
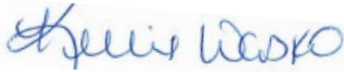


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.5.H.14	PAGE NUMBER 1 OF 4
		DISTRIBUTION: Public	
		SUBJECT: Management of Youth With Sexual Behavior Issues	
RELATED STANDARDS:	None	EFFECTIVE DATE: June 15, 2023	
		SUPERSESSION: 03/29/2022	
DESCRIPTION: Case Management	REVIEW MONTH: June	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) Juvenile Services for youth with identified sexual behavior issues to be subject to additional services and conditions of supervision.

## II. PURPOSE

The purpose of this policy is to improve community safety by requiring additional supervision and services for any juvenile committed to the DOC who has been identified as having sexual behavioral issue(s).

## III. DEFINITIONS

### Juvenile Sex Offender Assessment Protocol (JSOAP) - II:

The Juvenile Sex Offender Assessment Protocol - (JSOAP-II) is an empirically formed guide that assists with the systematic review of risk factors identified in the professional literature as being associated with sexual and criminal offending.

### Juvenile Sexual Offense Recidivism Risk Assessment Tool (JSORRAT) - II:

The Juvenile Sexual Offense Recidivism Risk Assessment Tool-II is an actuarial sexual recidivism risk assessment tool designed for juvenile male sexual offenders between the ages 12.0 to 17.99 years at the time of their index (most recent) sexual offense. The assessment expires at age 18. The intended use is to serve as an initial risk assessment to inform level of programming, treatment, and supervision. Additional assessments would be completed only in the event that an offender is adjudicated with a subsequent sexual offense.

### Parent Guide:

A written guide developed for parents of youth who have engaged in sexually inappropriate behavior to assist with understanding the treatment process within the context of the Juvenile Justice System.

### Youth with Sexual Behavior Issues:

For purposes of this policy, any juvenile adjudicated of a sex offense listed in SDCL § 22-24B-1(1), and/or identified through a psychosexual evaluation as having sexual behavior issues.

## IV. PROCEDURES

### 1. Identification of Youth with Sexual Behavior Issues:

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- A. During the intake process, the juvenile corrections agent (JCA) will check each juvenile's name against the national sex offender registry (www.nsopr.gov) and note in COMS if a juvenile is a registered sex offender.
- B. If a juvenile is committed to the DOC as a result of a sex offense and is subsequently required to register, the JCA will initiate that process following DOC policy. Any juvenile fourteen (14) years or older at the time of the offense shall register as a sex offender if that juvenile has been adjudicated of rape as defined in subdivision 22-24B-1(1), or of an out-of-state or federal offense that is comparable to the elements of the crime of rape or any crime committed in another state if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that state. The term adjudicated includes a court's finding of delinquency, an admission, and a suspended adjudication of delinquency which has not been discharged pursuant to SDCL § 26-8C-4 before July 1, 2009.
- C. If a juvenile is committed to the DOC as a result of sex offense and is subsequently required to submit DNA, the JCA will initiate that process following DOC policy 1.3.C.10 - *Offender DNA Collection*.
- D. If a juvenile is committed to the DOC as a result of a sex offense, the JCA will determine if a psychosexual evaluation was completed by the courts.
  - 1. If a psychosexual evaluation was not completed, the JCA will complete the process to obtain approval from the director of Juvenile Services for payment of an evaluation and then arrange for the completion of the psychosexual evaluation.
  - 2. If a psychosexual evaluation was completed and it recommends an inpatient sex offender-specific treatment program, the JCA will make a placement recommendation consistent with the psychosexual evaluation recommendation.

## 2. Documentation in COMS:

- A. A juvenile identified as having sexual behavior issues through a psychosexual evaluation will be identified as such in COMS.
- B. For a juvenile who has been identified as having a sexual behavior issue, the JCA will complete all questions in the Sex Offender Identification Assessment in COMS. The assessment captures information related to not only identification but evaluations and prior treatment.

## 3. Assessment Requirements-JSOAP-II:

- A. The JCA will complete a Juvenile Sex Offender Assessment Protocol (JSOAP II) on each male sex offender aged twelve to twenty-one (12-21), who has been identified through a psychosexual evaluation as having sexual behavioral issues.
- B. The JCA will complete the JSOAP II three (3) months after the youth's admission into services for youth with sexual behavior issues and every six (6) months thereafter.
- C. The JSOAP II results will be recorded in the COMS JSOAP II Assessment module.
- D. JSOAP II results will also be included in the youth's discharge summary.

## 4. Assessment Requirements-JSORRAT-II:

- A. The JCA will complete a Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT II) on each male between the ages 12 to 17.99 years of age, who has been adjudicated for a sexual offense.

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- B. The JCA would complete additional JSORRAT-II assessments, only in the event that a juvenile is adjudicated for a subsequent sexual offense.
- C. The JSORRAT-II results will be recorded in the COMS JSORRAT-II Assessment module.
- D. The JSORRAT-II will also be included in the juvenile’s discharge summary. This excludes any expired assessment results, i.e., those discharged at eighteen (18) years of age or older.

**5. Polygraph Examination:**

- A. A polygraph may be considered as part of the treatment process. However, any request shall be accompanied by a clear purpose for conducting a polygraph. Use of a polygraph will be governed by the following:
  - 1. Consideration shall include a review of the general psychological stability of the youth, past trauma or victimization, ability to recall life events, ability to express understanding of the polygraph process, and other individual or systemic risk factors that may exacerbate risk.
  - 2. Polygraph results shall not be the sole determining factor for a juvenile release from a program.
  - 3. The JCA should ensure that the polygraph questions are geared towards identifying any new sex offenses and not related to other illegal or otherwise inappropriate activity.
  - 4. Polygraph examination results shall be recorded in the COMS Polygraph Assessment module.
- B. The JCA will complete the process to obtain approval from the director of Juvenile Services for payment of any polygraph examination(s).

**6. Parent Guide**

- A. The JCA will provide the parent or caregivers a copy of the “Parent Guide” pamphlet.

**7. Release Planning and Pre-Release Staffing**

- A. Youth identified as having sexual behavior issues, must be released to community supervision, at a minimum, six (6) months prior to his/her twenty-first (21st) birthday to allow for a period of aftercare supervision.
  - 1. A JCA will contact their supervisor to set up a staffing forty-five (45) days prior to release to the community.
  - 2. The JCA will provide all relevant records to their supervisor, including initial psychosexual evaluation, recent progress reports, results of polygraph examinations, ABEL assessment results, and juvenile intake summary two (2) weeks prior to the staffing.
  - 3. The purpose of the staffing is to determine if any additional specific aftercare conditions or services will be required and to confirm referrals have been made for community based/outpatient sex offense specific services upon his/her release. The supervisor will be responsible for approving the proposed release plan.
  - 4. The JCA shall document completion of the staffing by using the contact logs function in COMS, case note/contact sub-type “SOS” (sex offender staffing).

**8. Sex Offense Specific Aftercare Supervision Conditions:**

- A. Youth identified as having sexual behavior issues will have additional sex offense specific aftercare conditions outlined in his/her aftercare contract.
- B. These requirements are a condition of release and must be discussed with the youth prior to his/her release to the community (see attachment #1 – *Sex Offense Specific Aftercare Conditions*).

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- C. Sex offense specific conditions of aftercare will be created through the COMS legals module. A printed version of the conditions is available through the IWP process in COMS.

## 9. Community Based Services:

- A. A youth identified as having sexual behavior issues may be required to participate in community based/outpatient sex offense specific services upon his/her release to aftercare supervision as defined during the pre-release staffing.
1. In those locations where sex offense specific services are unavailable, the JCA will make a referral to a local mental health center or other private provider to provide continuing clinical services.
  2. The JCA will participate in on-going case consultation with the treatment provider and initiate adjustments to the aftercare contract as necessary to ensure public safety.
- B. The JCA will continue to monitor the delivery of services to ensure attendance, compliance with provider expectations until such time that the provider recommends that community-based services are no longer necessary or the Department of Corrections discharges from supervision.
- C. The JCA will document participation in outpatient sex offense specific services in COMS in the Community Based Services module/Offender Specialized Programs.
1. Program status shall be updated accordingly in COMS.

## V. RESPONSIBILITY

The director of Juvenile Services is responsible for the annual review and maintenance of this policy.

## VI. AUTHORITY

SDCL §§ 22-24B-1(1), 26-8C-4

## VII. HISTORY

June 2023  
 March 2022  
 March 2021  
 March 2020  
 March 2019  
 March 2018  
 April 2017  
 April 2016  
 July 2015  
 July 2013  
 October 2012  
 September 2011

## ATTACHMENTS

1. Sex Offense Specific Aftercare Conditions (*generated in COMS*)
2. DOC Policy Implementation / Adjustments

## SEX OFFENSE SPECIFIC AFTERCARE CONDITIONS

**A juvenile adjudicated on a sex offense or identified through a psychosexual evaluation as having sexual behavior issues will comply with these additional aftercare supervision requirements:**

1. I will enter and complete or receive a discharge from an outpatient sex offense specific treatment provider approved by the Department of Corrections. The outpatient treatment may include polygraph testing, ABEL testing, ammonia therapy, various assignments, individual counseling sessions, and/or other treatment components. I must comply with all expectations of outpatient sex offense specific treatment.
2. I will not possess pornography at any time.
3. I will not use the Internet for the first thirty (30) days or until approved by a JCA. If/when Internet is approved, it must be supervised by my parent/guardian. I will not go to any inappropriate sites: pornography, children's sites, violent sites, etc. I will not participate in any chat rooms or message boards, regardless of the subject matter. I will not email anyone under the age of \_\_\_\_\_ and never with anyone I do not know. I understand the Department of Corrections may monitor and check my phone, computer, or any device capable of internet access at any time.
4. I will not work, volunteer, or loiter at a day care center, park, playground or other place children regularly congregate. I will have no unsupervised contact with anyone under the age of \_\_\_\_\_. I will not baby-sit or help anyone baby-sit at any time. All employment and volunteer work must be approved by a JCA.
5. I will not have any contact with my victim, directly or indirectly, unless approved by the victim, the victim's treatment provider, my treatment provider, and the Department of Corrections. I will follow directives from my treatment provider and JCA regarding any type of reunification process, apology sessions, or treatment sessions with my victim.
6. Unless otherwise indicated for required treatment, I will not view, listen to, or possess any sexually stimulating visual or auditory materials that are relevant to my deviant behavior. This includes pornography, inappropriate magazines, graphic video games, Internet pornography, obscene music etc.
7. I will participate in random polygraph examinations, ABEL testing, and other instruments when instructed to obtain information for risk management and treatment.
8. I understand I may be responsible for payment, based upon my ability to pay, for treatment, polygraph testing, ABEL testing, or any other treatment provision deemed necessary.

### PARENT/GUARDIAN RESPONSIBILITIES

1. If Internet is approved by a JCA, I, \_\_\_\_\_ will supervise all use by \_\_\_\_\_. I agree to sit by and monitor the Internet use and will report any violations of his/her Internet use (as mentioned previously) to his/her JCA. I will keep the computer(s) with Internet access out of \_\_\_\_\_'s bedroom.
2. I will understand all of \_\_\_\_\_'s high-risk situations and keep in contact with the outpatient treatment provider periodically to be updated on progress.

3. I will report any violations of this contract to the JCA supervising my son/daughter’s case.

**SIGNATURES**

_____ Juvenile Signature	_____ Date
_____ Parent/Custodian Signature	_____ Date
_____ Juvenile Corrections Agent Signature	_____ Date
_____ Facility Representative Signature	_____ Date