



COLORADO
Department of Corrections

Rick Raemisch
Executive Director

SB 11-176 ANNUAL REPORT: ADMINISTRATIVE SEGREGATION FOR COLORADO INMATES

**A REPORT SUBMITTED TO THE
JUDICIARY COMMITTEES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
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Prepared by

Maureen O'Keefe
Alysha Stucker
Office of Planning and Analysis

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Introduction

This annual report outlines the use of administrative segregation for inmates within the Colorado Department of Corrections (CDOC) pursuant to Senate Bill (SB) 11-176, which states:

On or before January 1, 2012, and each January 1 thereafter, the executive director shall provide a written report to the Judiciary Committees of the Senate and House of Representatives, or any successor committees, concerning the status of administrative segregation; reclassification efforts for offenders with mental illness or developmental disabilities, including duration of stay, reason for placement, and number and percentage discharged; and any internal reform efforts since July 1, 2011.

The purpose of this report is to describe ongoing efforts to review and modify administrative segregation since SB 11-176 was enacted. The data in this report are through fiscal year (FY) 2013.

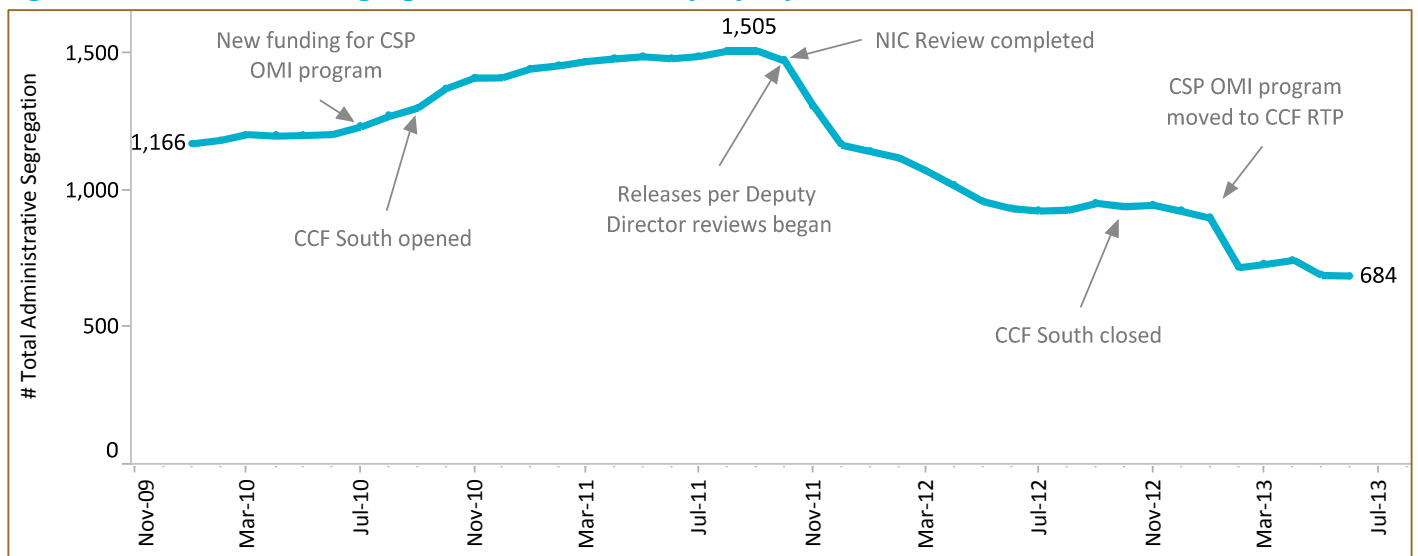
Background

In April 2011, CDOC began formulating an outcome-based strategic plan with long-term goals and objectives. Recognizing the concerns raised by SB 11-

176, the Department identified a strategic initiative to critically examine the policies, procedures, and practices of administrative segregation to make improvements consistent with an independent study and to decrease the number of offenders releasing directly from administrative segregation to parole or the community. This strategic objective included a high-level Deputy Directors' review of offenders in administrative segregation for longer than a year and the commission of an independent analysis of administrative segregation policies, procedures, and practices with the support of the National Institute of Corrections (NIC), U.S. Department of Justice.

Figure 1 shows the administrative segregation population trends along with key timeline events. CDOC received new funding in FY 2011 to open a program for offenders with mental illness (OMI) in administrative segregation at the Colorado State Penitentiary (CSP). In the same year, CDOC received funding to open 316 beds at Centennial Correctional Facility (CCF) South, and the administrative segregation population continued to rise. Following its peak in September 2011, the population has been on a steady decline, stimulated by deputy director reviews and policy changes stemming from the NIC Review. The decrease in the population no longer necessitated the 316 beds at CCF South, and they

Figure 1. Administrative segregation with timeline of key reform initiatives



were closed in October 2012. Also in FY 2013, the CSP OMI program was moved to CCF North. With the move and implementation of the revised classification system, inmates in the residential treatment program (RTP) at CCF North were no longer given a status of administrative segregation.

Strategic Plan

Two outcome measures were identified for FY 2012 as part of the CDOC strategic plan. These measures were intended to evaluate the success of DOC's reform efforts: (1) to reduce the rate of inmates in administrative segregation and (2) to reduce the percent of offenders who release directly from administrative segregation to parole/community (of all leaving administrative segregation). The FY 2012 goals were exceeded for both measures, and therefore, the measures were discontinued for FY 2013. However, due to renewed efforts to reform administrative segregation, new targets were set on these same measures for FY 2014. Figures 2 and 3 show the FY 2012 and 2014 targets along with actual performance on each measure. Although the rate of releases to the community decreased substantially in FY 2012 due to the high number transitioning into general population prisons, the number of releases did not drop substantially until FY 2013.

Deputy Director Reviews

Prior to the completion of the NIC study, Executive Directive 28-11 was issued, which required the Deputy Directors of Prison Operations to review all administrative segregation offenders who had been at that level of confinement for more than one year. Offenders participate in a face-to-face interview with at least one of the CDOC deputy directors, a facility case manager, a mental health staff member, and an intelligence officer. (Wardens also helped conduct some of the initial reviews.) Offenders were recommended for retention in administrative segregation or release back into general population. Decisions were based on a number of factors, including the number of administrative segregation

Figure 2. Percent in administrative segregation

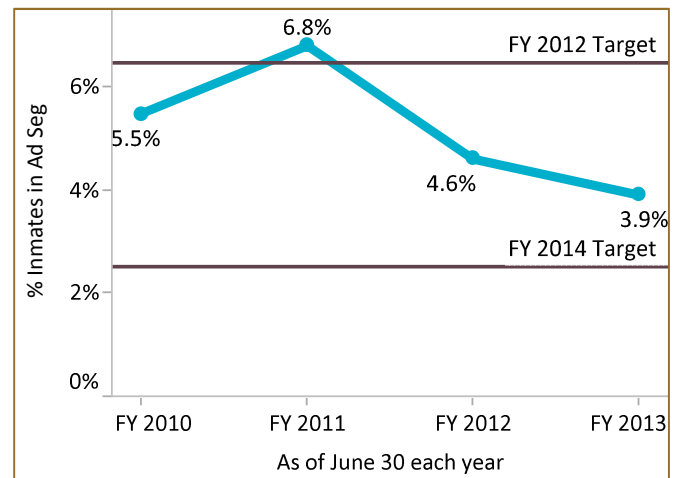


Figure 3. Releases directly to community

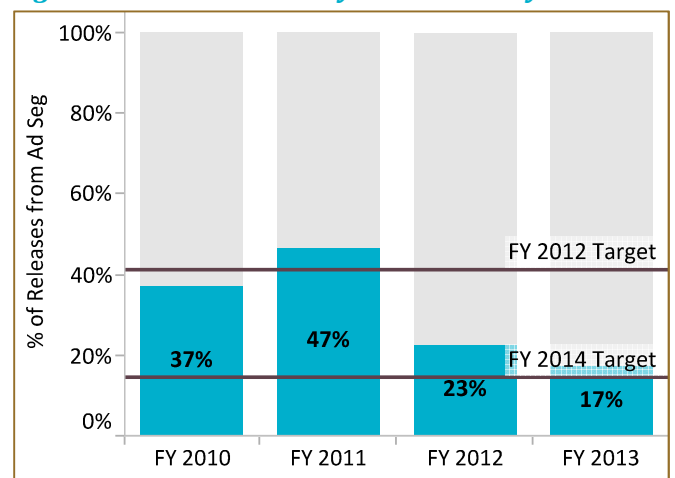


Figure note. The number of releases to the community was 237 in FY 2010, 232 in FY 2011, 220 in FY 2012, and 108 in FY 2013.

placements (particularly placements due to Security Threat Group [STG] activity), protective custody concerns, the number of Code of Penal Discipline (COPD) convictions in the previous 2 years, the number of assault convictions, program completions (e.g., high school diploma, General Education Diploma, and cognitive education), STG membership, mandatory release date, and mental health needs.

Offenders retained in administrative segregation included those who posed a continuing safety threat, those who refused to attend their review hearing, those who were recommended for Level 4B (long-term administrative segregation, determined solely by the Director of Prisons), or those who were recommended to participate in the CSP OMI program

(before it was moved to CCF RTP in January 2013). Releases have occurred through a variety of mechanisms, such as directly to the general prison population, following completion of cognitive programming (Level 4A), transfer to protective custody, or referral to CCF RTP. Figure 4 provides the number of deputy director reviews conducted in FYs 2012 and 2013, along with their decisions to retain or release offenders. Of the 772 recommended for release, 690 released to general population (most went to CCF or Sterling Correctional Facility initially); the remaining 82 were ultimately retained in administrative segregation due to behavior post-decision.

Most offenders who released to the general population have successfully remained there. Nearly a quarter of the 690 released have even progressed from general population to the community, where they are currently serving their sentence on parole or in community corrections or they have completed their sentence. However, 107 had returned to administrative segregation by June 30; Figure 5 displays the primary reason for each return.

NIC Review

The objective of the NIC analysis was to ensure that administrative segregation beds are used to house the most dangerous and disruptive inmates in Colorado’s prison system. The independent analysis was conducted by Dr. James Austin, founder of the JFA Institute and a nationally recognized expert in correctional classification systems, and Emmitt Sparkman, Deputy Commissioner of the Mississippi Department of Corrections and an expert in administrative segregation practices.

The recommendations from the NIC review focused on placement of offenders in administrative segregation (i.e., narrower criteria, use punitive segregation before administrative segregation, mental health reviews), modifying the quality of life system, and centralized management of administrative segregation. Policy changes were made accordingly

Figure 4. Deputy Director decisions

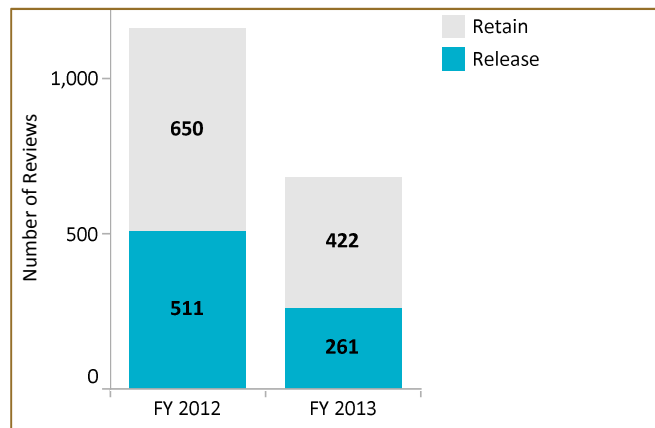
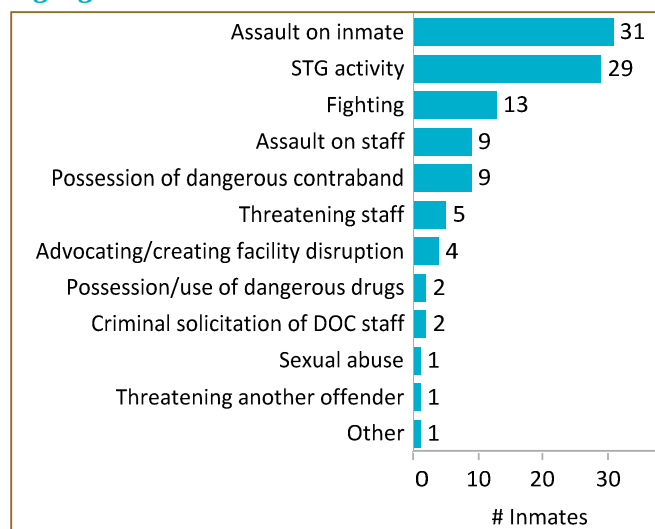


Figure 5. Reasons for return to administrative segregation



and are described fully in the January 2013 SB11-176 report.

FY 2013 Reform Efforts

CDOC undertook a validation study of the male inmate classification instrument in the time since SB11-176 was passed. This study was also conducted by James Austin and was completed in 2012, recommending changes to items on the instrument, cut-off scores, and classification procedures. After a pilot test was conducted by CDOC and computer programming changes were made, the revised instrument and process was implemented beginning February 2013. As part of the changes, administrative segregation became a status separate from custody level. Also

implemented as part of the classification study recommendations, a protective custody unit was created. This enabled some offenders to move from administrative segregation into a protective custody unit. Protective custody is also a status, meaning that each inmate can be assessed and managed at the appropriate custody level while housed in the protective custody unit. As of June 30, 2013, there were 52 inmates on protective custody status.

The focus of reforms in FY 2013 has been on offenders with mental illness who are in administrative segregation. In 2010, the CSP OMI program was established to provide treatment to administratively segregated offenders who have mental illnesses in order to improve their ability to function effectively, to decrease their isolation, and to progress them to less restrictive facilities. In order to reclassify mentally ill offenders, as was the intent of SB11-176, the CSP OMI program was transferred to CCF. With the transfer, a new status of RTP was created, and program participants were no longer classified as administrative segregation. This enabled the program to house and treat offenders of any classification level, although it should be noted that the program continues to target inmates who are in administrative segregation or would otherwise be placed in administrative segregation. A detailed report on the OMI program was submitted to the House and Senate Judiciary Committees (per the Request for Information to the Governor by the Joint Budget Committee in the fiscal year 2012-13 Appropriations Report) in January 2013. A similar report is forthcoming in January 2014.

The present report focuses on offenders with mental illness in administrative segregation. CDOC uses a coding process to identify and track offenders who have mental health treatment needs. The psychological needs level codes (P codes) range from 1 to 5, with 3-5 indicating moderate to severe needs. Because the P code identifies broad need levels, a definition was created in February 2013 to identify those with a major mental illness. Major mental illness is defined by clinical diagnoses; qualifying disorders include schizophrenia, bipolar disorder, major depressive

disorder, and delusional or psychotic disorders. Beginning in April 2013, an “M” qualifier was used to designate offenders with *major* mental illness. Previously a “C” qualifier was used to designate offenders with *chronic* mental health needs. Figure 6 shows the number of mentally ill offenders in administrative segregation over time, both those coded as P3-5 and the subset of those with the C or M qualifier, as well as those offenders identified with a developmental disability. There is overlap between mental illness and developmental disability; 27 of the 41 developmentally disabled in 2013 also had an elevated P code (6 of whom had an M qualifier).

The data reflect a substantial drop from FY 2012 to FY 2013 in offenders with mental disorders who are housed in administrative segregation. Efforts to reduce the mentally ill population are continuing in FY 2014, with a target to remove all offenders with major mental illness from administrative segregation.

Figure 6. Inmates with mental disorders in administrative segregation

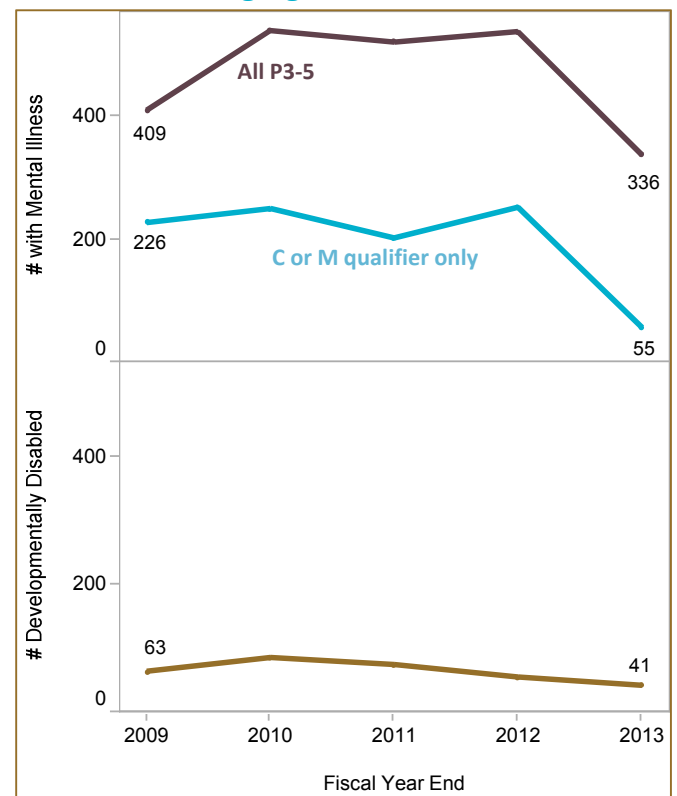


Figure note. C qualifiers were used until midyear in 2013. Although similar to M qualifiers, they are not precisely equivalent.

Inmate files were reviewed by researchers to code reasons for placement of mentally ill or developmentally disabled inmates into administrative segregation. From this review, the primary reason for placement was obtained for each offender, even if there were multiple factors affecting the placement decision. Also, because a brief narrative cannot provide enough detail to convey the seriousness of the incident, a placement severity rating was coded for each offender. For example, a less serious assault could entail throwing an item at staff versus a more serious assault such as throwing an inmate off of a tier. It should be noted that placement severity ratings of 1 are serious, just less serious than those with higher severity ratings. These reasons are shown in Figure 7 below.

Figure 7. Reasons for placement of inmates with mental illness or developmental disability

	Placement Severity			
	1	2	3	4
Advocating facility disruption	■			
Assault on inmate		■	40	■
Assault on staff	■	26	29	
County jail behavior	■	■	■	
Death row				■
Escape		■	■	
Fighting		■	■	
Management problem	■	■		
Murder or attempted murder				■
Other	■	■		
Paroled from ad seg	■	■	■	
Possession of dangerous contraband	■	36		
Possession/use of drugs	■	■	■	
Program failure	■	■	■	
Solicitation/sexual intimidation of staff	■	■		
STG activity	■	24	42	
Threatening staff	■	■		■
Unauthorized possession	■			

Figure note. The smallest box represents one inmate and the biggest one represents 42 inmates. Placement severity of 1 is the least serious and 4 is the most serious.

Some mentally ill offenders have been confined in administrative segregation for years. Figure 8 shows the duration of all inmates in administrative segregation on June 30, 2013. The median length of stay was shorter for those with a mental illness or

developmental disability (13.3 months) versus those without (15.6 months). However, there were more extreme outliers (i.e., inmates with long periods of segregation) among those with a mental illness or developmental disability.

Figure 8. Months in administrative segregation

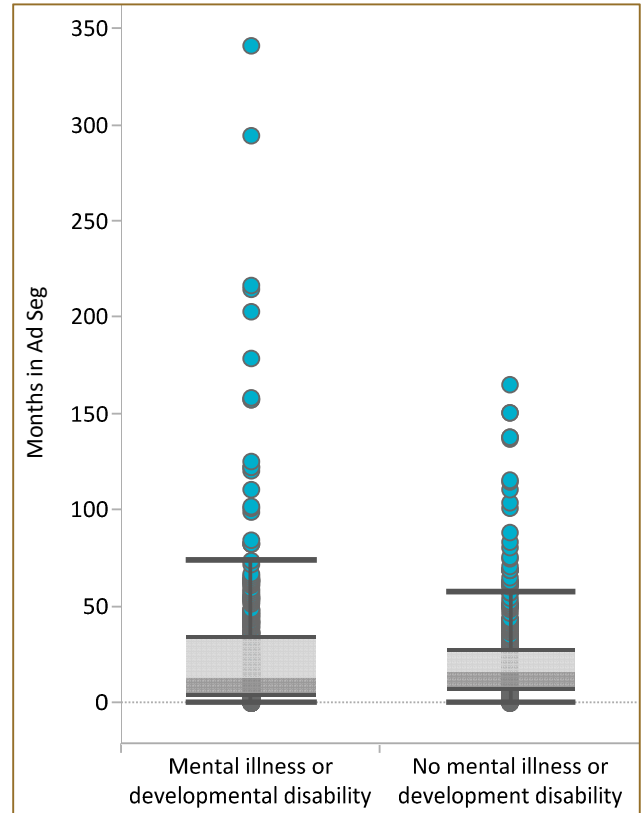
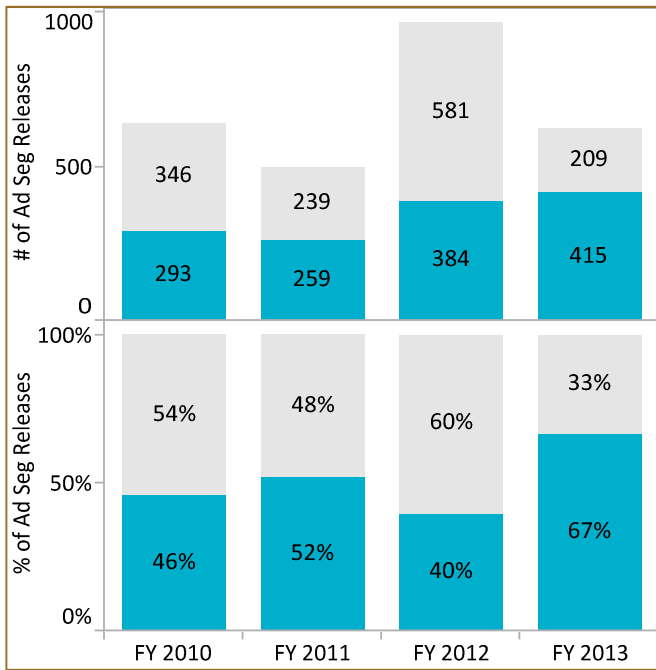


Figure note. The shaded boxes represent approx. 50% of each group, and the median length of stay is shown where the shading becomes lighter. Each line, or whisker, outside the shaded box represents cases falling in the upper and lower 25th percentiles. Circles represent people, with outliers falling outside of the box and whiskers plot.

Offenders with mental illness or developmental disability comprised 67% of those who discharged or released from administrative segregation in FY 2013 (see Figure 9). This increase from previous years is in large part due to the concerted efforts of CDOC to remove mentally ill offenders from administrative segregation and place them to the CCF RTP where they can participate in enhanced treatment services.

Figure 9. Number and percent discharged



Ongoing Reform Efforts

Over the last couple of years, the Department has increased prerelease and reentry services for offenders who are discharging or paroling directly

from administrative segregation. Every effort is made to ensure that offenders do not release directly to the community while on administrative segregation status, but when it is unavoidable offenders receive services from an administrative segregation transition specialist and a transition plan is created. Beginning in FY 2014, case managers coordinate with Parole so that a Community Parole Officer will personally transport an offender who is releasing directly from administrative segregation to parole. This practice will facilitate the safe transition of these high risk offenders back into the community.

Beginning in December 2013, CCF has repurposed a 16-bed dayhall as the RTP diagnostic unit for offenders with a major mental illness who meet criteria for an administrative segregation review. This diagnostic unit will serve to determine the appropriateness for placement into the Residential Treatment Program or other facility placement. Offenders with a M qualifier on the psychological needs level (P code) will no longer be assigned to administrative segregation status.