing procedures, outlined in Section 103 of these rules, shall apply. (3-24-05)

112. -- 119. (RESERVED)

120. QUALITY ASSURANCE AND TECHNICAL REVIEW.

The board shall develop policies for technical review and quality assurance of psychosexual evaluation reports. These policies shall also address board recommendations regarding improvement in psychosexual evaluation performance and report quality. (3-24-05)

121. -- 129. (RESERVED)

130. PSYCHOSEXUAL EVALUATION.

Psychosexual evaluation reports shall be written following the "Required Format for Psychosexual Evaluation Reports" as referenced in Section 004 of these rules. (3-24-05)

01. Testing. The evaluator shall attempt utilization of testing instrumentation and assessment measures as identified in the "Required Format for Psychosexual Evaluation Reports." (3-24-05)

02. Offender Participation. The offender being evaluated may refuse or decline to participate in any testing, assessment measure, or physiological measure used for the pre-sentence psychosexual evaluation. The evaluator shall document the offender's refusal or declination in the psychosexual evaluation report. Further, a written statement indicating the offender's refusal or declination shall be signed by the offender and appended to the psychosexual evaluation report. (3-24-05)

03. Physiological and Viewing Time Measures. The use of physiological or viewing time measures, or both, is highly recommended to further understand the offender's level of deception and denial. (3-24-05)

131. POLYGRAPH EXAMINATION.

A full disclosure polygraph of an offender is highly recommended, as a further risk assessment component of the psychosexual evaluation process. (3-24-05)

01. Preparation. The offender must be prepared prior to being administered a post-conviction pre-sentence polygraph. Preparation is considered as: (3-24-05)

- a. Full clinical interview by the evaluator; (3-24-05)
 - b. Completion of testing measures as outlined in Section 130 of these rules; and (3-24-05)
 - c. Discussion between the evaluator and offender about the offender's instant offense and sexual history. (3-24-05)
- 02. Consent.** When a polygraph is conducted, the polygraph examiner shall obtain written consent to proceed from the offender being evaluated. (3-24-05)
- 03. Offender Participation.** If the offender refuses or declines to participate in a polygraph examination, such refusal or declination shall be documented in the psychosexual evaluation report. Further, a written statement indicating the offender's refusal or declination shall be signed by the offender and appended to the psychosexual evaluation report. (3-24-05)
- 04. Polygraph Examiner.** Polygraph examination shall be conducted only by an examiner who is certified by the American Polygraph Association to conduct Post Conviction Sex Offender Testing (PCSOT). The standards for PCSOT certification may be found in the "Bylaws of the American Polygraph Association, Division III: APA Standards of Practice, January 10, 1999 Revision," and will be complied with. (3-24-05)
- 132. -- 999. (RESERVED)**

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