
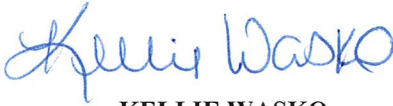


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1200-13	PAGE NUMBER 1 OF 4
		DISTRIBUTION:	Public
		SUBJECT:	Management of Youth With Sexual Behavior Issues
RELATED STANDARDS:	None	EFFECTIVE DATE:	July 01, 2024
		SUPERSESSSION:	06/15/2023
DESCRIPTION: Juvenile Services	REVIEW MONTH: June	 KELLIE WASKO SECRETARY OF CORRECTIONS	

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 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 the juvenile comprehensive offender management system (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 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 1000-02 - *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 (see attachment #2).

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

- A. SDCL § [22-22-1](#) Rape--Degrees--Penalty--Statute of limitations.
- B. SDCL § [22-24B-1](#) Sex crimes determined.
- C. SDCL § [26-8C-4](#) Suspension of adjudication of delinquency--Probation--Revocation of suspension.

VII. HISTORY

July 2024
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 *(*Indicates document opens externally)*

1. Sex Offense Specific Aftercare Conditions *(generated in COMS)*
2. Parent Guide
3. 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

Sex Offender Registration

Your child may be required to register and comply with all registry requirements if they were age 14 or older at time of adjudication, as required by law:

Any juvenile fourteen years of age or older shall register as a sex offender if that juvenile has been adjudicated of rape as defined in subdivisions 22-24B-1(1) or of an out-of-state or federal offense that is comparable to the elements of these crimes 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 § 26-8C-4 prior to July 1, 2009.

Introduction

This information is designed to help parents of children who have engaged in sexually inappropriate behavior understand the treatment process within the context of the juvenile justice system. Our goal is to assist you with answering the many questions you may have at this time.

Keeping Yourself Healthy

Parents are moved into a difficult situation when their child is identified as having sexually inappropriate behaviors. Anytime a youth is involved in the juvenile justice system it is likely a challenging time for families. However, the situation may prove more difficult when you are dealing with issues involving sexually inappropriate behavior. All parents are unique and therefore each parent copes with life difficulties differently.

However, some of the common feelings that parents have reported include shock, anger, confusion, shame, guilt, helplessness or embarrassment. It is normal to experience a range of emotions and parents are encouraged to seek professional help for themselves, if necessary, during this challenging time. Remember in order for you to help your child to help themselves, it is important that you take care of yourself, so you can be an effective partner in the treatment process.

The following is a list of things you may consider to help you through this difficult period:

- Identify a support system, a parent support group, a trusted friend, a religious affiliation, professional counseling, or any person who can assist you.
- Identify what may have helped you in working through a previous crisis.
- Take care of yourself and plan to do some things that help you relax.
- Refrain from using alcohol or other chemicals to cope.
- Take seriously the recommendations that are provided by professionals. Do not be afraid to ask questions that you have if you do not understand.

A Parent's Guide

*Information for parents
of youth who have
engaged in sexually
inappropriate behavior*



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Commitment to the Department of Corrections

As outlined in the Juvenile Living Guide, your child has been committed to the Department of Corrections (DOC) until age twenty-one or until discharged - SDCL 26-7A-117. The actual length of stay in a placement and under the guardianship of the department depends on several factors, including your child's history of offenses, behavior in programming and successful completion of an aftercare program. The Juvenile Court Judge makes the determination about commitment to our agency based on many factors. The Department of Corrections has the responsibility to follow all legal orders.

Evaluation and Treatment

The Department of Corrections will provide treatment consistent with the recommendations of the psychosexual evaluation. Your child may have completed the evaluation prior to the commitment to our agency. However, if an evaluation was not provided as part of the court process, the DOC will secure a psychosexual evaluation as part of our intake process. A general psychological evaluation is not specific enough to address the unique issues related to sexual abuse behavior. A psychosexual evaluation must be provided by an evaluator skilled in addressing sexual abuse issues. A psychosexual evaluation generally includes the following elements: an interview with your child, psychological testing, a review of all records related to your child; contact with your child's therapist, if already receiving services, and any other person who has been involved with your child and family; and finally possible physiological testing, where appropriate, which could include a polygraph exam, and/or an Abel Assessment for Sexual Interest (Abel). However, a polygraph generally occurs later in the treatment process. Upon completion of the evaluation, the Juvenile Corrections Agent will seek services for your

child consistent with the recommendations of the evaluation and within the contracted provider network.

The Department of Corrections contracts with several providers for sex offender specific residential/inpatient and community based/outpatient services. Our current contracted providers include the following:

- **Our Home, Inc.- Huron, SD**
- **Our Home-Parkston - Parkston, SD**
- **Aurora Plains Academy - Plankinton, SD**
- **Benchmark - Salt Lake City, UT**
- **Woodward Academy - Woodward, IA**
- **Mille Lacs Academy - Onamia, MN**

If your child is recommended to participate in outpatient sex offender specific treatment, the department contracts with several providers who may provide the necessary treatment consistent with the recommendations in the psychosexual evaluation.

While the reason your child may have presented for a psychosexual evaluation may vary, the focus of treatment will generally address the following areas: taking responsibility for the sexual abuse/inappropriate behavior and learning to differentiate between abusive and consensual sexual behavior, as well as to gain an age appropriate knowledge of sexuality; learning about the cycle of sexual abuse/inappropriate behavior and the problems, thoughts, feelings and behaviors which are antecedent to the sexually abusive behavior; development of the ability to manage sexually abusive impulses and thoughts; cognitive restructuring of the thought patterns which support abusive sexual behavior; development of pro-social interaction skills including anger management, assertiveness, intimacy, communication skills, and decision making; learning how to prevent future

occurrences of abuse behavior via the development of a relapse prevention plan; development of victim empathy; satisfactory completion of all required physiological testing, where appropriate (i.e., Abel testing, historical polygraph testing).

Reunification and Community Supervision roles and responsibilities

Prior to reunification, your child should be able to assume full responsibility for the abuse that occurred; refrain from cognitive distortions or victim blaming; demonstrate victim empathy; recognize their personal risk factors and have a relapse prevention plan in place, implement effective coping skills; demonstrate an ability to comply with both treatment expectations and community supervision conditions. If it is determined that going home is in your child's best interest, it would be expected that as a parent or caregiver, you would be able to understand the range of factors and precursors associated with your child's sexually inappropriate behaviors and participate in their relapse prevention plan; work corroboratively with your child's JCA, and treatment providers; take immediate and definitive actions when any concerns arise. As part of the treatment process, a "disclosure staffing" should take place with your child, treatment provider and parent/caregiver in the home. The purpose of a disclosure staffing is to allow your child to fully inform you of their history of sexually abusive behavior. This is important for purposes of accountability for your child, and to assist you with being a competent supervisor when your child returns home.

If there is a child victim in the home, the program where your child is receiving services, may facilitate a reconciliation or apology staffing between the offender and victim. This should occur only when appropriate and approved by the victim's therapist. While our agency is responsible for services related

to the committed youth, we strongly recommend when there is a child victim in the home that counseling services are provided for the victim as determined necessary by a qualified treatment provider, as well as the offender.

All youth under the guardianship of the Department of Corrections are subject to a period of community supervision (aftercare). Youth receiving sexual specific services have additional conditions specific to their circumstances that are focused on community safety. As part of the treatment process and consistent with provider recommendations, youth may participate in a period of outpatient or community-based treatment services. This may vary depending on your child's circumstances and availability of services in your area. While services provided are individualized and do vary by youth, the typical course of community-based treatment is at least 6 months. During this period of treatment your child may participate in a polygraph, specifically a monitor polygraph. The purpose of using this type of tool is to ensure that your child can apply their knowledge from treatment into their daily living, making good decisions and not engaging in further harmful sexual behavior.

Criteria that are considered for release from services and ultimately successful discharge from the Department of Corrections include the following: completion of sexual specific services as recommended by psychosexual evaluation/treatment providers; under most circumstances a youth would also be required to pass a monitor polygraph. This assists with confirming that no new offenses or other very high-risk sexual behaviors have occurred since release from an out of home treatment setting. Also, that your child is showing stability in other applicable major life areas, such as school, work, relationships, and family.