

## 1.3.D.4 Administrative Segregation

### I Policy Index:



**Date Signed:** 8/16/2010  
**Distribution:** Public  
**Replaces Policy:** N/A  
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**Revision Number:** 7  
**Office of Primary Responsibility:** DOC Administration

### II Policy:

Inmates who require greater security, supervision, or control than can be afforded in general population will be referred for Administrative Segregation status.

### III Definitions:

#### **Administrative Segregation:**

A status designated for inmates who have not responded to counseling or conventional disciplinary sanctions, who are flagrantly or chronically disruptive to the good order and disciplined operation of the institution, or who pose a threat to the security of the institution. Administrative Segregation is not a disciplinary sanction or a punitive status.

#### **Threat to the Security of the Institution:**

Any behavior which causes or is reasonably likely to cause acts of violence, escape, injury or death, or substantial destruction of property. Inmates who incite others to engage in disruptive behavior may also be considered a threat to the security of the institution.

### IV Procedures:

#### **Referral for Administrative Segregation:**

- A. Normally, such referral is made by the inmate's unit team following Disciplinary Segregation or at the time of initial classification (See DOC policies 1.3.D.1 [Disciplinary Segregation Housing](#), 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.15 [Female Inmate Classification](#)).

#### **Inmate Notice of Initial Administrative Segregation Hearing:**

- A. At least twenty-four (24) hours prior to an Administrative Segregation hearing, the inmate will be given a notice of the hearing ([See Attachment 1](#)). The notice will include:
  1. A statement describing the reason(s) that the inmate is being considered for Administrative Segregation status, i.e. "because of the three assaults you have committed" or "because of the loan sharking operation you have been running", "because of your escape risk", "because of your cumulative disciplinary record", etc.

2. The date, time and place of the hearing.
- B. The inmate will be provided a list of the rights which he/she has regarding the hearing ([See Attachment 1](#)):
1. The inmate may be present at the hearing unless his/her presence would create a threat to the safety of others.
    - a. Reasons for not allowing an inmate to be present must be documented in writing and provided to the inmate.
    - b. The inmate must indicate his/her desire to be present when returning the copy of the notice.
    - c. If an inmate declines to appear at his/her administrative segregation hearing, the hearing will be held in absentia.
  2. The inmate may be assisted by a member of his/her unit staff, normally a case manager designated by the Warden. The case manager will be present at the Administrative Segregation Hearing, unless the inmate waives this requirement.
  3. The inmate will be allowed to speak on his/her own behalf and present relevant documents or a written statement.
  4. When a hearing is based upon an inmate's alleged involvement in a criminal matter, the inmate must be advised of his/her right to remain silent and that anything he/she says may be used against him/her in a court of law.
  5. In addition to the specific reasons for which the hearing is being conducted, the Administrative Segregation Hearing Board may consider the inmate's past/present institutional adjustment, record, attitude, criminal record, informational and/or investigative reports ([See Criteria for Administrative Segregation Placement](#)).
  6. If the reason(s) for Administrative Segregation referral are based, in part or in full, on confidential investigative information, the investigator may not be a member of the Administrative Segregation Hearing Board. At a minimum, the Chairman of the Administrative Segregation Hearing Board must be fully informed about the confidential investigative information.

### **Administrative Segregation Hearing Board:**

- A. An Administrative Segregation Hearing Board will consist of three (3) members:
1. One (1) supervisory correctional officer (normally with the rank of Captain or higher, however, a Sergeant or Lieutenant may serve in this capacity if someone with the rank of Captain or higher is not available).
  2. Two (2) unit managers, if available, to be designated by the Warden.
  3. If a facility does not have two (2) unit managers available, the Warden will designate a substitute(s).
- B. One (1) member will be selected by the Warden to serve as the Chair of the Administrative Segregation Hearing Board.

### Hearing and Decision Process:

- A. The Administrative Segregation Hearing Board may require staff and/or other inmate witnesses to appear at the hearing to present relevant information and may temporarily adjourn a hearing to obtain additional information.
- B. Hearings will be tape recorded except for the Administrative Segregation Hearing Board's deliberation.
- C. The Administrative Segregation Hearing Board will consider if there is reasonable cause to warrant Administrative Segregation for the inmate.
  1. The Administrative Segregation Hearing Board can classify an inmate to Administrative Segregation if the inmate presents a risk to the security or disciplined operation of the institution or the safety of that inmate or others, and therefore requires separation from the general population.
  2. The Administrative Segregation Hearing Board may use reliable confidential inmate information to reach this decision.
- D. The Administrative Segregation Hearing Board will provide a copy of the [Administrative Segregation Hearing Board Findings and Disposition](#) sheet ([See Attachment 2](#)) to the inmate. The sheet documents if the inmate will be returned to general population or be placed on Administrative Segregation.
- E. If the hearing results in a placement on Administrative Segregation, the Administrative Segregation Hearing Board will document on the [Administrative Segregation Hearing Board Findings and Disposition](#) sheet the criteria which must be met by the inmate before he/she will be considered for release from Administrative Segregation. Examples are:
  1. Maintaining a "satisfactory" on the unit housing evaluation report.
  2. Maintaining a clean disciplinary record.
  3. Reading and/or reporting on specific material as determined by the Administrative Segregation Hearing Board.
  4. Maintaining a daily anger and activity log.
  5. Creating a written release plan.
  6. Appropriate interaction with other inmates and staff.
  7. Other individual criteria as determined by the Administrative Segregation Hearing Board.
- F. At the time of the initial Administrative Segregation hearing, the inmate will be advised by the Administrative Segregation Hearing Board of the probable duration of his/her Administrative Segregation status.
- G. An inmate will be advised of his/her right to appeal the Administrative Segregation Hearing Board's decision to the Warden and the Warden's decision to the Secretary of Corrections ([See DOC policy 1.3.E.2 Administrative Remedy for Inmates](#)).

### **Criteria for Administrative Segregation Placement:**

- A. The Administrative Segregation Hearing Board can place an inmate on Administrative Segregation if he/she presents a risk to the security or disciplined operation of the institution.
- B. Administrative Segregation is appropriate when:
  - 1. There are episodes or clearly documented threats of violence towards self or others.
  - 2. There is an established pattern of behavior that has resulted in harm to the inmate and victims, or both.
  - 3. There is a reasonable belief that the inmate will continue to engage in violence towards self and others if the inmate is not strictly supervised.
  - 4. There is a history of misuse of a less restrictive custody or the inmate is considered to be an escape risk.
  - 5. There is a history of unresponsiveness to counseling or conventional disciplinary sanctions and the inmate is flagrantly or chronically disruptive to the security and/or disciplined operation of the institution.
- C. Administrative Segregation may not be used to control behavior which is the result of mental illness, which can be more appropriately treated through intervention by mental health staff.
- D. In addition to the particular reason for referral, the Administrative Segregation Hearing Board may consider the inmate's:
  - 1. Disciplinary record.
  - 2. Past criminal record.
  - 3. Records from past incarcerations.
  - 4. Psychological assessments.
  - 5. Involvement in criminal activity while incarcerated.
  - 6. Attitude toward authority.
  - 7. Institutional record from work assignments.
  - 8. Adjustment to institutional programming.
  - 9. Willingness and ability to be housed with other inmates.
  - 10. Record of violent reactions to stressful situations.
  - 11. Habitual conduct or speech of a nature that instigates stressful and/or violent situations.
  - 12. Involvement with prison gangs.
  - 13. Chronic insubordination.

- E. An inmate may be placed on Administrative Detention pending an Administrative Segregation hearing when there is reasonable cause to believe that the inmate is an immediate danger to himself/herself or to others or that he/she presents a threat to the security of the institution.
- F. The hearing will be held no sooner than twenty-four (24) hours after the inmate is given a notice of the hearing ([See Attachment 1](#)).

### **Administrative Segregation Review Hearings:**

- A. The Administrative Segregation Hearing Board will review each inmate assigned to Administrative Segregation at least every ninety (90) days ([See Attachment 1](#)).
  - 1. If an Administrative Segregation inmate is placed on Disciplinary Segregation status, his/her Administrative Segregation Review Hearing may be postponed until the inmate is close to concluding his/her Disciplinary Segregation time.
  - 2. A written notice of the review will be given to the inmate at least twenty-four (24) hours prior to the hearing ([See Attachment 1](#)).
  - 3. The inmate may choose to be present at this hearing to discuss his/her continued placement on Administrative Segregation.
  - 4. If an inmate declines to appear at his/her administrative segregation hearing, the hearing will be held in absentia.
- B. At the time of the review hearing, the Administrative Segregation Hearing Board will decide whether an inmate remains on Administrative Segregation or is reclassified to general population.
- C. The inmate will be given a written notice of the Administrative Segregation Hearing Board's decision.
  - 1. The Board may consider an inmate's behavior and progress during the preceding ninety (90) days in determining whether he/she should continue to be classified to Administrative Segregation.
  - 2. If the classification process includes reasons justifying a good faith belief that returning to general population may expose an inmate to bodily harm or other violent acts or may present a threat to the security of the institution, the inmate will remain on Administrative Segregation.

### **Mental Health Assessment of Inmates on Administrative Segregation:**

- A. A mental health professional will personally interview and assess the psychological status of each inmate prior to their initial Administrative Segregation hearing and prior to each review hearing.
  - 1. The Department of Human Services Correctional Mental Health Services will provide a summary of the inmate's current mental health status and needs ([See Attachment 3](#)).
  - 2. The purpose of the interview and assessment is to ensure that no inmate is placed on Administrative Segregation for whom mental health considerations indicate such status is inappropriate.

3. Inmates housed in Administrative Segregation may be referred for an additional assessment at any time the inmate's behavior indicates a mental health issue may exist ([See Attachment 4](#)).
- B. A mental health professional will assess the status of all inmates on Administrative Segregation and/or Disciplinary Segregation for a continuous period of more than one (1) year.
1. The Department of Human Services Correctional Mental Health Services will provide a summary of the inmate's current mental health status and needs ([See Attachment 3](#)).
  2. The purpose of such assessment is to ensure that no inmate is on Administrative Segregation and/or Disciplinary Segregation for whom mental health considerations indicate such status is inappropriate.
  3. Such assessment will include a personal interview with the inmate.
  4. In the event the inmate will continue on Administrative Segregation after the assessment, assessments will be done every six (6) months an inmate is on Administrative Segregation or Disciplinary Segregation.

### **Administrative Segregation Work and Escort Restrictions:**

- A. An inmate on Administrative Segregation will be restricted to work only in his/her housing area.
- B. An inmate on Administrative Segregation will be restrained and escorted according to the procedures contained in DOC policy 1.3.A.7 [Transport & Escort of Inmates](#).

### **Administrative Segregation Programs/Services:**

- A. The following programs/services are available to inmates on Administrative Segregation:
  1. Medical/dental.
  2. Optometric.
  3. Psychiatric/psychological.
  4. Counseling.
  5. Recreation.
  6. Self-help/therapy books.
  7. Legal assistance (See DOC policy 1.3.E.1 [Inmate Legal Assistance](#)).
  8. General and legal mail (See DOC policy 1.5.D.3 [Offender Correspondence](#)).
  9. Class II visits (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
  10. Telephone calls (See DOC policy 1.5.D.4 [Inmate Access to Telephones](#)).
  11. Personal property, which will be restricted for security reasons only (See DOC policy 1.3.C.4 [Inmate Personal Property](#)).

- B. Information on the day-to-day operation of the Administrative Segregation Unit is available in the respective Unit Plan (See DOC policy 1.3.A.1 [Unit Plans](#)).

## V Related Directives:

- DOC policy 1.3.A.1 – [Unit Plans](#)
- DOC policy 1.3.A.7 – [Transport & Escort of Inmates](#)
- DOC policy 1.3.C.4 – [Inmate Personal Property](#)
- DOC policy 1.3.D.1 – [Disciplinary Segregation Housing](#)
- DOC policy 1.3.E.1 – [Inmate Legal Assistance](#)
- DOC policy 1.3.E.2 – [Administrative Remedy for Inmates](#)
- DOC policy 1.4.B.2 – [Male Inmate Classification](#)
- DOC policy 1.4.B.15 – [Female Inmate Classification](#)
- DOC policy 1.5.D.1 – [Inmate Visiting](#)
- DOC policy 1.5.D.3 – [Offender Correspondence](#)
- DOC policy 1.5.D.4 – [Inmate Access to Telephones](#)

## VI Revision Log:

August 2004: New policy, written from SDSP and SDWP OMs.

August 2005: **Clarified** that the staff representative (case manager) will normally be present at the administrative segregation hearing. **Added** reference to DOC policies 1.5.D.3 and 1.5.D.4. **Changed** the policy name on 1.3.D.1.

July 2006: No changes made.

July 2007: **Added** additional language regarding the Department of Human Services Correctional Mental Health Services providing a summary of the inmate's current mental health status and needs. **Added** attachments 3 and 4. **Revised** the language on escort/restraint requirements for Administrative Segregation inmates.

July 2008: **Revised** formatting of policy and attachments in accordance with 1.1.A.2. **Deleted** the "/" between Administrative and Segregation in ss (E) of the Hearing and Decision Process section. **Revised** "Administrative Segregation Inmates" to read "inmates on Administrative Segregation" throughout policy. **Revised** Attachments 3 and 4 with related policies.

July 2009: **Revised** title of DOC policy 1.5.D.3 to be consistent with actual title of policy and as saved on the M drive. **Added** reference to Warden selecting the Chair within ss (B of Administrative Segregation Hearing Board). **Revised** minor wording throughout policy. **Updated** formatting of Attachment headers.

July 2010: **Revised** formatting of Section 1. **Revised** title of DOC policy 1.4.B.2 and **added** reference to 1.4.B.14.



Tim Reisch, Secretary of Corrections

8-16-10

Date

## Attachment 1: Administrative Segregation Notice of Hearing

The **Administrative Segregation Notice of Hearing** form is located on the state's WAN.

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

1. Click [here](#) to access the **Administrative Segregation Notice of Hearing** 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 **Administrative Segregation Notice of Hearing**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Administrative Segregation Notice of Hearing Please refer to DDC policy 1.3.D.4 Administrative Segregation	
<b>ADMINISTRATIVE SEGREGATION NOTICE OF HEARING</b>			
Inmate's Name:			
Inmate Number:		Date:	
A hearing before the Administrative Segregation Hearing board for possible placement in Administrative Segregation will be held on: Date: Time:			
Place of hearing:			
Reason for hearing:			
A review of your Administrative Segregation status will be held on: Date: Time:			
Place of Hearing:			
The Administrative Segregation Hearing Board will review the reasons for your placement in Administrative Segregation and your progress in meeting the criteria established for your release consideration.			
Unit Management/Designee Signature		Date	
<input type="checkbox"/> I do <input type="checkbox"/> do not desire to be present at the hearing. (Failure to indicate will be considered declining to appear.)			
<input type="checkbox"/> I do <input type="checkbox"/> do not desire the assistance of a staff member.			
Inmate's Signature		Date	
If the Inmate refuses to sign, the staff member serving the notice will sign below.			
Staff Signature		Date	
<b>Inmate Rights Regarding Administrative Segregation Hearings</b>			
1.	You must be given 24 hours written notice prior to the date and time of your initial hearing or any review hearings.		
2.	Your hearing will be held before the Administrative Segregation Hearing Board, which will normally consist of the Major (or designee) and two other members of the department head rank.		
3.	You may be present at the hearing unless your presence would create a threat to the safety of others. Reasons for not allowing you to attend the hearing must be documented and provided, in writing, to you. You must indicate your desire to be present on the Notice of Administrative Segregation Hearing form when returning the required copy.		
4.	If, because of the complexity of the issues, you are unable to prepare your own case, you may be represented by a member of your unit's staff.		
5.	If the hearing is based on your alleged involvement in criminal activities, you must be advised of your right to remain silent and that anything you say may be used against you in a court of law.		
6.	In addition to the particular reason(s) for which the hearing is being conducted, the Board may consider your past and present institutional attitude, adjustment and record, and criminal record.		
7.	Following the hearing the Board must provide written results to you including reasons for your initial confinement or continued confinement and the conduct that is required of you to be considered for release.		
8.	You must be reviewed by the Administrative Segregation Hearing Board at least every 90 days.		
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## Attachment 2: Administrative Segregation Hearing Board Findings and Disposition

The **Administrative Segregation Hearing Board Findings and Disposition** form is located on the state's WAN.

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

1. Click [here](#) to access the **Administrative Segregation Hearing Board Findings and Disposition** 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 **Administrative Segregation Hearing Board Findings and Disposition**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Administrative Seg. Hearing Board Findings and Disposition Please refer to DOC policy 1.3.D.4 Administrative Segregation		
<b>ADMINISTRATIVE SEGREGATION HEARING BOARD FINDINGS AND DISPOSITION</b>			
Inmate's Name:			
Inmate's Number	Date:		
<b>Board's Decision</b>			
Assigned to Ad Seg./Population with a review in _____ days. Probable duration of Ad Seg placement:			
Your Ad Seg status will be reviewed on or before:			
<b>Summary In Support Of Board's Decision</b>			
The following record has been established and behavior exhibited during the reporting period:			
1.	Received an excellent/very good/satisfactory/minimum satisfactory evaluation report.		
2.	Committed _____ minor and _____ major Prohibited Act.		
3.	Read books on _____ and written acceptable/marginal/no reports.		
4.	Maintained a daily anger and activity log.		
5.	Created a written release plan.		
6.	Other: _____		
7.	Release Inmate from Administrative Segregation to General Population.		
<b>Reason For Placement /Continuation In Administrative Segregation</b>			
1.	Episodes of documented threats of violence towards self/others.		
2.	Established pattern of behavior that has resulted in harm to self, others, or both.		
3.	Created a reasonable belief that you will continue to engage in violence towards self/others if you are not under strict supervision.		
4.	History of misuse of less restrictive custody or you are considered an escape risk.		
5.	A history of unresponsiveness to counseling or conventional disciplinary sanctions and you are defiantly or chronically disruptive to the security and disciplined operation of the Institution.		
6.	Other: _____		
<b>Criteria For Release Consideration</b>			
1.	Excellent/very good/satisfactory evaluation reports.		
2.	No disciplinary violations.		
3.	Read books on _____ and write reports.		
4.	Maintain a daily anger and activity log.		
5.	Create a written release plan.		
6.	Other: _____		
Member	Member	Member	Date
Received by Inmate:		Date:	Time:
(If Inmate refuses to sign, staff member certifies police will sign)			
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### Attachment 3: Inmate Mental Health Status

The *Inmate Mental Health Status* form is located on the state's WAN.

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

1. Click [here](#) to access the *Inmate Mental Health Status* 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 **Inmate Mental Health Status**.

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

INMATE MENTAL HEALTH STATUS		Mental Health Status and Needs		
Apprehension: <input type="checkbox"/> Well Grounded <input type="checkbox"/> Unfounded <input type="checkbox"/> Misuse <input type="checkbox"/> Inappropriate <input type="checkbox"/> In line		Therapist: _____ Date: _____		
Attitude: <input type="checkbox"/> Cooperative <input type="checkbox"/> Guarded <input type="checkbox"/> Suspicious <input type="checkbox"/> Uncooperative		Inmate Name: _____ Inmate Number: _____		
Motor Activity: <input type="checkbox"/> Calm <input type="checkbox"/> Hyperactive <input type="checkbox"/> Agitated <input type="checkbox"/> Tremulous/Tics <input type="checkbox"/> Blunt		<input type="checkbox"/> Inmate provides an accurate/validating mental health service assessment: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Affect: <input type="checkbox"/> Appropriate <input type="checkbox"/> Labile <input type="checkbox"/> Inappropriate <input type="checkbox"/> Apathetic <input type="checkbox"/> Flat <input type="checkbox"/> Worrisome <input type="checkbox"/> Sincere		<input type="checkbox"/> Inmate is aware of how to use mental health services: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Moods: <input type="checkbox"/> Normal <input type="checkbox"/> Depressed <input type="checkbox"/> Anxious <input type="checkbox"/> Euphoric		<input type="checkbox"/> Inmate has used mental health services on a standard basis: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Speech: <input type="checkbox"/> Normal <input type="checkbox"/> Delayed <input type="checkbox"/> Soft <input type="checkbox"/> Loud <input type="checkbox"/> Incoherent <input type="checkbox"/> Incoherence <input type="checkbox"/> Repeating		<input type="checkbox"/> Inmate has previously taken medication as prescribed by the physician, but does not take it as readily: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Thought Process: <input type="checkbox"/> Intact <input type="checkbox"/> Circumstantial <input type="checkbox"/> Tangential <input type="checkbox"/> Flight of ideas <input type="checkbox"/> Loose Associations		<input type="checkbox"/> Inmate is currently seen by the physician for medication management: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Hallucinations: <input type="checkbox"/> Not Aware <input type="checkbox"/> Auditory <input type="checkbox"/> Visual <input type="checkbox"/> Olfactory		<input type="checkbox"/> Inmate has been recommended for assessment with the physician for a referral: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Delusions: <input type="checkbox"/> Not Aware <input type="checkbox"/> Paranoid <input type="checkbox"/> Jealous <input type="checkbox"/> Grandiose		<input type="checkbox"/> The inmate is currently listed on the Special Housing Unit: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Self Perception: <input type="checkbox"/> No Impairment <input type="checkbox"/> Depreciation <input type="checkbox"/> Denial		This is intended as a one page (two-sided) form. You can print off both pages and then use the "duplex" feature on a copy machine to get the information on one sheet. In the alternative, you can accept a both pages using your computer and print off both pages. The therapist's name on page one is the last of the information on page two.		
Orientation: <input type="checkbox"/> Fully Oriented <input type="checkbox"/> Disoriented <input type="checkbox"/> Always <input type="checkbox"/> Some times				
Memory: <input type="checkbox"/> Intact <input type="checkbox"/> Impaired <input type="checkbox"/> Immediate <input type="checkbox"/> Remote				
Abstraction: <input type="checkbox"/> Intact <input type="checkbox"/> Somewhat Intact <input type="checkbox"/> Not Intact				
Judgment: <input type="checkbox"/> Intact <input type="checkbox"/> Impaired <input type="checkbox"/> Desirable				
Insight: <input type="checkbox"/> Intact <input type="checkbox"/> Impaired <input type="checkbox"/> Desirable				
Cognition: <input type="checkbox"/> Intact <input type="checkbox"/> Impaired <input type="checkbox"/> Desirable				
RISK ASSESSMENT:				
Suicide: <input type="checkbox"/> No evidence of Risk <input type="checkbox"/> Clearly Defined Evidence of Risk <input type="checkbox"/> Evidence of Risk				
Violent Risk: <input type="checkbox"/> No evidence of Risk <input type="checkbox"/> Clearly Defined Evidence of Risk <input type="checkbox"/> Evidence of Risk				
Sexual Abuse: <input type="checkbox"/> No evidence of Risk <input type="checkbox"/> Clearly Defined Evidence of Risk <input type="checkbox"/> Evidence of Risk				

