

## 1.4.B.9 Sexual Behavior Issue Review

### I Policy Index:



**Date Signed:** 10/10/2018  
**Distribution:** Public  
**Replaces Policy:** N/A  
**Supersedes Policy Dated:** 10/18/2017  
**Affected Units:** Adult Units  
**Effective Date:** 10/11/2018  
**Scheduled Revision Date:** August 2019  
**Revision Number:** 15  
**Office of Primary Responsibility:** DOC Administration

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### II Policy:

The Department of Corrections (DOC) will assess all offenders to identify those with sexual behavior issues.

### III Definitions:

#### **Offender:**

For the purposes of this policy, an offender is any offender in the custody of the Department of Corrections adult institutional system or a parolee under parole or suspended sentence supervision of the Department of Corrections Parole Service.

#### **Sexual Behavior Issue:**

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 the offender was charged or convicted/adjudicated that involves sexual violence or sexual abuse. An acquittal on a sex offense by itself cannot be the basis for determining a sexual behavior issue does not exist. A "sex offense" is any crime within SDCL § 22-24B-1 or any crime defined by law as a sex offense within the jurisdiction from which the crime was committed.

#### **Sexual Behavior Issue Assessment:**

A clinical interview with the inmate for Sexual Behavioral Issue Review and review of information from the following: pre-sentence investigation, psychosexual reports, Minnesota Sex Offender Screening Tool – Revised (MnSOST-R), Static 99, ABLE screening, results of sexual behavior, monitor or specific issue polygraph examinations, STOP file information and clinical interviews.

#### **Sexual Behavior Issue Review:**

A review hearing consisting of three Sexual Behavior Issue Review staff to determine if an offender has a current or past sexual behavior issue. Inmates have a right to attend the review in person and can call witnesses and present documentary evidence on their behalf. This determination can impact the classification status, parole release and program recommendations of an inmate.

#### **Sexual Behavior Issue Review Staff:**

At least one case manager or Unit Manager (may be from the Admission and Orientation (A&O) unit) and at least one Sex Offender Management Program (SOMP) staff member.

**Sex Offender:**

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a felony 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 been identified as having a Sexual Behavior Issue (SBI) by SOMP staff (designated by sexual behavior code of 2) or convicted of any offense requiring sex offender registration.

**Sexual Violence and/or Sexual Abuse:**

A range of behaviors from battery, mutilation, torture, assault to intentional unwanted sexual conduct, this 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.

**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.

**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 Review:**

- A. Inmates received by the DOC will have their records reviewed while housed in Admission and Orientation (A&O) by unit staff for any information supporting the inmate meets the criteria for referral for a Sexual Behavior Issue (SBI) review (See *Sources of Records to Be Reviewed*, [Attachment 1](#)).
- B. Information, evidence and facts contained in the inmate's records that supports an inmate be referred for a SBI review may be discovered any time while the inmate is in DOC custody, or released to parole supervision. Records and information that may be reviewed include:
  1. LSI-R assessment, pre-sentence investigation (PSI) psychosexual assessment, MnSoST-R, STATIC 99, ABEL screen, clinical interview, polygraph reports, P-SCAN, mental health assessment, STOP status and NCIC report.
- C. Unit staff will document information, evidence and facts supporting the referral in the inmate's file and SOMP file. Information collected by staff supporting the referral will be provided to SOMP staff, who will determine:
  1. If the information, evidence and facts is sufficient to refer the inmate for a SBI review (See *Sexual Behavior Issue Referral* ([Attachment 2](#))); or
    - a. The inmate will be scheduled for a Sexual Behavior Issue Assessment by the SOMP clinical consultant.

2. If additional investigation and fact gathering is necessary to determine whether a SBI review is warranted; or
3. If insufficient information exists or no cause can be found to support the inmate be recommended for a SBI review.
  - a. If there is insufficient information, evidence or facts and no cause to warrant an SBI review, the referral process will be terminated.
- D. Only one referral and SBI assessment will be completed based upon the same set of information, evidence and facts.
- E. If new or additional information, evidence or facts is discovered at a later date which supports an inmate may have a sexual behavior issue, SOMP staff will refer the inmate for an SBI assessment.

## 2. Sexual Behavioral Issue Assessment:

- A. Inmates identified by SOMP staff as having a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated), will be scheduled for a SBI assessment. The purpose of the SBI assessment is to:
  1. Establish a clinical basis for determining the inmate has a sexual behavioral issue, thereby designating the inmate a "sex offender". All sex offenders will be assigned a sexual behavior code of 2Y or a 2N; or
  2. Establish a clinical basis for determining the inmate does not have a sexual behavioral issue. The inmate will NOT be assigned a sexual behavior code of 2.
  3. Inmates completing the SBI assessment who are found not to have a sexual behavior issue by SOMP staff will be assigned a sexual behavior code of 1n.
  4. If the inmate refuses the SBI assessment or fails to adequately participate in the assessment, SOMP staff will notify the inmate's unit staff that the inmate will be assigned a sexual behavior code of 2 Y.
- B. Inmates housed in the Admission & Orientation (A&O) unit of a DOC institution, who are referred for the SBI review, should have the review completed before transfer to general population.
  1. If the SBI Review is not completed prior to an inmate's transfer from A&O, the inmate will remain at the institution and is not eligible for transfer until the review is complete.
  2. If an inmate refuses the SBI review, he/she will be assigned a sexual behavior code of 2Y and assigned housing consistent and appropriate for sex offenders.
  3. If an inmate later completes the SBI review, the inmate's housing placement will be reviewed based on the findings of the review.

## 3. Notice of Sexual Behavior Issue Review:

- A. If, after review of the SBI assessment, SOMP staff determine the inmate has a sexual behavioral issue, the inmate will be provided a *Notice of Right to Sexual Behavior Review* (See [Attachment 3](#)).

1. SOMP staff will ensure the inmate signs the Notice. If the inmate refuses to sign the Notice, the inmate's refusal will be documented by SOMP staff.
- B. Inmates served the *Notice of Sexual Behavior Issue and Right to Review* may complete a *Request for Sexual Behavior Issue Review* (See [Attachment 4](#)).
- C. If the inmate fails to request a review within five (5) working days of being served, the inmate shall waive his/her right to a review and will be assigned a sexual behavior code of 2Y or 2N.

#### 4. Sexual Behavior Issue Review:

- A. Reviews will be scheduled no sooner than forty-eight hours and no later than thirty (30) days from when the Notice of time and Place for SBI review was served. Inmates have the right to:
  1. Call witnesses. All witnesses will be identified using the *Request for Sexual Behavior Issue Review* form (See [Attachment 4](#)).
    - a. It is the inmate's responsibility to arrange for the presence of his/her own witnesses at the SBI Review.
    - b. Review staff may limit the number of witnesses if the testimony would be repetitive or if the witness' presence would be contrary to the good order and disciplined operation of the institution.
    - c. The DOC is not financially liable for any costs associated with witness testimony.
  2. Request reasonable time to obtain documents not in his/her possession. Inmates will be charged .25 cents for copies of requested documents.
  3. Waive right to review by checking the appropriate line on the *Request for Sexual Behavior Issue Review* form and returning the completed form to his/her case manager.
    - a. If the inmate waives their right to a SBI review, the inmate will be assigned a sexual behavior code of 2Y or 2N.
- B. The following procedural guidelines will be followed for SBI reviews:
  1. The inmate will be notified in writing of the time and place set for the review (See [Attachment 5](#)).
  2. The inmate is responsible for providing advance notice to SBI review staff of all requested records or documents and any witness testimony to be presented on their behalf. The DOC is not financially responsible for the collection of documentation to be presented by the inmate.
  3. Reasonable efforts will be made to give the inmate time to arrange for the presence of witnesses and to obtain documents. However, staff has the authority to hold a review upon determination an inmate's request for a delay is excessive.
  4. Under no circumstances will a victim of the inmate's crime be permitted to attend the hearing in-person; however, a victim may offer testimony by telephone or in a pre-recorded or written statement.
    - a. Review staff will not permit an inmate to directly question victims. Any questions intended for the victim will be directed through SBI review staff.

5. The proceedings of the SBI Review will be recorded and maintained for a minimum of three (3) years following discharge of the inmate.
  6. SOMP staff is responsible for compiling and presenting assessment results, information, evidence and facts supporting the inmate has a sexual behavior issue. After SOMP staff has presented documentary evidence, the inmate will have an opportunity to present documentary evidence.
    - a. The inmate will be informed of all relevant documents or physical evidence.
    - b. Evidence may be in the form of written documents, records, oral or recorded testimony (including testimony of witnesses) and introduction of physical evidence.
  7. The inmate may ask questions of the SBI review staff and witnesses.
  8. Relevant, non-repetitious evidence will be allowed, including hearsay evidence.
  9. An inmate must present his own case, unless he/she retains private counsel at his/her own expense.
- C. Staff may consider all reliable confidential information. This information will be available to the inmate; however, the source of the confidential information will not be disclosed to the inmate if staff determines such disclosure may subject the informant/witness to risk of harm. Reliability standards that apply to the use of confidential witnesses shall apply.
- D. The SBI Review may be held remotely by telephone or video, including receipt of witness testimony. The inmate will be permitted to attend the review and be heard in-person.

## **5. Decision of the Sexual Behavior Issue Review Staff:**

- A. 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 by preponderance of the evidence that:
  1. A clinical basis exists supporting the inmate has sexual behavior issues, and
  2. The inmate has not offered credible explanation or evidence that would avoid a finding/determination the inmate has sexual behavior issues/is a sex offender, or
  3. There is no clinical basis to support the inmate has a sexual behavior issue.
- C. An affirmative finding by SBI Review staff that the inmate has an sexual behavior issue will result in the inmate being designated a "sex offender" and may subject the inmate to specified/required programming/treatment directives, restrictions and/or limitations.
  1. SOMP staff will determine whether the inmate will be recommended for Special Treatment of Perpetrators (STOP). If the inmate is recommended for STOP, he/she will be assigned a sexual behavior code of 2Y. If STOP is not recommended, the inmate will be assigned a sexual behavior code of 2N.
  2. An inmate's Individual Program Directive (IPD), parole plan, housing status/placement, visitation, (contract or no contract) work/job assignments, programming requirements and

allowable personal property may all be impacted by a determination that the inmate is a sex offender, (assigned a sexual behavior code).

D. The SBI Review staff will ensure:

1. Each SBI review finding must be documented in the Comprehensive Offender Management System (COMS).
2. The original, signed *Disposition of Sexual Behavior Issue Review* form (See [Attachment 6](#)), any record and recording of the Review Hearing proceedings, and copies of documents, facts, evidence and records presented during the hearing shall be forwarded to Central Records for retention in the inmate's legal file.
3. The inmate 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 Sexual Behavior Issue Review* form shall be sent to the inmate's case manager or parole agent (if a parolee), to be placed in the inmate's file with instructions regarding whether element #4 will be added to the inmate's IPD (only if it has been determined the inmate has a sexual behavior issue).
5. A copy of the *Disposition of Disposition of Sexual Behavior Issue Administrative Review* form shall be maintained by SOMP staff in the inmate's SOMP file.

**6. Administrative Remedy:**

- A. If an inmate does not agree with the findings of the SBI review, 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 Parole Board.

**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](#).

**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 2014:** Extensive changes to the policy. **Deleted** reference to "Unconvicted Sex Offender and **Replaced** with Sexual Behavior Issue.

**September 2014:** **Deleted** 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." in Section 6.

**July 2016:** **Updated** the definition of "Sex Offender" Various changes to language, format and procedures contained with in the policy.

**August 2017:** **Added** definition of "Sexual Behavior Issue Review" **Added** a. to Section 1. C. 1. **Deleted** "assessment" and **Replaced** with "review" in Section 1. **Added** 3. and 4. to Section 2 A. **Deleted** B. 1-4 in Section 2. **Added** 1. – 2. to Section 5 c.

**August 2018:** **Added** "Inmates will be charged .25 cents for copies of requested documents" in Section 4 A. 2.

*Denny Kaemingk (original signature on file)*

*10/10/2018*

Denny Kaemingk, Secretary of Corrections

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	
<b>SEXUAL BEHAVIOR ISSUE REFERRAL</b>		
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"/>
<b>REASON FOR REFERRAL: (Check all that apply)</b>		
<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"/>	
<b>Note:</b> 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.		
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### 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 # \_\_\_\_\_

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## 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 \_\_\_\_\_

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## 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
<b>NOTICE OF TIME AND PLACE FOR SEXUAL BEHAVIOR ISSUE Review</b>	
To: <input type="text"/> OffenderName	<input type="text"/> 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"/> Offender Name	<input type="text"/> DOC Number
<input type="text"/> Offender Signature	<input type="text"/> Date
(Case Manager/Parole Agent signature if offender refuses to sign)	
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## 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
<b>DISPOSITION OF SEXUAL BEHAVIOR ISSUE REVIEW</b>	
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
<b>NOTICE:</b>	
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.	
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