

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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References/Authority KRS 17.554, 196.035, 197.020, 197.400 - 440, 439.340, 532.045 907 KAR 12:020 ACA 2-CO-4F-01	Subject SEX OFFENDER TREATMENT PROGRAM	

I. DEFINITIONS

“Adjunct staff” means an employee of the Department of Corrections who works in conjunction with the Sex Offender Treatment Program and staff.

“Case management team” means all authorities involved in the supervision and treatment of a sex offender involved in the SOTP, and may include a probation and parole officer and SSC.

“Client” means any sexual offender who has been referred to and enrolled in the SOTP.

“Eligible sex offender” is defined in KRS 197.410(2).

“HSPS” means Human Services Program Supervisor.

“Intellectual disability” is defined in 907 KAR 12:020(6).

“Non-admitter” means a sex offender who does not admit guilt or responsibility for committing the sexual offense.

"Sex offender" is defined in KRS 197.410(1) and includes those offenders on conditional discharge or diversionary agreement for sex crimes.

“Sex Offender Risk Assessment Advisory Board” or "SORAAB" is defined in KRS 17.554 as a board that has approval for providers who conduct comprehensive sex offender presentence evaluation and treatment.

“Sex Offender Treatment Program” or “SOTP” means the Kentucky Department of Corrections institutional and community based specialized, sex offender therapy programs.

“Social Service Clinician” or "SSC" means any employee of the Department of Corrections so designated by personnel specifications.

Policy Number	Effective Date	Page
30.5	February 4, 2025	2

“Volunteer” means any person, at least 21 years of age, who provides a service to the Department of Corrections, in conjunction with the SOTP and staff, and does not receive a salary for performing this service.

II. POLICY and PROCEDURE - INSTITUTIONAL BASED SOTP

A. Application

1. Upon placement at a correctional intake institution, a sex offender shall be issued a memorandum regarding the SOTP and requirements set by KRS 439.340(11) and (12).
2. Referral to Program – A written referral and the memorandum in subsection 1 shall be forwarded to the SOTP Program Administrator. A referral may be submitted by the:
 - a. Classification and Treatment Officer;
 - b. Unit Administrator; or
 - c. Institutional psychologist.
3. Upon receipt of a referral to the program the Human Services Program Supervisor or designee shall:
 - a. Review the offender management system, and any paper SOTP file, to determine if the inmate has previously had an opportunity for participation in the SOTP;
 - b. Determine if the offender should receive priority placement, be placed on the waiting list, or denied acceptance; and
 - c. Generate one of the following memorandums:
 - (1) Placement on a waiting list; or
 - (2) Denial of acceptance.
4. Upon assignment to the program, staff shall:
 - a. Obtain a copy of the pre-sentence investigation (PSI); and
 - b. Complete an intake interview and document the interview in the offender management system.

B. Enrollment

1. In accordance with KRS 197.420(5), each SSC shall not maintain a caseload of more than fifty (50) participants.
2. If more than fifty (50) individuals have requested counseling and meet the

Policy Number	Effective Date	Page
30.5	February 4, 2025	3

established criteria, a waiting list shall be established. An individual may be referred to other treatment sources that have been approved by the SORAAB.

3. Priority placement shall be given to an eligible sex offender who has not received a prior opportunity for the SOTP and is within 48 months of the offender's earliest possible release date.
4. A sex offender who does not admit guilt or responsibility for the offender's sexually assaultive offense shall not be accepted in the SOTP, after the initial assessment and orientation phase.
5. A non-admitter or an applicant who has been rejected shall be allowed to reapply for admission into the program one hundred eighty (180) days after rejection. If the non-admitter reapplies for admission into the program, the offender may be accepted if the offender admits guilt or responsibility for his sexually assaultive offense.

C. Responsibility

The client shall receive written notification that:

1. Successful completion of the SOTP provides an offender with the tools to control his behavior but does not provide a cure for the offender's behavior; and
2. Upon completion of the SOTP, a report of treatment progress shall be made to the Parole Board or probation and parole officer.

D. Confidentiality

1. KRS 197.440 governs the confidentiality of communications made by a sex offender and the written notice required.
2. A planned criminal activity disclosed in evaluation or treatment of an offender shall be reported to the appropriate authorities.
3. A criminal activity disclosed to treatment staff during the course of therapy that occurred before the index offense shall not be reported to authorities if it is not ongoing and there is no identifiable victim remaining at risk and it does not meet the disclosure requirements in KRS 197.440. An effort shall be made to determine that a victim or child is not currently at risk by continued contact with the sex offender who made the disclosure of prior sexually abusive behaviors.
4. Adjunct staff and volunteers shall be subject to the same limits of

Policy Number	Effective Date	Page
30.5	February 4, 2025	4

confidentiality as outlined in KRS 197.440 and this policy.

E. Recordkeeping

1. The treatment file shall be maintained separately from an institutional file.
 - a. The treatment file shall include:
 - (1) Referral documentation;
 - (2) Intake documentation;
 - (3) Program contract;
 - (4) Any termination documentation;
 - (5) Any raw psychological data and psychological evaluations;
 - (6) Risk assessment data and evaluation;
 - (7) Copy of PSI;
 - (8) Weekly case notes;
 - (9) Any relevant releases of information;
 - (10) Any relevant Parole Board reports; and
 - (11) Any Comprehensive Sex Offender Pre-sentence Evaluation (CSOPE).
 - b. The treatment file may include:
 - (1) Any program announcement memorandum;
 - (2) Other relevant materials.
2. If a client is transferred to another institution, the treatment file shall be forwarded to the SOTP unit in the receiving institution.
3. Information shall not be released to another mental health agency without receipt of a written authorization by the client on an official release of information document.

F. Attendance

1. A client may be terminated from the program if the client has more than one (1) unexcused absence in a ninety (90) day period.
2. An authorized absence shall include:
 - a. Verified court appearance;
 - b. Verified medical appointment;
 - c. Verified sick call;
 - d. Verified classification;
 - e. Verified adjustment committee;
 - f. Work assignment - only if prior approval has been given to the client by the SSC or adjunct staff;

Policy Number	Effective Date	Page
30.5	February 4, 2025	5

- g. Attorney visit;
- h. Other visits if prior approval has been given by the SSC; or
- i. Other absence authorized by the SSC.

3. An absence shall be documented and included in the progress report.

G. Treatment Modalities

1. Upon completion of the assessment and orientation phase, a client shall complete the psychoeducational components as outlined in KRS 197.420.

2. These components and group therapy tasks shall be presented in a group therapy format unless it is clinically indicated that group therapy should not be used in a specific case:

- a. Assessment and orientation (A&O);
- b. Human sexuality;
- c. Family patterns;
- d. Social skills;
- e. Ownership – acceptance of responsibility;
- f. Autobiography;
- g. Advanced ownership – understanding the sexual assault cycle;
- h. Victim personalization;
- i. Relapse prevention; and
- j. Recommendations for:
 - (1) Individual counseling;
 - (2) Group counseling;
 - (3) Marital and family counseling; and
 - (4) Ancillary programs addressing other needs.

3. The SOTP may be completed in a minimum of eighteen (18) months. Any completions occurring in less than eighteen (18) months shall require review and approval from the Mental Health Authority.

4. The SOTP may take as long as thirty (30) months. Any completions occurring in more than thirty (30) months shall require review and approval from the Mental Health Authority.

H. Client Evaluation

Each client shall be evaluated by staff on the following criteria:

- 1. Attendance;
- 2. Participation;

Policy Number	Effective Date	Page
30.5	February 4, 2025	6

3. Attentiveness;
4. Behavior;
5. Knowledge; and
6. Demonstration of application of treatment concepts.

I. Termination

1. A client may be terminated from the SOTP for any of the following reasons:
 - a. More than one (1) unauthorized absence within a ninety (90) day period;
 - b. Conviction of a disciplinary offense committed during a sex offender program session;
 - c. Disruptive or threatening behavior during counseling sessions;
 - d. Confinement in disciplinary segregation resulting in more than one (1) absence for scheduled sessions within a ninety (90) day period;
 - e. Failure to successfully complete required psychoeducational courses;
 - f. Failure to complete any other component of the treatment plan as approved by the HSPS in subsection 2 of this section;
 - g. A violation of the terms of the treatment contracts; or
 - h. Non-admittance of guilt or responsibility for committing a sexually assaultive offense. Any non-admitter who is already in the program shall be informed in writing that he has until the end of the module in which he is currently participating to admit guilt or responsibility for committing his sexually assaultive offense. If he does not admit guilt or responsibility for his offense, he shall be terminated from the program. The non-admitter shall be allowed to apply for readmission to the program one hundred eighty (180) days from the date of termination.
2. If termination from the SOTP is indicated, the SSC shall make a recommendation of termination to the HSPS.
3. Upon receipt of termination request, the HSPS shall rule on the recommendation for termination. If the HSPS is unavailable and an immediate ruling is needed, the decision may be made by the SOTP Program Administrator.
4. The SOTP staff shall forward a written notice of termination to the client.

J. Appeals of Termination

Policy Number	Effective Date	Page
30.5	February 4, 2025	7

The client may forward a written appeal to the Department of Corrections Mental Health Authority or designee within ten (10) calendar days of receipt of the decision. The Mental Health Authority or designee shall forward a written response to the client within twenty-one (21) business days of receipt of the appeal.

K. Re-Application

If a client is not-accepted into the SOTP or terminated from the SOTP, he may reapply one hundred eighty (180) days after the non-acceptance or termination date as affixed by the SOTP Program Administrator or HSPS. This does not mean that re-admission shall be granted. The client shall maintain clear conduct for one hundred eighty (180) days to be reconsidered for admission into the institutional program.

L. Use of Adjunct Staff

1. The SOTP may use an adjunct staff member who is currently an employee of the Department of Corrections in a support role only.
2. Use of an adjunct staff member shall be subject to approval by the Mental Health Authority or designee and by the employing institution or agency.
3. A training session conducted by SOTP staff shall be made available to adjunct staff. This training shall include, at minimum, training on confidentiality requirements.
4. Adjunct staff shall receive supervision from a designated staff member on at least a monthly basis.

M. Use of Students

1. SOTP may use practicum students or other students in a volunteer role subject to the provisions of CPP 26.1.
2. A student volunteer shall abide by the rules or documents specific to the institution or agency in which the student volunteer provides services.
3. A student volunteer shall receive clinical supervision from a qualified staff member on at least a monthly basis.
4. A training session conducted by SOTP staff shall be required for each student volunteer. This training shall include, at minimum, training on confidentiality requirements.

N. Safety and Security

Policy Number	Effective Date	Page
30.5	February 4, 2025	8

Institutional staff and volunteers shall comply with the security provisions of the institution.

III. POLICY and PROCEDURE – COMMUNITY BASED SOTP

A. Application

1. Referral to Program – A written referral shall be forwarded to HSPS or the SSC. A referral may be submitted by the probation and parole officer.
2. Upon release to community supervision, the supervising probation and parole officer shall notify the sex offender that he will be referred to the community SOTP. Upon receipt of the referral, the sex offender shall be issued a memorandum informing him of his referral and the appointment date and time.
3. Upon receipt of the PSI and a referral to the program, staff shall complete an intake interview and document the interview in the offender management system.

B. Enrollment

1. In accordance with KRS 197.420(5), each SSC shall not maintain a caseload of more than fifty (50) participants.
2. If more than fifty (50) individuals have requested counseling and meet the established criteria, a waiting list shall be established. Any individual who has been on the waiting list for at least sixty (60) days, but not longer than ninety (90) days shall be referred to other treatment sources that have been approved by the SORAAB.
3. A sex offender who does not admit guilt or responsibility for the offender's sexually assaultive offense shall not be accepted in the SOTP, after the initial assessment and orientation phase.
4. A non-admitter or an applicant who has been rejected shall be allowed to reapply for admission into the program one hundred eighty (180) days after rejection. If the non-admitter reapplies for admission into the program, the offender may be accepted if the offender admits guilt or responsibility for his sexually assaultive offense.

C. Responsibility

The client shall receive written notification that:

1. Successful completion of the SOTP provides an offender with the tools to

Policy Number	Effective Date	Page
30.5	February 4, 2025	9

control his behavior but does not provide a cure for the offender's behavior;

2. Upon completion of the SOTP, a report of treatment progress shall be made to the Parole Board or probation and parole officer; and
3. The payment of treatment fees and obligations and the administration of the polygraph may be required.

D. Confidentiality

1. KRS 197.440 governs the confidentiality of communications made by a sex offender and the written notice required.
2. A planned criminal activity disclosed in evaluation or treatment of an offender shall be reported to the appropriate authorities.
3. A criminal activity disclosed to treatment staff during the course of therapy that occurred before the index offense shall not be reported to authorities if it is not ongoing and there is no identifiable victim remaining at risk and it does not meet the disclosure requirements in KRS 197.440. An effort shall be made to determine that a victim or child is not currently at risk by continued contact with the sex offender who made the disclosure of prior sexually abusive behaviors.
4. Adjunct staff and volunteers shall be subject to the same limits of confidentiality as outlined in KRS 197.440 and this policy.

E. Recordkeeping

1. The treatment file shall be maintained separately from a probation and parole supervision file.
 - a. The treatment file shall include:
 - (1) Referral documentation;
 - (2) Intake documentation;
 - (3) Program contract;
 - (4) Group participation documentation:
 - (a) Weekly case note; and
 - (b) Quarterly progress;
 - (5) Any termination documentation;
 - (6) Any raw psychological data and psychological evaluations;
 - (7) Risk assessment data and evaluation;
 - (8) Copy of PSI;
 - (9) Any relevant releases of information;
 - (10) Any Parole Board reports; and

Policy Number	Effective Date	Page
30.5	February 4, 2025	10

(11) Any Comprehensive Sex Offender Pre-sentence Evaluation (CSOPE).

b. The treatment file may include:

- (1) Supplemental Conditions of Supervision for Sex Offenders;
- (2) Verification of Sex Offender Registration, or
- (3) Other relevant materials.

2. Upon a client's discharge by parole or court ordered shock probation from the institutional program, the institutional SOTP unit shall forward the treatment files to the SOTP unit in the probation and parole district.
3. If a client in a community treatment program is transferred to another probation and parole district, the treatment file shall be forwarded to the SOTP unit in the receiving probation and parole district.
4. Information shall not be released to another mental health agency without receipt of a written authorization by the client on an official release of information document.

F. Attendance

1. A client may be terminated from the program if the client has more than one (1) unexcused absence within a ninety (90) day period. The client's probation and parole officer shall be notified prior to the client's termination.
2. An authorized absence shall include:
 - a. Verified illness;
 - b. Verified medical appointment;
 - c. Death in the family or verified serious illness in the family;
 - d. Employment – only if prior approval has been given by the SSC; or
 - e. Other absence authorized by the SSC.

G. Treatment Modalities

1. Upon completion of the assessment and orientation phase, clients shall complete the psychoeducational components as outlined in KRS 197.420. These components and group therapy tasks shall be presented in a group therapy format unless it is clinically indicated that group therapy should not be used in a specific case:
 - a. Assessment and orientation (A&O):
 - (1) Introduction;

Policy Number	Effective Date	Page
30.5	February 4, 2025	11

- (2) Human sexuality;
- (3) Relationship skills; and
- (4) Cycle of offending;
- b. Core therapy:
 - (1) Autobiography;
 - (2) Ownership;
 - (3) Correcting thinking errors[];
 - (4) Relapse prevention;
 - (5) Victim awareness;
 - (6) Restitution; and
 - (7) Final group review;
- c. Maintenance Sessions – six (6) monthly meetings; and
- d. Recommendations for:
 - (1) Individual counseling;
 - (2) Group counseling;
 - (3) Marital and family counseling; and
 - (4) Ancillary programs addressing other needs.

- 2. The SOTP may be completed in a minimum of eighteen (18) months. Any completions occurring in less than eighteen (18) months shall require review and approval from the Mental Health Authority.
- 3. The SOTP may take as long as thirty-six (36) months. Any completions occurring in more than thirty-six (36) months shall require review and approval from the Mental Health Authority.

H. Client Evaluation

- 1. Each client shall be evaluated by staff on the following criteria:
 - a. Attendance;
 - b. Participation;
 - c. Attentiveness;
 - d. Behavior;
 - e. Knowledge; and
 - f. Demonstration of application of treatment concepts.
- 2. Each client may be given feedback concerning this evaluation and shall be given the opportunity to provide input at least every one hundred and twenty (120) days.

I. Termination

- 1. A client may be terminated from the SOTP for any of the following reasons:
 - a. More than one (1) unauthorized absence within a ninety (90) day

Policy Number	Effective Date	Page
30.5	February 4, 2025	12

period;

- b. Disruptive or threatening behavior in sessions;
- c. The safety of the clients or SOTP staff is threatened;
- d. Failure to complete any other component of the treatment plan as approved by the HSPS in subsection 2 of this section;
- e. Failure to make payments for community treatment sessions;
- f. Failure to pass or submit to polygraph;
- g. A violation of the terms of the treatment contract; or
- h. Non-admittance of guilt or responsibility for committing sexually assaultive offense. Any non-admitter who is already in the program shall be informed in writing that he has until the end of the module in which he is currently participating to admit guilt or responsibility for committing his sexually assaultive offense. If he does not admit guilt or responsibility for his offense, he shall be terminated from the program. The non-admitter shall be allowed to apply for readmission to the program one hundred eighty (180) days from the date of termination.

2. If termination from the SOTP is indicated, the SSC shall make a recommendation of termination to the HSPS. The SSC shall notify the probation and parole officer of the recommendation.
3. Upon receipt of a termination request, the HSPS shall rule on the recommendation for termination. The decision of termination by the HSPS shall be entered into the offender management system and the probation and parole officer updated. If the HSPS is unavailable and an immediate ruling is needed, the decision may be made by the SOTP Program Administrator.
4. The SOTP staff shall forward a written notice of termination directly to the client or to the client through the probation and parole officer within seven (7) business days of the final decision on termination.

J. Appeals of Termination

The client may forward a written appeal to the Department of Corrections Mental Health Authority or designee within ten (10) calendar days of receipt of the decision. The Mental Health Authority or designee shall forward a written response to the client within twenty-one (21) business days of receipt of the appeal.

K. Re-Application

If a client is not-accepted into the SOTP or terminated from the SOTP, he may reapply one hundred eighty (180) days after the non-acceptance or termination date as affixed by the HSPS. This does not mean that re-admission is guaranteed.

L. Use of Adjunct Staff

Policy Number	Effective Date	Page
30.5	February 4, 2025	13

1. The SOTP may use an adjunct staff member who is currently an employee of the Department of Corrections.
2. Use of an adjunct staff member shall be subject to approval by the Mental Health Authority or designee and by the employing agency.
3. A training session conducted by SOTP staff shall be made available to adjunct staff.
4. Adjunct staff shall receive supervision from a designated staff member on at least a monthly basis.

M. Use of Volunteers

1. The SOTP may use a volunteer who is not an employee of the DOC subject to the provisions of CPP 26.1.
2. A volunteer shall abide by the rules or documents specific to the DOC in which the volunteer provides services.
3. A volunteer shall receive clinical supervision from a qualified staff member on at least a monthly basis.
4. A training session conducted by SOTP staff shall be required for each volunteer.
5. A volunteer may be a practicum student or student volunteer.

N. Safety and Security

A two-way radio, alert device, or telephone shall be available during a program activity in the community setting.

O. Establishment of a Case Management Team

1. After conviction and receipt of the referral to community supervision and treatment for a sex offender, the SSC shall convene a team to manage the offender during the term of supervision.
2. The purpose of the team shall be to staff cases, share information, and make informed decisions related to risk assessment, treatment, behavioral monitoring, and management of each offender. The team shall use the CSOPE and the PSI as a starting point for decisions.
3. Supervision and behavioral monitoring shall be a joint, cooperative effort

Policy Number	Effective Date	Page
30.5	February 4, 2025	14

of the SSC and supervising probation and parole officer.

4. Each team shall include the SSC and supervising probation and parole officer. The team shall be comprised of individuals whose involvement is appropriate for managing and treating the specific offender. Team membership may change during the treatment. The team may include individuals who need to be involved at a particular stage of management or treatment. The team may include a child protection worker, adjunct mental health providers, other legal representatives, or a probation and parole officer from the sentencing state as appropriate.
5. A team member shall maintain the priorities of community safety and risk management if making decisions about the management or treatment of a client.
6. A team member shall communicate frequently enough to manage and treat the client effectively, with community safety as the highest priority.
7. The team shall seek:
 - a. An ongoing, open flow of information among all members of the team;
 - b. Participation of each team member in the management of a client;
 - c. Resolution of conflicts and differences of opinion among themselves to present a unified response. The final authority shall rest with the supervising probation and parole officer; and
 - d. Commitment by team members to the team approach and assistance with conflicts or alignment issues that occur.

P. Responsibility of the SSC within the Team

1. The SSC shall adhere to the DOC ethical standards in CPP 3.1.
2. The SSC shall provide a copy of the quarterly client progress report to the team members as appropriate.
3. The SSC shall supply the probation and parole officer and appropriate team members with a copy of the written treatment and relapse plan. The SSC shall also coordinate a meeting with the client and the client's partner to provide home rules and plans of protection if establishing contact with minors. The client, SSC, probation and parole officer, and client partner shall sign these documents if applicable. Alterations to the conditions of treatment or supervision shall not be granted without the agreement and written consent of all team members. The SOTP policies regarding reestablishing contact with minors and reunification, home rules, travel rules, and the program contract shall be shared with the probation and parole

Policy Number	Effective Date	Page
30.5	February 4, 2025	15

officer and any other team members deemed appropriate.

4. The supervising probation and parole officer may attend any session conducted with the client including group sessions with prior approval of the HSPS or SOTP Program Administrator.
5. The SSC shall immediately report to the probation and parole officer a violation of the treatment contract, including those related to specific conditions of supervision and attendance. This shall include evidence or likelihood of a client's increased risk of re-offending so that behavioral monitoring activities may be increased.
6. The SSC shall report to the probation and parole officer a reduction in frequency or duration of contacts or any alteration in treatment modality that constitutes a change in a client's treatment plan. A permanent reduction in duration, frequency of contacts, or permanent alteration in treatment modality shall be determined on an individual case basis by the SSC and probation and parole officer.
7. If termination from treatment is necessary, the SSC shall immediately notify the probation and parole officer. The probation and parole officer shall be provided with a written termination summary detailing the client's participation in treatment and reasons for the termination. If the probation and parole officer files a revocation of probation or parole, the SSC shall testify in court if necessary.

Q. Treatment Fee

1. In accordance with KRS 532.045(5), the SOTP may impose and enforce a treatment fee upon a client on community supervision who has been referred for sex offender specific treatment. The fee shall not be more than the offender is able to pay and not more than the actual cost of the evaluation or treatment.
2. If the client is unable to pay the treatment fee based on hardship or indigence, the treatment fee may be waived with approval by the Department of Corrections Mental Health Authority.
3. The treatment contract shall explain the responsibility of a client (as applicable) to pay for the cost of assessment and treatment. The explanation shall include the handling of payment and consequence for failure to make proper and timely payments. A client shall be notified of a 30-day grace period in the case of inability to pay for a particular session prior to consideration of termination.