

1.4.B.9 Sexual Behavior Issue Review

I Policy Index:



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Replaces Policy: N/A
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Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will assess all offenders in order to make determinations concerning the designation of offenders who are sexually violent or abusive for the purpose of classification, parole release and program recommendations.

III Definitions:

Offender:

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

Sexual Behavior Issue:

An offender sentenced to the DOC who has never been convicted/adjudicated of a sex offense by any court but has a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated), or the factual basis of a crime for which they were charged or convicted/adjudicated involves sexual violence or sexual abuse, may be assessed as having a sexual behavior issue. An acquittal on a sex offense by itself cannot be the basis for assessing someone as having a sexual behavior issue. A "sex offense" is any crime listed under SDCL § 22-24B-1 or any crime defined by law as a sex offense or similar such definition/classification within the jurisdiction from which the crime was committed.

Sexual Violence and/or Sexual Abuse:

A range of behaviors from battery, mutilation, torture or assault to intentional unwanted sexual conduct which can be verbal, written, visual or physical. A person under the age of sixteen (16) cannot consent to sexual behavior with an adult, therefore by definition, any sexual conduct with a person under the age of sixteen (16) would be unwanted sexual conduct, which constitutes sexual abuse.

Sexual Behavior Issue Review Staff:

At least one (1) casemanager or Unit Manager (may be from A&O) and one (1) Sex Offender Management Program staff member.

Sexual Behavior Issue Assessment:

Institutional Psychosexual Assessment for Sexual Behavioral Issue Review may include information from the following: pre-sentence investigation, psychosexual reports, Minnesota Sex Offender

Screening Tool – Revised (MnSOST-R), Static 99, ABLE screening, monitor polygraphs, STOP file information and clinical interviews.

Special Treatment of Perpetrators (STOP) Program:

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

Sex Offender:

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a sex crime as listed in SDCL [22-24B-1](#), regardless of the offense date or date of conviction, an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime and offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis exists that a crime for which they were charged or convicted/adjudicated of involves sexual violence or sexual abuse and who have been identified as having a Sexual Behavior Issue (SBI) (designated by sexual behavior code of 2).

Working Day:

A standard workweek day, Monday through Friday, except for recognized state holidays, recognized national holidays and any other special holidays declared by the Governor of South Dakota or the President of the United States.

IV Procedures:

1. Identification of Offenders that require a Sexual Behavior Issue Assessment:

- A. Offenders received by the DOC will have their records reviewed by unit staff and/or SOMP staff for information that could warrant the offender be considered for a Sexual Behavior Issue (SBI) assessment ([See Attachment 1](#)).
- B. Information, evidence and/or facts warranting a SBI assessment can be discovered at any time while an offender is under DOC custody or supervision.
- C. Information, evidence and/or facts will be collected and referred to SOMP staff, who will determine if:
 1. The information, evidence and/or facts is sufficient to recommend the offender receive a SBI assessment; or
 2. Further investigation is required to determine if a SBI assessment is warranted; or
 3. There is insufficient information or no cause to support the offender be recommended for a SBI assessment.
 - a. If there is insufficient information, evidence and/or facts or no cause to warrant an SBI assessment, the process will be suspended.
- D. Only one review and/or SBI assessment will be completed based upon the same set of information, evidence and/or facts.

- E. If new or additional information, evidence and/or facts is discovered that is relevant to a previously suspended SBI Review, SOMP staff may initiate a review and/or assessment based upon the new or additional information, evidence and/or facts.

2. SOMP Sexual Behavior Issue (SBI) Assessment:

- A. An offender identified by SOMP staff for a SBI assessment will be scheduled for the assessment. The purpose of the SBI assessment is to:
1. Establish a clinical basis for determining the offender has a sexual behavioral issue, thereby designating the offender as a "sex offender". All identified sex offenders will be assigned a sexual behavior code of 2Y or a 2N.
 2. Establish a clinical basis for determining the offender does not have a sexual behavioral issue. The offender will NOT be assigned a sexual behavior code 2.
- B. SOMP staff will notify the offender of the time and place set for the SBI assessment (See [Attachment 5](#)).
1. Offenders who complete the SBI assessment who are found not to have a sexual behavior issue by SOMP staff will not have a sexual behavior code assigned to them.
 2. If the offender refuses the SBI assessment, or fails to adequately participate in the assessment, SOMP staff will notify the offender's unit staff that the offender will be assigned a sexual behavior code of 2 and if sex offender treatment is recommended (2Y) or not recommended (2N).
 3. An offender's Individual Program Directive (IPD), parole plan, housing status/placement, visitation, work/job assignments, programming requirements and allowable personal property may all be impacted by assignment of a sexual behavior code of 2Y (See DOC policies 1.3.C.9 [Sex Offender Restrictions](#), 1.4.B.1 [Individual Program Directives \(IPD\)](#) and 1.5.D.1 [Inmate Visiting](#)).
- C. Offenders housed in the Admission & Orientation (A&O) unit should have the SBI Review completed before they are assigned/transferred to a permanent housing unit.
1. If the SBI Review is not completed prior to an offender's transfer from A&O, the offender will be housed in the same facility where he/she was admitted until the review is completed.
 2. At the conclusion of the SBI Review, the offender may be transferred in accordance with the classification procedures contained within DOC policy 1.4.B.2 [Male Inmate Classification](#) and DOC policy 1.4.B.14 [Female Inmate Classification](#).

3. Notice of Sexual Behavior Issue Review:

- A. If, after review of the SBI assessment and/or other information, evidence and/or facts, SOMP staff determine an offender has a sexual behavioral issue, the offender will be provided a [Notice of Right to Sexual Behavior Review](#) (See [Attachment 3](#)).
1. SOMP staff is responsible for compiling the information, evidence and facts to be presented at the SBI Review. Unit/A&O staff may be asked to assist with this process.
 2. SOMP staff will ensure the offender signs Notice. If the offender refuses to sign the notice, the offender's refusal will be documented by SOMP staff.

- B. After being served the Notice of Sexual Behavior Issue and Right to Review, the offender has the option of completing a [Request for Sexual Behavior Issue Review](#) (See [Attachment 4](#)). If the offender waives his/her right to review, the offender will be assigned a sexual behavior code of 2Y or 2N.

4. Sexual Behavior Issue Review:

- A. If the offender requests a Sexual Behavior Review:
1. The offender may call witnesses. All witnesses will be identified using the Request for Sexual Behavior Issue Review form (See [Attachment 4](#)).
 - a. It is the offender's responsibility to arrange for the presence of his/her own witnesses at the SBI Review.
 - b. The SBI Review staff has the discretion to limit the number of witnesses if the testimony would be repetitive, or if the witness' presence would be contrary to the good order and/or disciplined operation of the institution.
 - c. The DOC is not financially liable for an offender's cost in arranging for the presence of witnesses.
 2. The offender may request time to obtain documents not in his/her possession.
 3. The offender may waive his/her right to a SBI Review by checking the appropriate line on the Request for Sexual Behavior Issue Review form and returning this to his/her case manager or parole agent (See [Attachment 4](#)).
 4. Failure to return the form within five (5) working days of being served the Notice shall also be considered a waiver of right to a review.
- B. The SBI Review will be scheduled no sooner than forty-eight (48) hours and no later than thirty (30) days after the offender requests a review.
- C. The following procedural guidelines will be followed for a SBI Review:
1. The offender will be notified in writing of the time and place set for the review (See [Attachment 5](#)).
 2. The offender is responsible for ensuring all documents and witnesses to be presented on their behalf have been requested prior to the review. The DOC is not financially responsible for the collection of documentation to be presented by the offender.
 3. An effort will be made to give the offender time to arrange for the presence of witnesses and to obtain documents. However, staff has the authority to hold a review if they deem a delay granted to the offender has become excessive.
 4. Under no circumstances will a victim of the offender's crime appear in person; however, a victim may give oral testimony to the SBI review staff by telephone or in a recorded or written statement directed to review staff.
 - a. Review staff will not permit an offender to directly question victims. Any questions will be directed through SBI review staff.

5. The proceedings of the SBI Review will be tape recorded and maintained for a minimum of three (3) years after the offender completes his/her sentence.
6. SOMP staff will present documentary evidence followed by affording the offender an opportunity to present documentary evidence.
 - a. The offender will be informed of all relevant documents or physical evidence not considered confidential.
 - b. Evidence may be presented through written documents, records, oral testimony (including testimony of witnesses) and/or through introduction of physical evidence.
7. The offender may ask questions of witnesses, with the exception of victims.
8. Relevant, non-repetitious evidence will be allowed, including hearsay evidence.
9. An offender must present his own case unless he/she retains private counsel at his/her own expense.
10. The source of confidential information presented during the review and/or considered as evidence may be withheld from the offender. Staff is not obligated to disclose the source of confidential information.
11. The SBI Review may take place telephonically (receipt of witness testimony); however, the offender will be permitted to attend the review and be heard in-person.

5. Decision of the Sexual Behavior Issue Review Staff:

- A. The SBI Review staff will document the findings and basis for the decision on the [Disposition of Sexual Behavior Issue Review](#) form (See [Attachment 6](#)).
- B. The SBI Review staff must determine:
 1. By a preponderance of the evidence a finding/determination that there is a clinical basis to support the offender has sexual behavior issues, and
 2. The offender has not offered credible explanation or evidence that would avoid a finding/determination the offender has sexual behavior issues, or
 3. By a preponderance of the evidence a finding/determination is made that there is no clinical basis to support the offender has sexual behavior issues and the state has failed to show the offender has a clinical basis for sexual behavior issues.
- C. The SBI Review staff will ensure that:
 1. Each SBI Review finding is documented in the Comprehensive Offender Management System (COMS).
 2. The original, signed [Disposition of Sexual Behavior Issue Review](#) form (See [Attachment 6](#)) and the tape of the review is forwarded to Central Records for retention.
 3. The offender is provided with a copy of the [Disposition of Sexual Behavior Issue Administrative Review](#) form within five (5) working days of the review.

4. A copy of the [Disposition of Disposition of Sexual Behavior Issue Administrative Review](#) form is sent to the offender's case manager or parole agent to be placed in the offender's institutional file with instructions regarding whether element #4 will be added to the offender's IPD (only if it has been determined the offender has a sexual behavior issue).
5. A copy of the [Disposition of Disposition of Sexual Behavior Issue Administrative Review](#) form is maintained by SOMP staff for their records.

6. Offender Appeal Rights:

- A. If an inmate does not agree with the finding/determination of the SBI Review staff, he/she may appeal the decision in accordance with DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#).
- B. If a parolee does not agree with the finding/determination of the SBI Review staff, he/she may appeal the decision to the Board of Pardons and Paroles within thirty (30) days of receiving the decision.

V Related Directives:

SDCL §§ [22.24B-1](#), [22-24B-1.1](#) and [37-24-1\(2\)](#)

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

DOC policy 1.4.B.1 -- [Individual Program Directives \(IPD\)](#)

DOC policy 1.4.B.2 -- [Male Inmate Classification](#)

DOC policy 1.4.B.14 -- [Female Inmate Classification](#)

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

VI Revision Log:

March 2004: New policy.

August 2004: **Revised** the definition of the Unconvicted Sex Offender Administrative Review Panel. **Added** a definition for STOP Program. **Revised** the appeal procedure. **Clarified** the waiting period before holding an Unconvicted Sex Offender Administrative Review. **Clarified** that Unconvicted Sex Offender Administrative Reviews will be held, even if the offender is not present. **Revised** the definition of Unconvicted Sex Offender Administrative Review. **Revised** attachments 2 and 3. **Added** a requirement to document reviews on the offender's mainframe computer record.

August 2005: **Revised** the definition of Unconvicted Sex Offender, Sexual Violence and/or Sexual Abuse and STOP program. **Deleted** language on the deadline for possible unconvicted sex offender reviews on current offenders. **Changed** the responsibility for documenting review results on the mainframe computer from the chair to the STOP representative. **Added** procedures for record retention. **Revised** the procedures for Notice of Right to an Unconvicted Sex Offender Administrative Review. **Changed** the section title under Identification of Possible Unconvicted Sex Offenders. **Added** language to the facts establishing sexually violent or abusive behavior.

January 2007: **Revised** the definition of Unconvicted Sex Offender Administrative Review Panel. **Added** reference to DOC policy 1.4.B.2. **Moved** appeal information into a separate section and **added** language for removal of an offender from USO status. **Revised** the section on USOAR Panel to make the Sex Offender Management Program Director the chair.

September 2007: **Added** a definition for working day. **Added** a reference to DOC policy 1.5.D.1. **Changed** program recommendations to program requirements throughout the policy. **Revised** attachment 2.

August 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Revised** definition of SOMP to include STOP language. **Added** "or designee" when referencing SOMP Director in ss (A1) and **revised** wording and combined ss (A2a and former A2b) into one within Unconvicted Sex Offender Administrative Review Panel Section. **Revised** wording in ss (C) to state information will be forwarded to Sex Offender Management Office within Identification of Possible

Unconvicted Sex Offenders section. **Added** statement regarding including inmates signature, **deleted** statement about offender being treated as an unconvicted sex offender in ss (C) and **revised** wording in ss (C1) to indicate if offender should be classified vs. document the classification of the offender within Notice of Right to an Unconvicted Sex Offender Administrative Review section. **Added** statement regarding offenders signature and ss (A), **revised** wording in ss (B) to state that an Unconvicted Sex Offender Admin Review will be scheduled, **deleted** statement about completing the Unconvicted Sex Offender Admin Review Request form in ss (B1) and **deleted** statement about offender not completing the form and returning it within five days in ss (B3) of Unconvicted Sex Offender Administrative Review section. **Replaced** "Review Board" with "Review Panel" in ss (E) and **added** parole agent in ss (F4 of Decision of the Unconvicted Sex Offender Administrative Review Panel. **Deleted** #11 in Attachment 1 regarding staff having the discretion to use other sources of information. **Replaced** language in Attachment 2 and 3 to state that the Review Panel will still convene vs. that the inmate will automatically be considered an unconvicted sex offender. **Added** "appear" in Attachment 3 regarding an inmate waiving his/her right to appear at the review. **Revised** titles of Attachments 2, 3, 4 and 5 to be consistent with policy, attachments and WAN. **Added** reference to attachments when appropriate throughout policy. **Replaced** STOP with SOMP when referencing staff throughout policy. **Added** SDCL 22-22 and DOC policy in section V. **Revised** minor grammatical changes throughout policy.

August 2009: **Added** reference to Attachment 2 in ss (C of Identification of Possible Unconvicted Sex Offenders). **Revised** title of DOC policy 1.4.B.2 to include male throughout policy. **Added** Attachment 2 "USOR Review Referral" and renumbered following attachments.

August 2010: **Revised** formatting of Section I. **Deleted** reference to "except after a sex offender specific evaluation has occurred at the request of the DOC, e.g. psycho-sexual evaluation, etc." from ss (D of Identification of Possible Unconvicted Sex Offenders). **Deleted** SDCL 22-22 in policy and in Section V. **Added** SDCL 22-24B1, 22-24B-1.1 and § 37-24-1(2) to policy and/or Section V.

Added hyperlinks.

October 2011: **Reviewed with no changes.**

September 2012: **Added** "If the Panel determines the existing" and "Supports the offender may be" in Section 3 A. **Added** "information/facts supporting the offender has a history of" in Section 5 A. 1.

Added "work/job assignments" to Section 5 D. **Added** e. & f to Section 6 C. 4.

May 2015: Extensive changes to the policy. **Deleted** reference to "Unconvicted Sex Offender and **Replaced** with Sexual Behavior Issue.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

06/24/2014

Date

Attachment 1: Sources of Records to Be Reviewed

1. NCIC III/criminal history.
2. Judgment/sentencing papers.
3. Pre-Sentence Investigation (PSI) – if available in the institutional file.
4. Police report(s) – if available in the institutional file.
5. Victim's statement(s) – if available in the institutional file.
6. Official statement from the court/States Attorney's Office – if available in the institutional file.
7. Psychological evaluation – if available in the institutional file.
8. Psychosexual evaluation – if available in the institutional file.
9. Interview with the offender/offender self-report.
10. Reports and records of current and past incarcerations and detentions – if available in the institutional file or the computer system.
11. SOMP Assessment.

Attachment 2: Sexual Behavior Issue Referral

1. Click [here](#) to access the **Sexual Behavior Issue Referral** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Sexual Behavior Issue Referral**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: SBI Referral Please refer to DOC policy 1.4.B.9 Sexual Behavior Issue Review	
SEXUAL BEHAVIOR ISSUE REFERRAL		
NAME: <input type="text"/>	ID #: <input type="text"/>	
CURRENT OFFENSE: <input type="text"/>		
SENTENCE: <input type="text"/>	PAROLE DATE: <input type="text"/>	DISCHARGE DATE: <input type="text"/>
REASON FOR REFERRAL: (Check all that apply)		
<input type="checkbox"/> Evidence of a history of sexually abusive or sexually violent behavior.		
<input type="checkbox"/> Crime charged with or convicted/adjudicated of involves sexual violence or sexual abuse.		
<input type="checkbox"/> Other		
VICTIMS OF SEXUALLY ABUSIVE OR SEXUALLY VIOLENT BEHAVIOR: <input type="text"/>		
CURRENT OR PAST SEX OFFENSE CHARGES AND CONVICTIONS/ADJUDICATION: <input type="text"/>		
STAFF MAKING REFERRAL: <input type="text"/>	DATE: <input type="text"/>	
Note: Attachments to this report may include but are not limited to law enforcement reports, victim statements, NCIC report, jail or institutional reports, PSI, psychological evaluation, psychosexual evaluation, information collected from offender interview and self reported information, SOMP assessment, and other relevant documentation.		
Revised: 03/14/2014	Page 1 of 1	

Attachment 3: Notice of Right to Sexual Behavior Issue Review

The **Notice of Right to Sexual Behavior Issue Review** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Notice of Right to Sexual Behavior Issue Review** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Notice of Right to Sexual Behavior Issue Review**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Notice of Right to SBI Review Please refer to DOC policy 1.4.B.9 Sexual Behavior Issue Review
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NOTICE OF RIGHT TO SEXUAL BEHAVIOR ISSUE REVIEW

The Department of Corrections will offer the opportunity for an Sexual Behavior Issue Review to any offender who has never been convicted/adjudicated of a sex offense (felony, misdemeanor or juvenile) but has been identified for a sexual behavior issue assessment and is designated a sex offender (Coded 2Y or 2N).

DOC has identified information, evidence, and/or facts which support you may have a history of sexually abusive and/or sexually violent behavior. The DOC may suspend your current classification supervision status until a Sexual Behavior Issue Review is completed.

An affirmative finding that you have a sexual behavior issue may impact your individual program directive (IPD), parole, programming requirements, housing status/placement, visitation, work/job assignments and allowable personal property.

You must notify Sex Offender Management Program (SOMP) staff in writing if you wish to request a Sexual Behavior Issue Hearing by properly completing the attached form. You have a right to attend the review in person and you may call witnesses and present documentary evidence in your defense.

If SOMP staff does not receive a written request for an review (see attached form) from you within five (5) working days of you being provided with this Notice, you will waive your procedural rights to a review.

Offender Name (Print & Sign) _____ DOC # _____ Date _____
(Staff Name & Signature if inmate refuses to sign)

I, _____ (print name and title) hereby
certify that on this _____ day of _____ 20 _____

I served the foregoing **Notice of Right to Sexual Behavior Issue Review**
to offender: _____ DOC # _____

Revised: 03/14/2014 Page 1 of 1

Attachment 4: Request for Sexual Behavior Issue Review

The **Request for Sexual Behavior Issue Review** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Request for Sexual Behavior Issue Review** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Request for Sexual Behavior Issue Review**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution	Attachment: Request For Sexual Behavior Issue Review Please refer to DOC policy 1.4.B.9 Sexual Behavior Issue Review
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REQUEST FOR SEXUAL BEHAVIOR ISSUE REVIEW

If you choose not to complete this form and return it to Sex Offender Management staff within five (5) working days of being served the Notice of Hearing, you will waive your procedural rights to a review.

Name: _____ DOC #: _____

Current Housing Location: _____

_____ I am requesting a Sexual Behavior Issue Review.

_____ I waive my right to a Sexual Behavior Issue Review.

**If you are requesting to be present at the Sexual Behavior Issue Review, please answer the following questions:

_____ I would like to have witnesses to attend the review. List the names and addresses of the witnesses:

Name: _____	Address: _____
Name: _____	Address: _____

_____ I am requesting _____ days to obtain documents and/or witnesses for the review.

_____ I am requesting the assistance of an interpreter for the review.

_____ I am requesting the assistance of a staff representative (unit staff member/parole agent).

Confidential information may be disclosed by witness testimony or documentary evidence during the Sexual Behavior Issue Review process. By requesting the review, you are releasing all relevant confidential information and agreeing to its disclosure to the review staff.

_____ Offender Signature _____ Date _____

Revised: 03/14/2014 Page 1 of 1

Attachment 5: Notice of Time and Place for Sexual Behavior Issue Review

The **Notice of Time and Place for Sexual Behavior Issue Review** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Notice of Time and Place for Sexual Behavior Issue Review** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Notice of Time and Place for Sexual Behavior Issue Review**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Notice of Time and Place for Sexual Behavior Issue Review Please refer to DOC policy 1.4.B.9 Sexual Behavior Issue Review
NOTICE OF TIME AND PLACE FOR SEXUAL BEHAVIOR ISSUE Review	
To: <input type="text"/>	<input type="text"/>
OffenderName	DOC Number
You are scheduled for a Sexual Behavior Issue Review on (date & time): <input type="text"/>	
at the following location: <input type="text"/>	
I, <input type="text"/> (print name/employee title) hereby certify that on this <input type="text"/> day of <input type="text"/> , 20 <input type="text"/> .	
I have been served the foregoing Notice of Time and Place for Sexual Behavior Issue Review.	
<input type="text"/>	<input type="text"/>
Offender Name	DOC Number
<input type="text"/>	<input type="text"/>
Offender Signature	Date
(Case Manager/Parole Agent signature if offender refuses to sign)	
Revised: 05/26/2014	Page 1 of 1

Attachment 6: Disposition of Sexual Behavior Issue Review

The **Disposition of Sexual Behavior Issue Review** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Disposition of Sexual Behavior Issue Review** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Disposition of Sexual Behavior Issue Review**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Disposition of Sexual Behavior Issue Review Please refer to DOC policy 1.4.B.9 Sexual Behavior Issue Review
DISPOSITION OF SEXUAL BEHAVIOR ISSUE REVIEW	
Offender Name: _____	DOC #: _____
Date of Disposition: _____	
<input type="checkbox"/> Review staff has determined a clinical basis exists to support you have a sexual behavior issue. A sexual behavior code of 2Y will be added to your IPD and you may be required to complete sex offender programming. Sex Offender Management staff based this decision on the following evidence and reasons:	
a. Based on the following evidence, facts and/or information, review staff have concluded you have a history of sexually violent and/or sexually abusive behavior: _____	
b. Additionally, review staff have concluded you have not offered any credible explanation that avoids the conclusion you have a history of sexually violent and/or sexually abusive behavior and such behavior may threaten the safety of the public or the safety of DOC staff and offenders.	
<input type="checkbox"/> Based on review of the evidence, facts and/or information presented, review staff has determined you DO Not have a sexual behavior issue.	
_____ Signature of Review Staff	_____ Printed Name of Review Staff
_____ Signature of Review Staff	_____ Printed Name of Review Staff
_____ Signature of Review Staff	_____ Printed Name of Review Staff
NOTICE: If a parolee does not agree with the decision of the hearing staff, he/she may appeal the decision to the Parole Board within thirty (30) days of receiving the decision, unless he/she waived/forfeited their right to be present at the hearing.	
Revised: 05/26/2014	Page 1 of 2